

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, July 5, 2018

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, July 5, 2018 at 9:00 a.m. with the following individuals:

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

The meeting was called to order at 9:00 a.m.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: T. Rock
Seconded by: M. Hacon

"The Minutes of the Meeting of June 7, 2018, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

R. Versteegen reviewed the staff Report for Application B16-16-5 (409315 Ont. Limited) and explained the need for the Notice of Change of Conditions.

He explained the application proposes to sever the subject lands, comprising the existing trailer camp known as the 'Happy Hills Retirement Resort', from the larger, existing campground and recreational lands. This application was approved by the Land Division Committee on July 7, 2016 and included several conditions, including that the owner obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment and Climate Change (MOECC) for private water and wastewater services for the trailer camp lands, independent of the remainder of the campground and recreational lands.

The applicant has been working with the MOECC to obtain the necessary ECA for the new septic system since the approval of the application for severance in July 2016. However, various issues have arisen through the ECA process that have delayed the issuance of the Ministry's approval. Discussions with the applicant indicate that, while the approval process continues to move forward, it is unlikely that the ECA will be issued by the MOECC prior to the date that the Committee's conditional approval lapses on July 14, 2017.

M. Hacon questioned whether R. Versteegen was confident it was a Ministry delay, and not a lack of motivation on the applicant's part. R. Versteegen responded that, as per correspondence the applicant had provided from the Ministry, he was confident that the delay is due to Ministry processing.

R. Versteegen pointed out that since the condition is considered major, a new Notice of Change of Conditions will need to be forwarded to all those parties interested in the application.

The Chair explained that H. Elliott and T. Rock would have to abstain from voting on the Change of Conditions as they both were absent for the hearing of the consent application on July 7, 2016. He further noted that A. Tenhove would have to abstain from voting on the Change of Conditions as he was absent for the hearing of the Notice of Change of Conditions on the application on July 7, 2017.

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

“Condition No. 4 shall read as follows:

The owner obtains Environmental Compliance Approvals, as necessary, from the Ministry of Environment and Climate Change (MOECC) for private wastewater services for the severed lands and submits documentation of approval or exemption from approval, to the satisfaction of the Secretary-Treasurer of the Land Division Committee within one year of the date of the Notice of Decision regarding the change of condition.”

CARRIED.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

B18-09-4 – Donald N. & Ruth E. Bucknell (Part Lot 26, Concession 3, Township of South-West Oxford, formerly Township of Dereham)

Donald Bucknell was in attendance to present the application and requested a severance of his property, for donation to the Thames Talbot Land Trust.

The purpose of the application is proposes to sever off approximately 43.71 ha (108 acres) of agricultural land with environmental overlays 1 & 2 to be transferred to the Thames Talbot Land Trust for conservation purposes, and to retain a 0.94 ha (2.3 acres) lot containing a single detached dwelling and a small barn that is used to house a limited number of horses for rural residential purposes.

R. Versteegen briefly reviewed the staff Planning Report.

The subject lands are designated Environmental Protection and Agricultural Reserve according to the Township of South-West Oxford Land Use Plan, as contained in the Official Plan. The lands are largely occupied by a Provincially Significant Wetland, as well as several features identified in the recently completed Oxford Natural Heritage Systems Study (ONHSS), including woodlands, thickets, meadows and valleylands.

Section 2.0 of the PPS (Wise Use and Management of Resources), directs that Ontario’s long-term prosperity, environmental health and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits. Section 2.1 (Natural Heritage) directs planning authorities to protect natural features and areas for the long term.

The Environmental Protection policies of the Official Plan recognize the value of the County’s remaining natural areas and provide for their basic protection, but also build on the concept of a Natural Heritage System (NHS), which is considered an integral part of the social and economic systems in the County and the policies of the Official Plan promote development that, wherever possible, will enhance the ecological and social systems on which people depend.

The strategic approach to environmental management within the County is based on major policy initiatives, the first being the identification of the County's NHS, consisting primarily of the Environmental Protection and Open Space designations. The second initiative consists of general environmental resource protection policies that create opportunities for environmental enhancement and seek to minimize the adverse effects of development.

The County and Area Councils will strive to achieve net environmental gain through the protection and conservation of existing natural features, and is further committed to preserving and protecting lands and water identified by the Province, County and Area Municipalities as significant natural heritage features and areas by designating such features accordingly in the Official Plan.

