

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, July 7, 2016

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, July 7, 2016 at 9:00 a.m. with the following individuals:

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| Chair | - | G. Brumby |
| | - | H. Elliott - absent |
| | - | B. George |
| | - | M. Hacon |
| | - | R. Jull |
| | - | T. Rock - absent |
| | - | A. Tenhove |
| 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: B. George
Seconded by: M. Hacon

“The Minutes of the Meeting of June 2, 2016, be approved as printed and circulated.”

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

CORRESPONDENCE:

Correspondence was received from the Council of the Township of East Zorra-Tavistock regarding Application B16-23-2 (David Vander Spek and Joyce DeGier Vander Spek).

APPLICATIONS FOR CONSENT:

B16-16-5 – 409315 Ont. Limited (Part Lot 25, Conc. 1, Township of South-West Oxford, formerly Township of West Oxford)

John Baker was in attendance to present his application. He briefly explained his proposal to the Committee. He indicated that he has been in operation since the 1990’s and that the lands proposed to be severed have been operated as a retirement resort for a number of years. The retirement resort portion of the campground has historically been taxed differently than the remainder of the facility. The retirement resort is serviced by a water supply that is independent of the remainder of the park. The septic system and leaching bed that serve the resort are currently located on the retained lot; however, a new leaching bed is proposed to be installed for the severed lot. The property to be severed consists of land-leased homes.

The purpose of the Application for Consent is to separate the existing mobile home park from the campground/recreational lands. The lot to be severed comprises an area of 8.25 ha (20.38 ac) and currently contains 72 mobile homes, a pool and a recreation centre. The proposed severed lot is known locally as the Happy Hills Retirement Resort and will contain its own well and septic system. The lot to be retained will cover an area of approximately 44.25 ha (109.35 ac), containing a residence, a campground, a golf course, two washroom facilities, an office/store, a drive shed and a work shop all used in conjunction with the Happy Hills Family Camp Ground.

G. Hough briefly reviewed the staff Planning Report and noted that the severed lot will cover an area of approximately 20 acres and will consist of the Happy Hills resort, while the retained lot will consist of the recreational lands covering approximately 109 acres. He pointed out that a previous application submitted by the owner was denied by the Committee as the application was not consistent with the Provincial Policy Statement and the leaching bed proposed to service the severed parcel was to remain with the retained lot. The application was subsequently appealed to the Ontario Municipal Board by the owner. The appeal is currently held in abeyance. The Zoning By-law amendment for the lands has been approved, in principle, by Township of Zorra Council. He further explained that Happy Hills is essentially used on a continuous basis year round. The current application complies with the Official Plan policies and does not negatively impact agricultural operations in the surrounding area. The nature of the use will not change. The severance will allow the County and the Township to better control the ongoing operations of the park.

J. Baker concurred with the suggested conditions and the recommendation of the staff Planning Report.

In response to M. Hacon, G. Hough stated that between 72-95 units are permitted on the severed property, and further noted that the new lot line will restrict the area that can be used for retirement resort purposes. J. Baker pointed out that he does not wish to expand to 95 homes.

In response to G. Brumby, it was noted that the leaching system will accommodate in excess of the units on the severed lot.

Moved by: M. Hacon
Seconded by: A. Tenhove

'Granted'

CONDITIONS:

1. The Ontario Municipal Board appeal for Application B13-72-5 be withdrawn, in writing, and confirmation be received from the Ontario Municipal Board.
2. The lots to be severed and retained be appropriately zoned.
3. The owner obtains site plan approval from the Township of Zorra for the severed and retained lands.
4. The owner obtains Environmental Compliance Approvals, as necessary, from the Ministry of Environmental and Climate Change for private water and wastewater services for the severed lands and submit documentation of approval or exemption from approval to the satisfaction of County Community and Strategic Planning.
5. Drainage 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 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.

CARRIED.

B15-11-3 – Marianne Klyn, Marianne Klyn & 2450362 Ontario Inc. (Part Lot 7, Conc. 5, Township of Norwich, formerly Township of North Norwich)

Rick Klyn, together with his solicitor, Ryan Verhoog, were in attendance. R. Verhoog presented the application to the Committee. He pointed out that access easements to Oxford Road 59 are proposed to four lots.

The purpose of the Applications for Easement is to create right-of-way access over three properties to provide road access to Oxford Road 59 to each of the three properties.

G. Hough reviewed the staff Planning Report with the Committee. He explained that four properties will use the easement to access Oxford Road 59. The application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies, and the subject properties are appropriately zoned.

R. Verhoog concurred with the suggested conditions and the recommendation of the staff Planning Report.

In response to M. Hacon's question as to whether each property has access to Oxford Road 59, G. Hough indicated that each property has frontage on either Oxford Road 59 or Airport Road and that the access easement will provide access to Oxford Road 59. The easement is largely for convenience.

