

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, December 6, 2012

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, December 6, 2012 at 10:00 a.m. with the following individuals:

Chairperson	-	J. de Bruyn
	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer

Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 10:00 a.m.

CONFLICT OF INTEREST:

J. De Bruyn declared a conflict of interest for Application B12-60-4 (J. De Bruyn Farms Ltd.).

APPROVAL OF MINUTES:

Moved by: J. Palmer
Seconded by: M. Hacon

"The Minutes of the Meeting of November 1, 2012, be approved as amended."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

CORRESPONDENCE:

Correspondence dated November 23, 2012 was received from the Upper Thames River Conservation Authority regarding Application B12-48-8 (H-Bill Limited).

Correspondence dated November 23, 2012 was received from Oxford County Public Health & Emergency Services regarding Application B12-60-4 (J. De Bruyn Farms Ltd.).

Correspondence dated December 5, 2012 was received from the Council of the Township of East Zorra-Tavistock regarding Application B12-55-2 (David & Karen Guthrie).

Correspondence dated November 30, 2012 was received from H-Bill Limited regarding Application B12-48-8 (H-Bill Limited) indicated that the owner wishes to withdraw the severance application.

GENERAL CORRESPONDENCE:

Correspondence was received from Tjeerd & Tietje Van Der Kooi requesting a further deferral of their Application B12-27-3 (Tjeerd & Tietje Van Der Kooi) for up to one year to permit them time to further review their proposal.

Moved by: J. Palmer
Seconded by: W. Buchanan

“That Application B12-27-3 (Tjeerd & Tieteje Van Der Kooi) be deferred for up to one year to the December, 2013 meeting of the Land Division Committee in order to permit them time to further review their proposal.”

CARRIED.

GENERAL BUSINESS:

None.

APPLICATIONS FOR CONSENT:

B-12-48-8 – H-Bill Limited (Part Lots 13 & 14, Plan 235; Part Lot 37, Plan 73, City of Woodstock)

A letter was received from the owners withdrawing their application.

The purpose of the Application for Consent is to separate two multi-family dwelling houses. The lot to be severed would cover an area of 1,256 sq. m (13,520 sq. ft.) and contain an existing townhouse dwelling consisting of 7 units. The lot to be retained would cover an area of 1,474 sq. m (15,867 sq. ft.) and contain an existing townhouse dwelling consisting of 10 units. An easement for access purposes over both the lots to be severed and retained was also applied for.

G. Hough briefly reviewed the staff Planning Report and indicated that Woodstock Hydro has requested an easement to the existing transformer situated on the subject property. In his letter of withdrawal, Bill Hewson has indicated that he does not wish to give an easement to Woodstock Hydro. G. Hough indicated that the Woodstock Planner was in contact with Mr. B. Hewson and spoke to him about deferring his application. B. Hewson stated that he was not interested in a deferral and wishes to withdraw the application.

B12-54-3 – Sunnysdene Farms Ltd. & Geoffrey Buckrell (Part Lot 9, Conc. 2, Township of Norwich, formerly North Norwich)

G. Klein, the owner's solicitor was in attendance to present the application. He briefly explained the application to the Committee.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 14.74 ha (36.53 ac), contains no buildings or structures and is in agricultural production. The lot to be severed will be added to the farm parcel to the immediate east. The lot to be enlarged covers an area of 21 ha (52 ac), also contains no buildings or structures and is in agricultural production. The lot to be retained will cover an area of 0.64 ha (1.57 ac), contains an existing single detached dwelling and a drive shed and will be used for non-farm rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement and complies with the policies of the County Official Plan. The lot to be retained will require a re-zoning. The size of the accessory structure will be dealt with through the zoning process.

G. Klein stated that he concurred with the findings, suggested conditions and the recommendation of the staff Planning Report.

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately rezoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Subsections 50(3) and (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. A road widening to 15 m (50 ft) from the centre line of Highway 59, along the frontage of the lot to be severed and the lot to be retained, is dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
4. 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.
5. 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.
6. 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.

