

**MINUTES**

**OXFORD COUNTY LAND DIVISION COMMITTEE**

Thursday, August 7, 2014

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, August 7, 2014 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	W. Buchanan
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer
Director	-	G. Hough
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: J. Palmer  
Seconded by: M. Hacon

*“The Minutes of the Meeting of July 3, 2014, be approved as printed and circulated.”*

CARRIED.

**BUSINESS ARISING FROM MINUTES:**

None.

**GENERAL BUSINESS:**

Correspondence dated August 1, 2014 was received from Stephen C. Monteith regarding Application B14-02-5; A14-02-5 (Beekwood Farms Ltd.) requesting an amendment to the Application to include a request for a Partial Discharge of Mortgage.

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

*“That Application B14-02-5; A14-02-5 (Beekwood Farms Ltd.) be amended to include a request for a Partial Discharge of Mortgage, and that the Secretary-Treasurer of the Land Division Committee be authorized to issue a certificate for the discharge.”*

CARRIED.

The Secretary-Treasurer presented information regarding the upcoming OACA Seminar hosted by the Town of Grimsby to be held on Friday, September 26<sup>th</sup>.

CORRESPONDENCE:

Correspondence dated July 29, 2014 was received from County Public Works Department regarding Application B14-36-1 (2274581 Ontario Inc.).

Correspondence dated July 25, 2014 was received from the Upper Thames River Conservation Authority regarding Application B14-38-2 (Walter Bloxsidge).

Correspondence dated July 31, 2014 was received from Union Gas Limited regarding Application B14-38-2 (Walter Bloxsidge).

Revised correspondence dated July 31, 2014 was received from the County Public Works Department regarding Application B14-38-2 (Walter Bloxsidge).

Correspondence dated August 6, 2014 was received from the Council of the Township of East Zorra-Tavistock regarding Application B13-65-2 (John Andrew Williams).

Correspondence dated August 6, 2014 was received from the Council of the Township of East Zorra-Tavistock regarding Application B14-38-2 (Walter Bloxsidge).

APPLICATIONS FOR CONSENT:

B13-65-2 – John Andrew Williams (Part Lot 11, Conc. 14, Township of East Zorra-Tavistock, formerly East Zorra)

John Williams, together with his solicitor, Stephanie Pepper, was in attendance. J. Williams presented the application to the Committee. He indicated that he wishes to sever his existing 150-acre parcel into two 75-acre lots. He reviewed the late correspondence received from the Township of East Zorra-Tavistock Council.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed will cover an area of 30.35 ha (75 ac), contains no buildings or structures and is in agricultural production. The lot to be retained will cover an area of 30.35 ha (75 ac), contains farm buildings, an accessory single detached dwelling, and is also in agricultural production.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. The property is appropriately zoned and meets all the Zoning By-law provisions.

Both J. Williams and his solicitor, S. Pepper stated that they concurred with the suggested conditions and the recommendation of the staff Planning Report.

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

*'Granted'*

CONDITIONS:

1. If required, drainage assessment re-apportionment be undertaken for the severed and retained lots, 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.
2. If required, the owner enter into a Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township.
3. The owner confirm that the lot to be severed conforms to the Township of East Zorra-Tavistock Zoning By-law lot area requirement of 30 ha (74.1 ac), to the satisfaction of the Secretary-Treasurer of the Land Division Committee.

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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 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.

CARRIED.

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B14-38-2 – Walter Bloxsidge (Part Lot 6, Conc. 11, Township of East Zorra-Tavistock, formerly Township of East Zorra)

Walter Bloxsidge, and his agent, Gene McLaren, were in attendance to speak to the application. They reviewed the late correspondence received from the Upper Thames River Conservation Authority, Union Gas Limited, and the Township of East Zorra-Tavistock Council. G. McLaren briefly explained the application to the Committee.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of 2,544 sq. m (27,384 sq. ft.), contains no buildings or structures and will be added to the residential lot to the immediate south. The lot to be enlarged contains an existing single detached dwelling and garden shed and covers an area of 1,783.74 sq. m (19,200 sq. ft.). The lot to be retained will cover an area of 5,598.53 (60,264 sq. ft.) and contains an existing single detached dwelling and two garden sheds. 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 2014 Provincial Policy Statement, and complies with the policies of the County Official Plan. He indicated that the owner has submitted an accompanying zone change application.

W. Bloxsidge and his agent stated that they concurred with the suggested conditions and the recommendation of the staff Planning Report.