A site specific policy was passed by County Council on the subject lands which states that notwithstanding any policies of the Official Plan to the contrary, a parcel of land comprising not less than approximately 44 ha (108.9 ac) with frontage on McBeth Road may be severed from the larger holding by means of a consent by the County Land Division Committee where the said parcel is to be conveyed to the Thames Talbot Land Trust, or other similarly purposed and incorporated non-profit organization, for conservation purposes.

The County Land Division Committee will ensure, through zoning, conditions of consent and/or any other means deemed to be appropriate, that the above-noted conveyance is completed prior to the completion of the consent, including any conditions that may be necessary regarding the retained lands resulting from the conveyance.

The applicant has also submitted an application for zone change to rezone the lands to be retained resulting from the proposed severance of the larger parcel for rural residential use. The applicant also proposes to rezone the proposed severed lands to 'Open Space' with necessary modifications to ensure that new buildings and structures are not permitted on the lands going forward, in accordance with the policies of the Official Plan related to the creation of lots affecting Environmental Protection areas.

The Township of South-West Oxford Council approved, in principle, the proposed zone change application and passed a resolution recommending support of the proposed Official Plan amendment to facilitate a severance of approximately 44 ha (108.9 acres) to be transferred to the Thames Talbot Land Trust for conservation purposes, and retain approximately 0.93 ha (2.3 acres) for rural residential purposes, at their regular meeting of May 15, 2018.

Planning staff are of the opinion that the applicant's proposal purposes is appropriate and consistent with the relevant policy directions contained in the Provincial Policy Statement (PPS), and recommend that the Open Space Zone be placed on the lot to be severed, to ensure no development occurs on the lands in the future. Further to this a condition of severance has been included to ensure that the severed land is transferred to the TTLT for conservation purposes.

T. Rock questioned whether the Township of South-West Oxford's approval-in-principal was subject to the approval of the Land Division Committee. R. Versteegen responded that it was.

T. Rock also inquired if other Official Plan Amendment applications could be made in the future for those in similar scenarios. R. Versteegen responded that would be possible.

T. Rock questioned what would happen if the Thames Talbot Trust ceased to exist, and if a condition be required that the lands remain public. R. Versteegen replied that the lands would likely be held by another public body, and that no specific condition would be necessary to ensure that it stays public land.

T. Rock inquired why there was no time period stipulated to meet Condition 1. R. Versteegen responded that, as the zoning by-law has already been approved-in-principal, there should be no concern regarding the satisfying of the condition. He also reiterated that if all conditions of severance are not met within 1 year, the severance fails.

R. Versteegen also noted that although there is usually a 2 ac maximum for a retained lot, Planning staff feel that the 2.3 ac retained lot in this application is appropriate, due to the length of the driveway and there is flexibility in the Official Plan policies to enable the creation of the retained lot.

A. Tenhove inquired whether the septic system will be fully contained within the lot to be retained.
R. Versteegen replied that it would be.

R. Jull asked about the small trail on the lands, and whether the applicants would have access.
R. Versteegen responded they would.

T. Rock noted that Condition 1 should state that the lot to be retained, as well as the lot to be severed, should both be properly rezoned.

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. The owners provide a legal Undertaking, in writing, to the Secretary-Treasurer of the Land Division Committee stating that the lot to be severed will be conveyed to the Thames Talbot Land Trust, or other similarly purposed and incorporated non-profit organization, for conservation purposes.
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.
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 Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-25-3 – Jerry & Deborah Ryksen (Lot 456, Plan 745, Township of Norwich, Village of Norwich)

Jerry & Deborah Ryksen were in attendance to present their application. They explained they are seeking to create a new residential lot.

The purpose of the Application for Consent is to create one new residential lot in the Village of Norwich. It is proposed that the lot to be severed will be approximately 601.7 m² (1,974.1 ft²) in size, with approximately 15.6 m (51.2 ft) of frontage on North Street. A new single detached dwelling is proposed for the lot to be severed. The lot to be retained will be approximately 1,096.6 m² (11,803.7 ft²) in size, with approximately 28.1 m (92 ft) of frontage on North Street. An existing single detached dwelling occupies the lot to be retained. The owners have also applied for a Partial Discharge of Mortgage.

The lot to be severed comprises approximately 601.7 m² (6,476.6 ft²) and contains a small residential accessory building that will be removed. The lot to be retained comprises approximately 1,096.6 m² (11,803.7 ft²) and contains an existing single detached dwelling with an attached garaged. A single detached dwelling is proposed to be constructed on the lot to be severed.

