

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, December 7, 2017

The Oxford County Land Division Committee met in the Council Chamber, County Administration Building, Woodstock, Ontario, on Thursday, December 7, 2017 at 11:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock
	-	A. Tenhove
Senior Planner	-	R. Versteegen
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 11:00 a.m.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: B. George
Seconded by: T. Rock

“The Minutes of the Meeting of November 2, 2017, be approved as printed and circulated.”

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence was received from David & Debra Phillips requesting a Change of Conditions to their Application B16-45-2; A16-07-2, as it has come to their attention that a condition requested by the County of Oxford Public Works Department was not included in the Notice of Decision. The omitted condition will read as follows:

“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.”

The addition of the condition is considered to be major and, therefore, a Notice of Change of Conditions will be need to be sent to the circulated agencies.

Correspondence dated December 6, 2017, was received from the Township of East Zorra-Tavistock regarding Application B17-65-2 (Donald McKay).

APPLICATIONS FOR CONSENT:

B17-60-3 & B17-61-3 – 1377595 Ontario Inc. (Part Lots 8 & 9, Concession 4, Township of Norwich formerly Village of Norwich)

Lloyd Boyce, the owner, together with his agent, Steven Cornwell, of Sierra Construction, were in attendance. S. Cornwell presented the application to the Committee. He briefly explained the application and indicated that the severance is to create two residential lots on the current six-acre lot.

The purpose of the Applications for Consent is to create two residential lots. The lot to be severed by B17-60-3 comprises approximately 0.7 ha (1.7 ac), while the lot to be severed by B17-61-3 comprises approximately 0.59 ha (1.5 ac). Both lots are currently vacant of any buildings or structures. The lot to be retained comprises approximately 1.1 ha (2.7 ac) and currently contains an existing single detached dwelling, detached garage and shed.

R. Versteegen reviewed the staff Report. He indicated that the property is located within the Future Urban Growth designation on the Land Use Plan in the County Official Plan and is currently zoned Restricted Agriculture (A1) in the Township's Zoning By-law. The property is located in the floodplain area of the Long Point Region Conservation Authority watershed. Two rural residential lots are proposed. No services exist and the existing dwelling is on private services and a well. He indicated that the property is within the regulated area of the LPRCA. R. Versteegen explained that lands situated in the Future Urban Growth Policy Area represent lands which are capable of being fully serviced with centralized waste water and water supply facilities. He further stated that prior to permitting new development on lands designated for Future Urban Growth, a number of conditions are required to be met and also highlighted those conditions. A zone change will also be required to a Rural Residential Zone, which requires a minimum lot area of 2800 sq. m free of environmental restrictions. R. Versteegen reviewed the comments of the circulated agencies and the recommendation in the staff Report. He suggested that the application is premature at this time. There are currently a supply of 650 dwelling units within the Village of Norwich, which is well in access of the projected need of 260 dwelling units over the 10 year period (2016 and 2026). That said, it was the opinion of the Planning department that there is sufficient area within the Village to accommodate the potential development and that this proposal is therefore premature. The application also does not represent the Secondary Plan objectives and is not supportable by Planning.

S. Cornwell provided copies of excerpts from the County's Official Plan to the Committee. He referred to Section 4.2.2.6.4, Interim Use of Land, and stated that the application falls within this Section and consideration of this section should be used in the Committee's decision. He suggested that the proposal is not interfering with the Secondary Plan. The existing house has significant heritage features. He addressed the 2014 Provincial Policy Statement, specifically Section 1.1.3.3, Intensification and suggested that the proposal does not propose intensification. Currently, there is one house on 6 acres and suggested that 3 lots would be better. No land will be taken out of agricultural production. He suggested that the severance will result in better efficiency of roads, hydro, etc. He indicated that only one driveway will be required, as a driveway exists at the westerly limit of the lot to be severed by B17-60-3.

S. Cornwell stated that the severances will not interfere with the long-term planning policies or with the goal or objectives of the County Official Plan. He stated that he would consider a deferral of the application is the Committee requires more time to review the proposal.