In response to G. Brumby's question, G. McLaren indicated that the lot enlargement is to enable the owners to construct a garage, and pointed out that the access will be via the existing driveway on the enlarged lot.

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

*'Granted'*

CONDITIONS:

1. The lots to be severed, retained and enlarged be appropriately re-zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and consolidated with said owners existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) and (5) 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 applicant's expense, to the satisfaction of the Township of East Zorra-Tavistock.
4. A road widening of 5 m (16.4 ft), along the frontage of the lots to be retained and severed, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
5. The owner shall provide a recent survey confirming lot sizes and building setbacks of the severed and retained lands, to the satisfaction of the Township of East Zorra-Tavistock.
6. 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.
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.

CARRIED.

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B14-40-7 – Broadway Estates Inc. (Lot 20, Plan 41M-218, Town of Tillsonburg)

Henry Dalm, the owner's agent, was in attendance to present the application. He explained that he will be purchasing the parcel to be severed and will be adding it to his existing property.

The purpose of the Application for Consent is for a lot addition. The lot to be severed will cover an area of 344.9 sq. m (3,712.59 sq. ft.) and contains no buildings or structures. It is proposed that the lot to be severed will be added to the vacant residential lot to the immediate south covering an area of 838 sq. m (9,020.45 sq. ft.). The lot to be retained will cover an area of 963.7 sq. m (10,373.52 sq. ft.) and also is currently vacant. Single detached dwellings are proposed to be constructed on the lot to be retained and the newly enlarged lot.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2014 Provincial Policy Statement, complies with the Low Density Residential policies of the County Official Plan, and concurs with the Zoning By-law requirements.

H. Dalm stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

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

*'Granted'*

CONDITIONS:

1. 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 Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.

2. The owner shall provide confirmation that the existing 3.0 m drainage easement at the rear of the severed parcel in favour of the Town of Tillsonburg is transferred to the enlarged parcel, to the satisfaction of the Town of Tillsonburg.
3. The owner shall provide a preliminary lot grading plan incorporating the severed and enlarged parcels, to the satisfaction of the Town 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.
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 subject property is appropriately zoned.

CARRIED.

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B14-41-3 – Bryan & Judith Bickell (Part Lot 22, Conc. 2, Township of Norwich, formerly North Norwich)

Bryan & Judith Bickell were in attendance to present their application. J. Bickell briefly explained their proposal to the Committee.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will comprise approximately 38.6 ha (95.5 ac), is in agricultural production (cash crops) and is to be added to the farm parcel to the immediate south. The lot to be enlarged comprises approximately 39.7 ha (98 ac), is in agricultural production (cash crops) and contains a livestock barn (hogs), a driveshed and an accessory single detached dwelling. The lot to be retained will comprise approximately 1 ha (2.5 ac) and currently contains an existing single detached dwelling, a shop and a barn (which is to be removed). The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. G. Hough stated that application was consistent with the 2014 Provincial Policy Statement, and complies with the County Official Plan policies. The application is for farm consolidation with the lands to the immediate south. The retained lot will remain as a rural commercial property with an accessory residential use. The commercial use has existed prior to the adoption of the 1995 Official Plan. The farm property will remain flexible and viable for the type of agriculture found in the area and will improve the agricultural parcel. A re-zoning will be required to recognize the uses on the lot to be retained. The new zoning will recognize the residence as an accessory use to the commercial use.

G. Brumby suggested that a recreational vehicle business is not an AB type. In response, G. Hough stated that the AB Zone will recognize the existing use specifically and allow the dwelling as an accessory use.

W. Buchanan questioned when the property is sold, would the zoning on the property continue. In response, G. Hough pointed out that the zoning would remain the same if the property were sold and that any new use on the property will need to be compatible with the zoning requirements.

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

*'Granted'*

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CONDITIONS:

1. The lot to be retained be appropriately re-zoned.
2. The owner shall remove the existing barn on the lot to be retained, to the satisfaction of the Township Chief Building Official.
3. 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.
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 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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

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B14-36-1 – 2274581 Ontario Inc. (Lots 1-4, Block A, Reg. Plan 104, Township of Blandford-Blenheim, formerly Village of Drumbo)