Moved by: M. Hacon
Seconded by: A. Tenhove

'Granted'

CONDITIONS:

1. 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.
2. 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 for easement is consistent with the 2014 Provincial Policy Statement.
2. The application for consent for easement complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

B15-12-3 – Pleun & Marianne Klyn (Part Lot 7, Conc. 5, Township of Norwich, formerly Township of North Norwich)

Rick Klyn, together with his solicitor, Ryan Verhoog, were in attendance application. R. Verhoog presented the application to the Committee.

The purpose of the Applications for Easement is to create rights-of-ways over three properties to provide access to Oxford Road 59 for a parcel of land fronting on Airport Road.

G. Hough reviewed the staff Planning Report with the Committee. He explained that four properties will use the easement to access Oxford Road 59. The application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies, and the subject properties are appropriately zoned.

R. Verhoog concurred with the suggested conditions and the recommendation of the staff Planning Report.

In response to M. Hacon's question as to whether each property has access to Oxford Road 59, G. Hough indicated that each property has frontage on either Oxford Road 59 or Airport Road and that the access easement will provide access to Oxford Road 59. The easement is largely for convenience.

Moved by: A. Tenhove
Seconded by: B. George

'Granted'

CONDITIONS:

1. 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.
2. 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 for easement is consistent with the 2014 Provincial Policy Statement.
2. The application for consent for easement complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

B16-23-2 – David Vander Spek & Joyce DeGier Vander Spek (Part Lot 18, Conc. 9, Township of East Zorra-Tavistock, formerly Township of East Zorra)

David Vander Spek was in attendance to present his application to the Committee. He indicated that he has a dairy operation on the lot to be enlarged and requires additional lands for his operation. His intent is to sell the retained rural residential lot. D. Vander Spek reviewed the late correspondence received from the Council of the Township of East Zorra-Tavistock regarding his application.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of approximately 41.68 ha (103 acres), is currently vacant, and is in agricultural production. The lot to be severed will be added to the agricultural lot to the immediate south which covers an area of approximately 42.6 ha (105.4 acres), contains a manure storage structure, two barns, three silos, a driveshed and an accessory single detached dwelling. The lot to be retained will cover an area of approximately 0.78 ha (1.92 acres), contains a driveshed, two storage sheds, a three car garage and a single detached dwelling, and will be used for rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He pointed out that approximately 103 acres is to be severed and added to the existing 105 acre parcel to the immediate south and a 1.92 acre rural residential lot is to be retained. The application is consistent with the 2014 Provincial Policy Statement, and complies with the Official Plan policies. A re-zoning will be required to recognize the proposed residential use of the retained lot. The agricultural buildings on the retained lot will be removed.

D. Vander Spek concurred with the suggested conditions and the recommendation of the staff Planning Report.

R. Jull commented on the size of the frontage of the retained lot. D. Vander Spek stated that approximately 5-6 acres of the severed lot along the road frontage is treed, and that he may enter into agreement to lease these additional lands.

In response to G. Brumby, D. Vander Spek reiterated that he owns the enlarged lot, in the name of his company.

Moved by: A. Tenhove
Seconded by: R. Jull

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately 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 Section 50 (3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. All remaining agricultural buildings on the lot to be retained, as shown on Plate 4a of Report No. CASPO 2016-152, be removed, to the satisfaction of the Township of East Zorra-Tavistock.
4. The owners obtain a Change of Use Permit for the existing accessory buildings that are to remain on the lot to be retained, if such buildings were designed as farm buildings, to the satisfaction of the Township of East Zorra-Tavistock.
5. The owners provide a survey of the lot to be retained, indicating the location and setbacks of all buildings and structures, to the satisfaction of the Township of East Zorra-Tavistock.
6. If required, a 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 East Zorra-Tavistock.
7. 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.

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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.

CARRIED.

B16-24-4 – Dorothy Wilcox (Part Lot 1, Concession 8, Township of South-West Oxford, formerly Township of Dereham)

Carl Wilcox was in attendance to present the application. He stated that the application proposes a boundary adjustment of 20 feet. The severed lot is to be added to his lot to the immediate north, covering an area of approximately 3 acres. The 20-foot was originally left with the farm to enable his father to access the sugar bush to the south.

The purpose of the Application for Consent is for an agricultural lot addition. The lands to be severed will cover an area of approximately 557.4 sq. m (6,000 sq. ft.) and will be added to the agricultural lot to the immediate north, covering an area of approximately 1.24 ha (3.06 ac). The enlarged lot contains an existing single detached dwelling, a shed and a barn. The lot to be retained will cover an area of approximately 42.03 ha (103.86 ac), is in agricultural production, and consists of four barns, two silos and an existing accessory single detached dwelling.

G. Hough briefly reviewed the staff Planning Report. He noted that the 20-foot parcel is already zoned in a manner similar to the lands to which it is to be added. The application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies.

