

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, September 7, 2017

The Oxford County Land Division Committee met in the Council Chamber, County Administration Building, Woodstock, Ontario, on Thursday, September 7, 2017 at 9:00 a.m. with the following individuals:

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

"The Minutes of the Meeting of August 3, 2017, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

L. Taschner provided information regarding the upcoming OACA Seminar to be held on October 23-24, 2017 in Cobourg, Ontario. She requested the members to review the Newsletter and the Seminar information regarding the workshops and to advise her if they were interested in attending. H. Elliott, G. Brumby and T. Rock stated that they would be interested in attending.

CORRESPONDENCE:

Correspondence dated September 6, 2017, was received from the Council of the Township of East Zorra-Tavistock regarding Application B17-45-2 (Manfred & Bonnie Bohner).

Correspondence dated September 6, 2017, was received from the Council of the Township of East Zorra-Tavistock regarding Application B17-51-2 (Northlea Farms Inc. & Stephen & Julie Vandendool).

APPLICATIONS FOR CONSENT:

B17-41-7 – Frans & Anneke Baijens (Lot 28, Plan 41M-218, Town of Tillsonburg)

Henry Dalm was in attendance on behalf of the owners. He briefly explained the application and stated that the severed lot is to be merged with the lot to the immediate east.

The purpose of the Application for Consent is to facilitate a lot addition to enlarge an existing residential building lot. The lands to be severed have an approximate area of 390 sq. m (4192 sq. ft.) and are currently vacant. It is proposed that the lands to be severed will be added to the existing lot to the immediate east, with a final lot size of 1408 sq. m (15,151.3 sq. ft). The retained lands will have a lot area of 390 sq. m (4192 sq. ft.), and are proposed to be merged with lands to the immediate west. It is proposed that a single detached dwelling be constructed on the newly enlarged lands.

G. Hough briefly reviewed the staff Report and explained that three lots are to be re-configured into two lots. He pointed out that after review of the application, Planning staff are of the opinion that the larger lots are in-keeping with development in the immediate area and that in light of the configuration of the lands and impacts from the Conservation Authority regulation limits, the proposal is considered to be an efficient use of municipal services. He indicated that the application is consistent with the 2014 Provincial Policy Statement, and complies with the Official Plan policies. He noted that 2 one-foot parcels have been removed from both the lots to the east and west of the subject property. As such, the said lots are no longer described as whole lots on a recent plan of subdivision. This will enable the severed lot to merge legally with the lot to the immediate east, and subsequently the retained lot to merge legally with the lot to the immediate west.

H. Dalm stated that he concurs with the findings and suggested conditions of the staff Planning Report.

Moved by: H. Elliott
Seconded by: A. Tenhove

“Granted”

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east (Lot 27, Plan 41M-218) 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 (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
2. The Owners provide an updated preliminary lot grading plan of the lot to be enlarged, to the satisfaction of the Town of Tillsonburg.
3. The Owners provide a written Undertaking stating they will legally merge the lot to be retained with the abutting residential lot to the immediate southwest (Lot 29, Plan 41M-218). A draft Transfer and Application Consolidation Parcels shall be provided to the Secretary-Treasurer prior to the issuance of the certificate for the severed lot.
4. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, 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 is in keeping 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.

B17-42-5 – William & Trudy Henderson (Part Lot 12, Conc. 9, Township of Zorra, formerly East Nissouri)

William & Trudy Henderson, together with their solicitor, Tom Henderson, were in attendance. Tom Henderson presented the application and stated that the application is for an agricultural lot addition, resulting in a rural residential lot.

The purpose of the application for consent is for an agricultural lot addition. The owner proposes to sever approximately 19.2 ha (47.5 ac) of agricultural land and add it to the adjacent vacant agricultural lot to the east, covering an area of approximately 47.6 ha (117.5 ac). The lot to be retained will cover an area of approximately 1.01 ha (2.5 ac) in area, and contains a single-detached dwelling, and three accessory sheds.

G. Hough briefly reviewed the staff Report. He explained that the Official Plan restricts the lot area of rural residential lots to 2.5 acres. The reason for the larger lot area in this application is to accommodate a well and inground geothermal heating unit situated on the retained lot. The application is consistent with the 2014 Provincial Policy Statement, and complies with the Official Plan policies. A zone change will be considered by Township Council on September 19th. Planning staff is satisfied that the application is in conformity with the zoning provisions.

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

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

"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 east 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.
3. The existing buildings and structures on the lot to be severed in proximity to the proposed lands to be retained be removed, to the satisfaction of the Township of Zorra Chief Building Official.
4. 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
5. 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.

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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 is in keeping 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.