John Day, the principle of 2274581 Ontario Inc., and Peter Lass, were in attendance. J. Day presented the application to the Committee. He explained that he was granted a severance in January, 2014 for Application B13-68-1. It is now his intent to split the existing lot to be retained under the previous application into two building lots. He stated that he was never notified that there was not enough capacity for wastewater for those lots. He indicated that in the previous application, the existing house on the property was severed off from the lot. He now has a purchaser for one of the lots under the current application. He stated that he understood that there is capacity available to construct one additional home and he would construct it on one of the current lots and then wait until capacity is again available to build on the other lot. He indicated that they did their due diligence when investigating the purchase of this property. He noted that there is enough capacity for the existing home which was previously severed off and there is enough capacity for one more home on the property. He suggested that some infill lots within the Village have service connections; however, some are buildable and others are not due to wastewater capacity. He stated that it was his opinion that he could proceed with the severance, construct the home on the lot as there is wastewater capacity available, and build on the other lot when capacity is available. He suggested that the County Public Works Department agrees with this.

P. Lass stated that if they would have known that there is no wastewater capacity in this area, they would never have purchased the lot at that time. He stated that they should have been advised of this. He indicated that the lots have already been established. He pointed out that the existing subdivision for 30 lots will not sell any time soon. Their lots will generate more tax revenue for the municipality. He too suggested, as did J. Day, that they could construct at home on the one lot and would agree to hold the other lot until capacity is available.

The purpose of Application for Consent is to create a residential building lot. The lot to be severed will comprise approximately 1,634.2 m<sup>2</sup> (1,759.1 ft<sup>2</sup>), while the lot to be retained will comprise approximately 1,637.5 m<sup>2</sup> (1,762.6 ft<sup>2</sup>). Both the lot to be severed and the lot to be retained are currently vacant. Single-detached dwellings are proposed to be constructed on each lot.

G. Hough briefly reviewed the staff Planning Report. He stated that the application generally complies with the infilling criteria of the Official Plan and meets with the Township Zoning By-law provisions. However, without sewage capacity assignment, the creation of the lot does not meet the servicing policies of the Official Plan and is not consistent with the 2014 Provincial Policy Statement in this regard. He pointed out that the County Public Works Department monitors water/wastewater capacity in the County. He indicated that it is not uncommon to install laterals at the time of road construction; however, this is not a guarantee that capacity exists. He confirmed that a follow-up letter was received from Public Works which indicated the availability of capacity in Drumbo be known within the next 2-3 months. He agreed that there is a stub, and the lot meets the Zoning By-law provisions. It would be difficult to deny a permit to the property if the lot were created without capacity assignment.

P. Lass stated that the Public Works Department was in agreement that the owner could enter into an Agreement.

J. Day pointed out that a Restrictive Covenant could be placed on the title of the lot which restricts the owner from obtaining a Building Permit.

J. Palmer stated that there was nothing before the Committee from either the solicitor or Public Works speaking to the Agreement or the Restrictive Covenant.

M. Hacon questioned whether a condition could be imposed requiring a Restrictive Covenant. In response, G. Hough explained that zoning allows for the construction of a building and stated that his experience was that a Restrictive Covenant did not supersede the Zoning By-law.

M. Hacon stated that the staff Report noted that there was only enough capacity for one additional lot. In response, J. Day stated that that is what they are seeking, with a remnant lot in waiting.

G. Hough suggested a 20-minute recess at 10:30 a.m.

The meeting re-convened at 11:05 a.m. G. Hough indicated that he spoke with Robert Walton, the Director of Public Works, and indicated that it remained the recommendation of both Planning and Public Works staff that the application should be deferred pending the confirmation of wastewater treatment capacity. G. Hough also indicated that if the Committee was to support the application today, the following condition should be included in the decision:

*The owner obtain written confirmation from the County Public Works Department indicating sufficient wastewater capacity is available.*

G. Hough pointed out that the entire lot today has capacity, and if the severance is approved, the Public Works Department will need to confirm that there is capacity for both the severed and retained lots.

In response to J. Day, G. Hough stated that the lot will not be able to be sold until all conditions of the severance are satisfied.

The Secretary-Treasurer provided the list of conditions to the owners and the Committee, as follows:

1. If required, the owner enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township.
2. The owner obtain written confirmation from the County Public Works Department indicating sufficient wastewater capacity is available.

3. 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 subject property 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.
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.

The owners stated that they concurred with the suggested conditions.

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

*'Granted'*

CONDITIONS:

1. If required, the owner enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township.
2. The owner obtain written confirmation from the County Public Works Department indicating sufficient wastewater capacity is available.
3. 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 subject property 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.
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 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.

CARRIED.

On the motion of M. Hacon, the Committee meeting adjourned at 11:15 a.m.

"Gordon Brumby"  
CHAIRPERSON