Planning staff feel that the proposal is consistent with the Provincial Policy Statement (PPS), which states that settlement areas shall provide an appropriate range and mix of housing types and densities to meet projected requirements.

The Official Plan designation for the subject property is "N-2", Low Density Residential, and is predominantly surrounded by low density residential development. The lands are zoned 'R1', which permits a single detached dwelling. Based on a preliminary survey provided by the applicant, it would appear that the relevant provisions of the 'R1' zone will be maintained.

T. Rock suggested that the lot to be severed is quite small, and seems to be inconsistent with the existing development, and out of character for the neighbourhood. R. Versteegen noted that many of the lots to the east of the subject lands are being developed with the same provisions as the lot to be severed. The minimum lot area required is only 450 m², whereas the lot to be severed is proposed to be 601.7 m². The Official Plan policies state that the severed and retained lots are to be consistent with the immediate area which is different than the severance policies for Ingersoll, Tillsonburg and Woodstock.

B. George noted that 205 & 206 North St are very similar in size to the proposed lot, but just a different shape. The proposed lot seems to be well within the realm of what is in the area.

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

'Granted'

CONDITIONS:

1. The residential accessory building on the lot to be severed be removed, to the satisfaction of the Township of Norwich.
2. If required, a drainage reapportionment 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.
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. If required, the owners enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township Chief Administrative Officer.
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.
3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-27-3 – Jerwen Holdings Inc. & Jurrien & Wendy Adams (Part Lot 66, Plan 396, Township of Norwich, formerly Township of North Norwich)

Marius Kerkoff was in attendance to present the application of behalf of Jurrien and Wendy Adams and Jerwen Holdings Inc.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 4.65 ha (11.5 ac), is in agricultural production and is currently vacant. It is proposed that the lot to be severed will be added to the agricultural lot to the immediate south. The lot to be enlarged comprises approximately 14.08 ha (34.8 ac), is also in agricultural production (cash crop), and is currently vacant. The lot to be retained comprises approximately 6160 m² (1.5 ac) and contains an existing single detached dwelling and accessory building.

R. Versteegen reviewed the staff Planning Report. Planning Staff are generally satisfied that the proposal complies with the policies of the PPS regarding agricultural uses and lot creation in prime agricultural areas. At approximately 18.73 ha (46.3 ac), the newly enlarged farm parcel is considered undersized in the County's Official Plan and the Township Zoning By-law.

An application for zone change (ZN3-18-08) has been submitted to rezone the lot to be retained from 'Limited Agricultural Zone (A1)' to 'Rural Residential Zone (RR)' to recognize the change in land use that will result with approval of the severance.

It is recommended that a further zoning condition be included to rezone the lands to be severed from 'Limited Agricultural Zone (A1)' to 'General Agricultural Zone (A2)' to coincide with the lands to which they will be added.

In an effort to limit future development of the subject lands to appropriate agricultural uses, staff are recommending a special zoning provision be applied to the lots to be severed and enlarged to restrict development of the newly enlarged lands until such time as the applicant has provided a farm viability plan.

T. Rock noted there seemed to be a discrepancy in the points calculation on page 8 of the report. R. Versteegen responded that there was a typo, and the total number of points should read +8.

T. Rock questioned why the farm viability plan is temporarily unnecessary. R. Versteegen replied that a farm viability plan is required to demonstrate that the proposed lot is sufficiently sized to maintain a viable farming operation on the lands that can provide an appropriate return.

Moved by: T. Rock
Seconded by: M. Hacon

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately zoned.

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2. The lots to be severed and enlarged be appropriately zoned to include provisions relating to the prohibition of development until such time as an appropriate farm plan has been submitted.
 3. 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 must be reflected on the certificate.
 4. 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.
 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.

B18-23-1 – 2133179 Ontario Inc. (Part Lot 22, Concession 11, Township of Blandford-Blenheim, formerly Township of Blenheim)

Dean Jancsar, the owner's agent, was in attendance to present the application on behalf of 2133179 Ontario Inc.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 4.65 ha (11.5 ac), is in agricultural production and is currently vacant. It is proposed that the lot to be severed will be added to the agricultural lot to the immediate south. The lot to be enlarged comprises approximately 14.08 ha (34.8 ac), is also in agricultural production (cash crop), and is currently vacant. The lot to be retained comprises approximately 6160 m² (1.5 ac) and contains an existing single detached dwelling and accessory building.