In response, R. Versteegen indicated that Section 4.2.2.6.4, Interim Uses, does not apply in this situation as the proposal for residential development is in his opinion not an interim land use, and

further stated that the proposed lots will compromise the Secondary Plan, as there would be inefficient use of the infrastructure, and would not reach the proper level of intensification in a fully serviced urban context. As per the access suggested by S. Cornwell, Planning staff is not sure how safe the existing access is. In response, S. Cornwell stated that the driveway is used by heavy equipment but is not certain if the access is affected by flooding.

In response to T. Rock, S. Cornwell stated that there was no direct communication with Planning staff. He indicated that he discussed the application with Rebecca Smith in August or September, however, there was no feedback after the application was submitted. He suggested that he would have liked to have received communication that the applications were not supportable. He stated that he assumed the applications would be supported, since he had not heard from the planner.

T. Rock suggested that Planning staff's recommendation suggests that the applications are premature and perhaps further discussions with Planning staff are required. In response, R. Versteegen stated that he was not sure if further discussions would impact Planning's position.

B. George suggested the lot is a non-conforming use which exists, and not a lot that was created by severance.

R. Versteegen agreed with R. Jull's comment that it would be better if the proposed lots were within the Village.

M. Hacon suggested that the right decision would be to defer the application to permit the owner to have further conversations with Planning staff.

B17-60-3 & B17-61-3

Moved by: R. Jull
Seconded by: B. George

"Deferred"

REASON:

1. The applications were deferred at the request of the owner, for up to 90 days, to meet with Planning staff.

CARRIED.

B17-62-4 – Shelwood Farms Ltd. (Part Lots 3 & 4, Concession 6, Township of South-West Oxford, formerly Township of Dereham)

David Roe, the owner's agent, was in attendance to present the application. Also in attendance was John Shetler, 284528 Daniel Road, R. R. #1 Mount Elgin ON N0J 1N0, the purchaser of the severed lot. D. Roe briefly explained the application to the Committee. The severance is for an agricultural lot addition to the east, resulting in a 70 acre enlarged lot.

The purpose of the Application for Consent is for an agricultural lot addition. The applicant proposes to sever 8 ha (20 ac) of agricultural land, consisting of a livestock operation, and an accessory single detached dwelling and add it to the adjacent agricultural lot to the immediate east, with a resulting lot area of approximately 28.23 ha (70 ac). The resulting enlarged lot would have two accessory dwellings, a partially zoned commercial saw mill, and a livestock operation. The lot to be retained will cover an area of approximately 53.4 ha (132 ac), is in agricultural production (cash crop) and contains a woodlot.

R. Versteegen reviewed the staff Report and explained that 20 acres is being severed and added to the 50 acre farm lot to the immediate east, resulting in a 132 acre retained lot. The application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. A zone change will be required to recognize the two houses on the enlarged lot. Staff is in support of the application. He suggested that Condition No. 1 will need to be amended to read as follows: "The lots to be severed and enlarged be appropriately zoned."

It was noted that there are approximately 75 metres behind the barn on the severed lot, in response to R. Jull's question.

The Committee concurred with the suggested change to Condition No. 1.

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

"Granted"

CONDITIONS:

1. The lots to be severed and enlarged be appropriately zoned.
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 Section 50 (3) & (5) 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 owner's expense, to the satisfaction of the Township of South-West Oxford.
4. The Clerk of the Township of South-West Oxford advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, 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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B17-63-1 – 1413164 Ontario Inc. (Part Lot 8, Concession 1, Township of Blandford-Blenheim, formerly Township of Blenheim)

Daryl Mahon of 1413164 Ontario Inc., together his solicitor, David Clement, were in attendance. D. Clement presented the application. D. Clement explained that the severed and retained lots were once separate lots and accidentally merged in title in April, 2017 at the time the current severed lot was purchased. The owner is seeking to re-create the lots prior to the merger.

The purpose of the Application for Consent is to create an agricultural lot. The lot to be severed comprises approximately 40 ha (99 ac) and contains an existing accessory farm dwelling and detached garage, while the lot to be retained comprises approximately 60.7 ha (150 ac) and contains an existing detached garage, silo and accessory farm dwelling. Both parcels are currently in agricultural production (cash crop).