C. Wilson concurred with the suggested conditions and the recommendation of the staff Planning Report.

Moved by: M. Hacon
Seconded by: R. Jull

'Granted'

CONDITIONS:

1. 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.
2. If required, a drainage 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 South-West Oxford.
3. 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 and otherwise, have been complied with.

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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. 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.

B16-20-6 – Sifton Properties Limited (Block 62, Plan 41M-309, Town of Ingersoll)

Mark Sinden of Sifton Properties Limited, was in attendance to speak to the application. Also in attendance was Jeff Heimbeck, 40 Chatfield Street, Ingersoll ON N5C 0B3. M. Sinden stated that the application proposes to create a lot for a single detached dwelling, while multi-residential development is proposed on the lot to be retained.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of approximately 766.19 m² (8,247.5 ft²) and is currently vacant. The lot to be retained will cover an area of approximately 0.50 ha (1.24 ac) and is also currently vacant. A single-detached dwelling is proposed to be constructed on the severed lot, while 14 bungalow townhouses are proposed to be constructed on the retained lands.

G. Hough briefly reviewed the staff Planning Report. He pointed out that there is an existing easement in favour of the County of Oxford over the severed parcel which will need to be addressed prior to completion of the severance. The application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies. A rezoning application has also been submitted with the severance. Staff recommends approval of the application.

J. Heimbeck stated that he and his neighbours were of the understanding that the proposed severed lot was to be road access to the townhouse development. He and the neighbours were upset to hear that that is no longer the case.

M. Sinden explained that the subdivision has been in place for a number of years. There will be a total of 14 units – 2 banks of 7 units each. It will not be a large development and there will be no impact on traffic. The units will be marketed for seniors. The townhouses will be one-storey with one attached garage each.

J. Heimbeck pointed out that he knew that townhouses were proposed, however, thought that traffic would be routed through the proposed severed lot to Harris Street.

In response to an enquiry regarding the easement, G. Hough explained that it was over both the severed and retained lots. M. Sinden pointed out that the easement measures 9.0 m (30 feet) and that it will be moved to the south of the property. A driveway can be constructed over the easement.

M. Sinden confirmed that the County is agreeable to permitting the severed lot frontage onto Harris Street.

Moved by: A. Tenhove
Seconded by: M. Hacon

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. 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.
3. The applicant amend the existing easement agreement on the lot to be severed and provide the design and relocation of the watermain and sanitary sewer completed by a Professional Engineer to the County of Oxford Public Works Department, to the satisfaction of the County of Oxford Public Works Department.
4. The applicant provide a letter from the MOECC, indicating that the relocation of the sanitary sewer meets the requirements of the Environmental Compliance Approval to the satisfaction of the County of Oxford Public Works Department.
5. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, 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.

B16-21-6 – Sifton Properties Limited (Block 63, Plan 41M-309, Town of Ingersoll)

M. Sinden, of Sifton Properties Limited, was in attendance to speak to the application. Also in attendance was Jeff Heimbeck, 40 Chatfield Street, Ingersoll ON N5C 0B3. M. Sinden explained that the application proposes to create a single residential lot, while multi-residential development is proposed on the lot to be retained. The proposal is similar to that proposed by B16-20-6.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of approximately 693.48 sq. m (7,464.8 sq. ft.) and is currently vacant. The lot to be retained will cover an area of approximately 3,893.57 sq. ft. (41,911.4 sq. ft.) and also is currently vacant. A single-detached dwelling is proposed to be constructed on the lot to be severed, while the lot to be retained will be developed with 11 bungalow townhouses.

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 Official Plan policies. A rezoning is necessary for the severed lot. Staff recommends approval of the proposal.

M. Sinden concurred with the suggested conditions and the recommendation of the staff Planning Report.

J. Heimbuck questioned whether a sign was posted on the property as he did not see one. The Committee members confirmed that they each saw the sign during their site visits.

M. Hacon asked the owner whether the buildings will be oriented east/west on the retained lot. M. Sinden responded in the affirmative. M. Sinden further stated that the development will consist of 11 townhouses, one 5-unit and one 6-unit dwelling.

In response to A. Tenhove, G. Hough noted that the lands south of the retained lot are also proposed for residential development.

M. Sinden explained that there are no plans at this time to build a house on the severed lot. He may need to purchase additional lands and consolidate them with the severed lot before any construction can take place.

J. Heimbuck questioned whether there will be a sidewalk to Harris Street from Chamberlain Avenue. In response, M. Sinden pointed out that those lands are owned by the Town of Ingersoll.

Moved by: M. Hacon
Seconded by: B. George

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. 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.
3. The owner dedicate a 0.3 m (1 ft) reserve to the County of Oxford along the eastern lot line, abutting Harris Street, free of all costs and encumbrances, to the satisfaction of the County of Oxford Public Works Department.
4. The Clerk of the Town of Ingersoll 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.

CARRIED.

On the motion of A. Tenhove, the Committee meeting adjourned at 10:30 a.m.

"Gordon Brumby"
CHAIRMAN