An application for zone change has also been submitted to rezone the lands to be severed from 'General Agricultural Zone (A2)' to 'Agri-Business Zone (AB)' to ensure the zoning of the lands is consistent with the lands to be enlarged, to which the parcel will be added.

R. Versteegen reviewed the staff Planning Report. As indicated by the applicant, the proposed lot addition will ensure the existing grain storage building is located on the same parcel as the grain dryer operation, as well as ensure adequate parking is provided.

Planning staff are of the opinion that the proposal is consistent with Section 2.3 of the PPS. The existing grain dryer operation on the lot to be enlarged is considered to be an agricultural-related use, and the lands to be retained will continue to be used for agricultural purposes, which are both permitted in a prime agricultural area.

The proposal also appears to maintain the general intent of the Official Plan. The existing agricultural-related use will continue to operate on the newly enlarged parcel, and while the proposal will slightly reduce the size of the existing agricultural parcel, the said lands will continue to be used for agricultural purposes and will be of sufficient size to maintain flexibility for future changes in the type and/or size of farm operation, thereby ensuring the viability and flexibility of the parcel is maintained.

As no new development is proposed at this time, and the boundary adjustment seeks to recognize an existing situation, Staff are also satisfied that the proposal will have no further impacts on surrounding land uses. Further, there does not appear to be a concern with respect to MDS I, adequate services will continue to be provided for the existing agricultural-related use and no environmental features are present on the newly enlarged parcel.

The lot to be severed is required to be rezoned from 'General Agricultural Zone (A2)' to 'Agri-Business Zone (AB)' to ensure the zoning of the lands is consistent with the lands to be enlarged, to which the parcel will be added. While the newly enlarged parcel would appear to meet the lot area and frontage requirements of the 'AB' zone, a special provision is required to permit a reduced rear yard depth of 4.2 m (14 ft) to recognize the location of the existing grain storage building on the lot to be severed.

T. Rock requested some clarification as to the new boundary line, as outlined on Plate 1. R. Versteegen responded that the lands to be severed and added to the retained were represented by the green line on Plate 1.

T. Rock questioned why the existing grain operation could not be accounted for by using a special provision, as opposed to a Zone Change. R. Versteegen responded that it is better to do through a zone change application to ensure the entire property is covered by one zone.

R. Jull inquired as to what is in the building at the rear of the property. D. Jancsar responded that it holds commodities. R. Jull also questioned how it was allowed to be constructed, if it was not within the boundary of the existing property. R. Versteegen responded that that would have to be addressed with the Chief Building Official of the Township of Blandford-Blenheim.

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

'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 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 owners shall enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
4. 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.
5. The Clerk of the Township of Blandford-Blenheim 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 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.

On the motion of G. Brumby, the Committee meeting adjourned at 9:57 a.m.

CHAIRMAN

R. Versteegen pointed out that since the condition is considered major, a new Notice of Change of Conditions will need to be forwarded to all those parties interested in the application.

The Chair explained that H. Elliott and T. Rock would have to abstain from voting on the Change of Conditions as they both were absent for the hearing of the consent application on July 7, 2016. He further noted that A. Tenhove would have to abstain from voting on the Change of Conditions as he was absent for the hearing of the Notice of Change of Conditions on the application on July 7, 2017.

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

“Condition No. 4 shall read as follows:

The owner obtains Environmental Compliance Approvals, as necessary, from the Ministry of Environment and Climate Change (MOECC) for private wastewater services for the severed lands and submits documentation of approval or exemption from approval, to the satisfaction of the Secretary-Treasurer of the Land Division Committee within one year of the date of the Notice of Decision regarding the change of condition.”

CARRIED.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

B18-09-4 – Donald N. & Ruth E. Bucknell (Part Lot 26, Concession 3, Township of South-West Oxford, formerly Township of Dereham)

Donald Bucknell was in attendance to present the application and requested a severance of his property, for donation to the Thames Talbot Land Trust.

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T. Rock questioned whether the Township of South-West Oxford's approval-in-principal was subject to the approval of the Land Division Committee. R. Versteegen responded that it was.

T. Rock also inquired if other Official Plan Amendment applications could be made in the future for those in similar scenarios. R. Versteegen responded that would be possible.