B12-55-2 – David & Karen Guthrie (Part Lot 2, Conc. 9, Township of East Zorra-Tavistock, formerly East Zorra)

Karen Guthrie, together with her agent, Ralph Benedict, was in attendance to present the application. Also in attendance were:

Ralph Flood	Peter Fleming
R. R. #	R. R. #3
Woodstock ON N4S 7V7	Woodstock ON N4S 7V7

R. Benedict briefly explained the application to the Committee.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area of 30.38 ha (75.07 ac), consists of accessory buildings and is in agricultural production. A single detached dwelling is proposed to be constructed on the severed lot. The lot to be retained will cover an area of 51 ha (126 ac), contains an existing single detached dwelling and is in agricultural production. The application also proposes to create an access easement over the lot to be severed in favour of the lot to be retained.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement, complies with the policies of the Official Plan, and conforms to the Township Zoning By-law. He explained that the reason for the irregular configuration of the lots to be severed and retained is due to the existing air strip located on the lot to be retained. He pointed out that an easement for access purposes is also requested with the severance. The easement is over the lot to be severed in favour of the lot to be retained.

R. Flood stated that he owns the rural residential lot to the immediate south of the easement. He explained that there is a horse barn located directly behind his property. The well and hydro on his property serves that barn. He stated that he wanted to ensure that the access easement is wholly located on the property subject of the severance. The owners currently use his laneway to access the horse barn.

G. Hough pointed out that as long as no legal arrangements have been made, R. Flood can sever the tie with the Guthries for water, hydro and driveway access at any time and need not be contemplated as part of the severance application.

R. Benedict stated that he concurred with the findings, suggested conditions and the recommendation of the staff Planning Report.

J. Palmer questioned whether the property will be farmed as one parcel or two separate parcels. He stated that he was concerned with the proposed diagonal property line dividing the severed and retained lots. He questioned the owner how wide the strip of land will be between the new lot line and the bush? He indicated that he was concerned that the area is not large enough to farm. He also stated that he was concerned with any possible easements to access the pond. The two property owners will need to enter into an agreement regarding the amount of water than can be drawn from the pond. He suggested it could go dry and as a farmer, he would be concerned over this. He suggested that it was his opinion that this application was really to create a large rural residential lot.

G. Hough pointed out that the easement is for access purposes and to access the pond from the retained lands. He suggested that the removal of water from the pond is between the two property owners.

J. Palmer stated that he would prefer to see more arable lands with the severed lot.

G. Brumby questioned whether the owners will be constructing a new home on the severed lot? In response, R. Benedict stated that a new home is proposed. Further, G. Brumby questioned whether a new farm is proposed and that farming will continue on the severed lot? In response, R. Benedict answered in the affirmative.

W. Buchanan questioned whether a new septic system will be needed for the severed lot. In response, G. Hough stated that upon development, a new septic system is required.

J. De Bruyn suggested that Condition No. 3 be amended removing the need for the owners to secure the required septic system permit from the Board of Health to establish an appropriate private septic system on the lot to be severed.

No motion was made.

Moved by: G. Brumby
Seconded by: M. Hacon

'Granted'

CONDITIONS:

1. An easement for access and water purposes over the lot to be severed in favour of lot to be retained be established to the satisfaction of the Township of East Zorra-Tavistock and the Secretary-Treasurer of the Land Division Committee.
2. If required, drainage assessment reapportionment 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.
3. If required, the owners enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township. The agreement shall include a provision that the owners secure the required septic system permit from the County of Oxford to establish an appropriate private septic system on the lot to be severed.

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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, services, 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.
3. The subject property is appropriately zoned.

CARRIED.