B17-44-3 – Glen & Marsha Sikma (Part Lot 4, Conc. 2, Township of Norwich, formerly North Norwich)

Glen & Marsha Sikma, together with their agent, David Roe, were in attendance. Also in attendance was Robert Parkhill, 793578 Slant Road, Norwich ON N0J 1P0.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 16.3 ha (40 ac), is in agricultural production (cash crop), vacant of any buildings or structures, and is to be added to the agricultural parcel to the immediate east. The lot to be enlarged comprises approximately 55 ha (136 ac), is in agricultural production (cash crop), and contains an existing bank barn, shed and accessory farm dwelling. The lot to be retained comprises approximately 6.4 ha (16 ac) and contains an existing accessory dwelling, shed and several greenhouses in support of an existing cut-flower operation.

D. Roe presented the application to the Committee. He explained the application and noted that the severance proposal is for an agricultural lot addition, resulting in a 16-acre retained lot to be used for a greenhouse operation, with an accessory single-detached dwelling. Approximately 40 acres is to be severed and added to the agricultural parcel to the immediate east, and will continue to be used for agricultural purposes. The greenhouse operation is a viable operation. He pointed out that the Ministry of Agricultural, Food and Rural Affairs would not give comments as to the viability of the proposed 16-acre parcel for an established cut-flower operation. He stated that it would not be financially feasible for the owners to find another suitable property, as the cost of purchasing land would be approximately \$15,000 to \$16,000 per acre. He stated that it was his opinion that there is flexibility in the Provincial Policy Statement to permit such a use.

G. Hough briefly reviewed the staff Report. He indicated that the owners submitted financial information with their application. However, when reviewing such applications, staff considers a broader range of criteria including the type of agriculture that exists in the area (i.e. livestock, cash crop). The severed lot does not meet the lot area requirements of the Agricultural Reserve Policy nor the Township's Zoning By-law. He indicated the policies are being compromised and the lot area proposed for the retained lands neither viable nor flexible for the type of agriculture common to the area. There are many undersized parcels located within the Township of Norwich and over 600 within the County.

D. Roe stated that the use already exists and is already a viable use and the owners simply wish to expand their operation. No new use is proposed.

G. Sikma presented a summary of their business since 2003. In the summer, they have six full-time university students. They grow peonies and other specialty flowers. He and his wife have four children and he hopes that one or two will farm in the future. He currently is renting out the 40 acres and no money is being made and will result as a hindrance in the future. Therefore, he feels selling the 40-acre parcel to the adjoining property owner will be the best use of the lands.

D. Roe stated that both he and his clients are seeking support of the Committee.

R. Jull stated that each application needs to be looked at on its own merit. If, in the future, the operation is changed to livestock, it will be up to the Township to monitor and regulate the new use.

B. Brumby questioned what will happen 20-30 years from now when the greenhouse use is no longer viable on the property. In response, D. Roe suggested that a 16-acre parcel would be more flexible for growing a variety of crops. He argued that a 16-acre agricultural parcel for greenhouse-type crops is more viable than a 100-acre farm parcel.

G. Hough stated that policies are in place in the Official Plan to prevent the carving up of agricultural lands.

R. Parkhill stated that he supports the application.

The Committee reviewed the suggested conditions as delivered by G. Hough.

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 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. If required, the owners shall enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township of Norwich.
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 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 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 opinion of the Land Division Committee that the application for consent is consistent with Section 2.3.4 of the 2014 Provincial Policy Statement as it relates to lot creation and lot adjustments in Prime Agricultural Areas.
2. It was the opinion of the Land Division Committee that the application for consent conforms to Section 3.1.4.4.1 of the County Official Plan as it relates to farm consolidations in the Agricultural Reserve Policy area.

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3. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B17-45-2 – Manfred & Bonnie Bohner (Part Lots 17 & 18, Conc. 11, Township of East Zorra-Tavistock, formerly East Zorra)

Manfred Bohner, together with his agent, Carl Clayton, were in attendance. Also in attendance were:

Frank McKay
616313 13th Line
R. R. #6
Woodstock ON N4S 7W3

Shane Clayton
596079 Highway 59
R. R. #6
Woodstock ON N4S 7W3

C. Clayton presented the application to the Committee. He explained that the reason for the severance is to control water run-off. He proposes to construct a berm on the south side of the property to direct the water and prevent run-off.

The purpose of the application for consent is for a lot addition. The lot to be severed will cover an area of approximately 0.4 ha (1 ac) of woodlot and will be added to the adjacent residential lot to the immediate north and east. The lot to be enlarged contains an existing house, garage and shed and covers an area of approximately 0.48 ha (1.18 ac). The lot to be retained will cover an area of approximately 61 ha (151 ac), contains two single detached dwellings, a barn, additional farm buildings, and is in agricultural production. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report and stated that the property is located in the agricultural designation of the Official Plan. The application is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. The applicant wishes to assume the lands in order to look after historical drainage problems. A re-zoning will be necessary.

C. Clayton stated that he concurs with the findings and suggested conditions of the staff Planning Report.

B. George asked whether there will be any issues with the Woodlands By-law. In response, G. Hough indicated that he recommends that the applicant contact the By-law Officer. There are no concerns with the Conservation Authority.