T. Rock questioned what would happen if the Thames Talbot Trust ceased to exist, and if a condition be required that the lands remain public. R. Versteegen replied that the lands would likely be held by another public body, and that no specific condition would be necessary to ensure that it stays public land.

T. Rock inquired why there was no time period stipulated to meet Condition 1. R. Versteegen responded that, as the zoning by-law has already been approved-in-principal, there should be no concern regarding the satisfying of the condition. He also reiterated that if all conditions of severance are not met within 1 year, the severance fails.

R. Versteegen also noted that although there is usually a 2 ac maximum for a retained lot, Planning staff feel that the 2.3 ac retained lot in this application is appropriate, due to the length of the driveway and there is flexibility in the Official Plan policies to enable the creation of the retained lot.

A. Tenhove inquired whether the septic system will be fully contained within the lot to be retained.
R. Versteegen replied that it would be.

R. Jull asked about the small trail on the lands, and whether the applicants would have access.
R. Versteegen responded they would.

T. Rock noted that Condition 1 should state that the lot to be retained, as well as the lot to be severed, should both be properly rezoned.

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. The owners provide a legal Undertaking, in writing, to the Secretary-Treasurer of the Land Division Committee stating that the lot to be severed will be conveyed to the Thames Talbot Land Trust, or other similarly purposed and incorporated non-profit organization, for conservation purposes.
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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3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-25-3 – Jerry & Deborah Ryksen (Lot 456, Plan 745, Township of Norwich, Village of Norwich)

Jerry & Deborah Ryksen were in attendance to present their application. They explained they are seeking to create a new residential lot.

The purpose of the Application for Consent is to create one new residential lot in the Village of Norwich. It is proposed that the lot to be severed will be approximately 601.7 m² (1,974.1 ft²) in size, with approximately 15.6 m (51.2 ft) of frontage on North Street. A new single detached dwelling is proposed for the lot to be severed. The lot to be retained will be approximately 1,096.6 m² (11,803.7 ft²) in size, with approximately 28.1 m (92 ft) of frontage on North Street. An existing single detached dwelling occupies the lot to be retained. The owners have also applied for a Partial Discharge of Mortgage.

The lot to be severed comprises approximately 601.7 m² (6,476.6 ft²) and contains a small residential accessory building that will be removed. The lot to be retained comprises approximately 1,096.6 m² (11,803.7 ft²) and contains an existing single detached dwelling with an attached garaged. A single detached dwelling is proposed to be constructed on the lot to be severed.

Planning staff feel that the proposal is consistent with the Provincial Policy Statement (PPS), which states that settlement areas shall provide an appropriate range and mix of housing types and densities to meet projected requirements.

The Official Plan designation for the subject property is "N-2", Low Density Residential, and is predominantly surrounded by low density residential development. The lands are zoned 'R1', which permits a single detached dwelling. Based on a preliminary survey provided by the applicant, it would appear that the relevant provisions of the 'R1' zone will be maintained.

T. Rock suggested that the lot to be severed is quite small, and seems to be inconsistent with the existing development, and out of character for the neighbourhood. R. Versteegen noted that many of the lots to the east of the subject lands are being developed with the same provisions as the lot to be severed. The minimum lot area required is only 450 m², whereas the lot to be severed is proposed to be 601.7 m². The Official Plan policies state that the severed and retained lots are to be consistent with the immediate area which is different than the severance policies for Ingersoll, Tillsonburg and Woodstock.

B. George noted that 205 & 206 North St are very similar in size to the proposed lot, but just a different shape. The proposed lot seems to be well within the realm of what is in the area.

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

'Granted'

CONDITIONS:

1. The residential accessory building on the lot to be severed be removed, to the satisfaction of the Township of Norwich.
2. If required, a drainage reapportionment 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.
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. If required, the owners enter into a Severance Agreement with the Township of Norwich, to the satisfaction of the Township Chief Administrative Officer.
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.
3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B18-27-3 – Jerwen Holdings Inc. & Jurrien & Wendy Adams (Part Lot 66, Plan 396, Township of Norwich, formerly Township of North Norwich)

Marius Kerkoff was in attendance to present the application of behalf of Jurrien and Wendy Adams and Jerwen Holdings Inc.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 4.65 ha (11.5 ac), is in agricultural production and is currently vacant. It is proposed that the lot to be severed will be added to the agricultural lot to the immediate south. The lot to be enlarged comprises approximately 14.08 ha (34.8 ac), is also in agricultural production (cash crop), and is currently vacant. The lot to be retained comprises approximately 6160 m² (1.5 ac) and contains an existing single detached dwelling and accessory building.