B12-56-1 – Robert G. Harrison (Part Lot 7, Conc. 10, Township of Blandford-Blenheim, formerly Blenheim)

Robert and Ann Harrison were in attendance. R. Harrison presented the application to the Committee. He explained that he and his wife recently purchased the entire farm property subject to the severance from Mrs. Shirley Habel. The intent of the severance is to consolidate the severed lot with his existing holdings and to retain a rural residential lot.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 27.5 ha (68 ac), contains no buildings or structures and is in agricultural production. The lot to be severed will be added to the agricultural parcel to the immediate south. The enlarged parcel covers an area of 40 ha (99 ac), contains farms buildings and an accessory single detached dwelling, and is in agricultural production. The lot to be retained will cover an area of 0.81 ha (2 ac), contains an existing single detached dwelling and garage, and will be used for non-farm rural residential purposes. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement, and complies with the policies of the County Official Plan. The proposed rural residential lot will conform to the Zoning By-law provisions of the Rural Residential (RR) Zone. He noted that a condition of severance is recommended requiring the lean-to portion of the accessory structure to be removed, resulting in a maximum size of 1400 sq. ft.

R. Harrison stated that he had no concerns with the recommendation and suggested conditions.

G. Brumby requested clarification of the severance. G. Hough reviewed the recommendation and conditions.

In response to J. De Bruyn's question, G. Hough confirmed that the zoning will address the size of the accessory structure on the lot.

M. Hacon questioned the area of the structure to be removed. In response, R. Harrison stated that all of the lean-to will be removed, leaving the original building.

Moved by: W. Buchanan
Seconded by: H. Elliott

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately re-zoned.
2. 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 severed parcel must comply with Sections 50 (3) and 50(5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. The lean-to portion of the accessory structure on the retained lot, as illustrated on Plate 4 to Report No. 2012-291, measuring 125.33 m² (1,349 ft²) in area, be removed, such that the remaining structure not exceed 140 m² (1,500 ft²) in size, to the satisfaction of the Township of Blandford-Blenheim Chief Building Official.
4. The Clerk of the Township of Blandford-Blenheim advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services 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.

John De Bruyn declared a conflict of interest and left the proceedings. G. Brumby assumed the Chair.

B12-60-4 – J. De Bruyn Farms Ltd. (Lot 8, Conc. 3, Township of South-West Oxford, formerly Dereham)

Dave De Bruyn, of J. De Bruyn Farms Ltd., was in attendance to speak to the Committee. D. De Bruyn briefly explained the application and stated that the Company previously purchased two farms side by side and both were held in identical ownership, thereby merging them on title. At this time, they wish to separate the two holdings in order to farm them separately. He reviewed the late correspondence received from the Health Unit.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area approximately 38.85 ha (96 ac) in size, contains a livestock barn, a workshop, a storage shed and an accessory single detached dwelling, and is in agricultural production. The lot to be retained will cover an area approximately 40 ha (99 ac) in size, contains a livestock barn and an accessory single detached dwelling, and also is in agricultural production. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He pointed out that the proposal is consistent with the 2005 Provincial Policy Statement, complies with the Official Plan policies and conforms to the Township Zoning By-law. He pointed out that the staff Planning Report recommends a deferral of the application in order to permit the owners to submit the necessary information regarding the existing livestock operations and manure storage facilities on both the proposed severed and retained lands, to determine the required Minimum Distance Separation (MDS II) resulting from the proposed severance and, if necessary, to amend the application for consent to address any reduced MDS separations. He stated further that since the completion of the Report, an MDS

calculation had been prepared by Planning staff and it had been determined that no MDS issues existed. Planning staff supports the application moving forward; however, G. Hough stated that a condition will be required requesting confirmation of the MDS calculation by the Township Chief Building Official.

Moved by: M. Hacon
Seconded by: W. Buchanan

'Granted'

CONDITIONS:

1. The owner shall secure confirmation from the Township of South-West Oxford Chief Building Official that the required Minimum Distance Separation II (MDS II) has been met for the lot to be severed and the lot to be retained.
2. The Clerk of the Township of South-West Oxford advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, services and otherwise, have been complied with.
3. 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.

J. De Bruyn returned to the meeting and assumed the Chair.

On the motion of G. Brumby the Committee meeting adjourned at 11:20 a.m.

"John de Bruyn"

CHAIRPERSON