C. Clayton stated that he does not want to cut down any trees.

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

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north 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.
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 East Zorra-Tavistock.

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4. If required, the owner enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, 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. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent is in keeping 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.

B17-51-2 – Northlea Farms Inc. & Stephen & Julie Vandendool (Part Lot 6, Conc. 14, Township of East Zorra-Tavistock, formerly East Zorra)

Julie Vandendool, together with her solicitor, Gordon Klein, were in attendance. G. Klein explained that the application is for an agricultural lot addition, resulting in a rural residential lot.

The purpose of the application for consent is for a farm consolidation. The lot to be severed will cover an area of approximately 19.6 ha (48.5 ac), contains an existing driveshed and is in agricultural production. The lot to be severed will be added to the adjacent agricultural lot to the immediate north which covers an area of 21 ha (52 ac) and consists of an existing dairy operation with an accessory single detached dwelling. The lot to be retained will cover an area of approximately 0.73 ha (1.82 ac), and contains a single detached dwelling and an accessory shed. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report and stated that the application is consistent with the 2014 Provincial Policy Statement, and complies with the policies of the County Official Plan. The existing agricultural buildings will be used for storage. An application for re-zoning will be necessary to recognize the rural residential use of the retained lot.

G. Klein indicated that both he and his clients concur with the findings and suggested conditions of the staff Planning Report.

T. Rock questioned the RE zoned lot situated to the west. G. Hough indicated that that lot is a separate residential lot, and does not relate to the application before the Committee.

It was noted that an old dairy barn will be removed.

Moved by: T. Rock
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 north 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.
3. If required, a road widening to 15 m (49.2 feet) from the centreline of Oxford Road 17 road allowance, along the frontage of the lots to be severed and retained, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Public Works Department.
4. The owner provide a 15 m x 15 m (49.2 ft x 49.2 ft) daylight triangle at the intersection of Oxford Road 17 and 14th Line, free of all costs and encumbrances, to the satisfaction of the County Public Works Department.
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 East Zorra-Tavistock.
6. If required, the owner enter into a standard Severance Agreement with the Township of East Zorra-Tavistock, 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 and otherwise, have been complied with.
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 is in keeping 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.

B17-50-3 – John & Jacqueline Krushel (Part Lot 4, Conc. 2, Township of Norwich, formerly East Oxford)

Robert & MaryLou DeBrabandere, the prospective purchasers of the severed lot, were in attendance to speak to the Committee on behalf of the owners. R. DeBrabandere indicated the application is for an agricultural lot addition, resulting in a 5.3 acre parcel to be retained.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 19 ha (47 ac), is in agricultural production (cash crop), contains an existing coverall structure (which is proposed to be relocated), and is to be added to the agricultural parcel to the immediate west. The lot to be enlarged comprises approximately 17 ha (42 ac), is in agricultural production (cash crop), and contains two barns, two grain bins, and an accessory farm dwelling. The lot to be retained comprises approximately 2.1 ha (5.3 ac) and contains an existing single detached dwelling and workshop.

G. Hough reviewed the staff Planning Report and stated that the Official Plan policies state rural residential lots should be a maximum size of 2 acres. Therefore, +10 points have been attributed to the application due to the size of the retained lot and staff cannot support the application. The applicants could request a deferral to consider amending the application by reducing the size of the retained lot to meet the Official Plan policies.

B. George stated that he was encouraged to hear that the owners may consider amending their application to bring it into conforming to the Official Plan. He noted the towerlines that run along the frontage of the lot. In response, G. Hough pointed out the towerlines are not separate parcels and that Hydro One would have restrictions on development within the area affected by the powerlines.

In response to T. Rock, G. Hough explained that the 2 acre maximum is to allow for wells/septic systems/buildings and that it is to ensure that as much lands as possible are kept in agricultural production.

A. Tenhove questioned the applicants about a possible excavating business being conducted on the property. In response, R. DeBrabandere indicated that that was between the owners and the Township.

M. Hacon questioned whether the existing cover-all is to be removed, and that further consultations with the Township will be necessary.

R. DeBrabandere concurred with the request for deferral of the application to allow further discussions between the owners, County staff and Township staff.

G. Hough concurred that further discussions are needed.

D. Martin stated that approximately 10 years ago, he presented the same type of severance to the Committee, and that it was recommended to him that the driveshed would need to be removed from his property.

R. Jull questioned the location of the existing septic system. G. Hough pointed the location out on the applicants' sketch.

Moved by: T. Rock
Seconded by: R. Jull

"Deferred"

REASON:

1. The application for consent be deferred for up to 60 days, to permit the owners to meet with staff of the Community Planning Office to further review their application.

CARRIED.

On the motion of M. Hacon, the Committee meeting adjourned at 10:30 a.m.

"Gordon Brumby"

CHAIRMAN