R. Versteegen reviewed the staff Planning Report and pointed out that the application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies, and conforms to the Township's Zoning By-law requirements. No objections or concerns were received as a result of the agency circulation of the application. Staff is recommending approval of the application.

D. Clement stated that he concurred with the findings and suggested conditions of the staff Report.

Moved by: T. Rock
Seconded by: A. Tenhove

"Granted"

CONDITIONS:

1. If required, 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 Blandford-Blenheim.
2. If required, the owner enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
3. 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.
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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B17-65-2 – Donald McKay (Part Lot 15, Concession 12, Township of East Zorra- Tavistock, formerly Township of East Zorra)

D. McKay was in attendance to present his application. He briefly explained his proposal to the Committee. He explained that the severance is to consolidate the severed lot with the farm parcel to the south, and his intension then is to sell the retained lot to his son.

The purpose of the Application for Consent is to sever vacant agricultural lands to be consolidated with an adjacent agricultural property and retain a lot for agricultural and accessory residential purposes. The lands to be severed comprise approximately 15.3 ha (37.8 ac) and are proposed to added to the property immediately to the south, known as 615841 13th Line. The lot to be enlarged encompasses approximately 38.85 ha (96 ac) of agricultural land, including croplands and an existing livestock (swine) barn. The lot to be retained comprises approximately 11.94 ha (29.5 ac), including a residential dwelling, agricultural buildings and cropland.

R. Versteegen reviewed the staff Report. He pointed out that the severance will result in a deficient lot area for the retained lot. The lot to be retained will only cover an area of approximately 29.5 acres, whereas the By-law requires 75 acres. Planning staff is not in support of the application and recommends the application be denied.

D. McKay stated that the farm buildings are situated on the severed lot only. He noted that the property already is deficient in area prior to the severance. He is redefining a lot boundary and the severance is for succession planning. A smaller land area is more sustainable and less of a liability. He stated that he feels the property is still viable and flexible. A custom hay business is proposed for the retained lot. He indicated that, in his opinion, the application is not contrary with the 2014 Provincial Policy Statement and does not limit the productivity of the agricultural lands. He pointed out that smaller lots are located to the east. No residential uses are proposed, only agricultural. He asked for Committee's support of his application.

R. Versteegen indicated that as for the smaller lots in the area, they were not created under the current 2014 Provincial Policy Statement and Official Plan policies.

T. Rock stated that he appreciates clarity of the severance proposed and does not want to set precedents. He wondered whether the County would appeal a positive decision of the Committee? He noted that Township Council has objected to the proposed severance and asked for the reason. In response, R. Versteegen stated that he did not know. Further R. Versteegen clarified that the CP Rail line created a natural severance.

In response to R. Jull, R. Versteegen explained that railway lands do not revert back to original owners and that they can be sold back to them.

D. McKay stated that he felt that the PPS and the Official Plan do not speak to existing undersized lots being further severed.

In response to B. George, D. McKay explained that he owns the lands to the west of the severed and retained lots. The lands are in a floodplain area and but up against a golf course. The lands cover an area of approximately 30 acres.

In response, to G. Brumby, R. Versteegen stated that a re-zoning is necessary.

R. Versteegen stated that the Township Council has voiced their objection to the application. If the Township does not pass the zoning, it could result in the severance lapsing as the condition will not be met.

D. McKay indicated that he has not been before Township Council to present his application.

The Secretary-Treasurer read aloud the suggested conditions.

Moved by: T. Rock
Seconded by: A. Tenhove

"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. If required, the owner shall enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, to the satisfaction of the Township of East Zorra-Tavistock.
4. If required, drainage assessment re-apportionment shall 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.

5. 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.
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. It was the Land Division Committee's opinion that the application for consent is consistent with the 2014 Provincial Policy Statement.
2. It was the Land Division Committee's opinion that 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 12:50 p.m.

"Brian George"
CHAIRMAN