R. Versteegen reviewed the staff Planning Report. Planning Staff are generally satisfied that the proposal complies with the policies of the PPS regarding agricultural uses and lot creation in prime agricultural areas. At approximately 18.73 ha (46.3 ac), the newly enlarged farm parcel is considered undersized in the County's Official Plan and the Township Zoning By-law.

An application for zone change (ZN3-18-08) has been submitted to rezone the lot to be retained from 'Limited Agricultural Zone (A1)' to 'Rural Residential Zone (RR)' to recognize the change in land use that will result with approval of the severance.

It is recommended that a further zoning condition be included to rezone the lands to be severed from 'Limited Agricultural Zone (A1)' to 'General Agricultural Zone (A2)' to coincide with the lands to which they will be added.

In an effort to limit future development of the subject lands to appropriate agricultural uses, staff are recommending a special zoning provision be applied to the lots to be severed and enlarged to restrict development of the newly enlarged lands until such time as the applicant has provided a farm viability plan.

T. Rock noted there seemed to be a discrepancy in the points calculation on page 8 of the report. R. Versteegen responded that there was a typo, and the total number of points should read +8.

T. Rock questioned why the farm viability plan is temporarily unnecessary. R. Versteegen replied that a farm viability plan is required to demonstrate that the proposed lot is sufficiently sized to maintain a viable farming operation on the lands that can provide an appropriate return.

Moved by: T. Rock
Seconded by: M. Hacon

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately zoned.

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2. The lots to be severed and enlarged be appropriately zoned to include provisions relating to the prohibition of development until such time as an appropriate farm plan has been submitted.
 3. 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 must be reflected on the certificate.
 4. 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.
 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.

B18-23-1 – 2133179 Ontario Inc. (Part Lot 22, Concession 11, Township of Blandford-Blenheim, formerly Township of Blenheim)

Dean Jancsar, the owner's agent, was in attendance to present the application on behalf of 2133179 Ontario Inc.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 4.65 ha (11.5 ac), is in agricultural production and is currently vacant. It is proposed that the lot to be severed will be added to the agricultural lot to the immediate south. The lot to be enlarged comprises approximately 14.08 ha (34.8 ac), is also in agricultural production (cash crop), and is currently vacant. The lot to be retained comprises approximately 6160 m² (1.5 ac) and contains an existing single detached dwelling and accessory building.

An application for zone change has also been submitted to rezone the lands to be severed from 'General Agricultural Zone (A2)' to 'Agri-Business Zone (AB)' to ensure the zoning of the lands is consistent with the lands to be enlarged, to which the parcel will be added.

R. Versteegen reviewed the staff Planning Report. As indicated by the applicant, the proposed lot addition will ensure the existing grain storage building is located on the same parcel as the grain dryer operation, as well as ensure adequate parking is provided.

Planning staff are of the opinion that the proposal is consistent with Section 2.3 of the PPS. The existing grain dryer operation on the lot to be enlarged is considered to be an agricultural-related use, and the lands to be retained will continue to be used for agricultural purposes, which are both permitted in a prime agricultural area.

The proposal also appears to maintain the general intent of the Official Plan. The existing agricultural-related use will continue to operate on the newly enlarged parcel, and while the proposal will slightly reduce the size of the existing agricultural parcel, the said lands will continue to be used for agricultural purposes and will be of sufficient size to maintain flexibility for future changes in the type and/or size of farm operation, thereby ensuring the viability and flexibility of the parcel is maintained.

As no new development is proposed at this time, and the boundary adjustment seeks to recognize an existing situation, Staff are also satisfied that the proposal will have no further impacts on surrounding land uses. Further, there does not appear to be a concern with respect to MDS I, adequate services will continue to be provided for the existing agricultural-related use and no environmental features are present on the newly enlarged parcel.

The lot to be severed is required to be rezoned from 'General Agricultural Zone (A2)' to 'Agri-Business Zone (AB)' to ensure the zoning of the lands is consistent with the lands to be enlarged, to which the parcel will be added. While the newly enlarged parcel would appear to meet the lot area and frontage requirements of the 'AB' zone, a special provision is required to permit a reduced rear yard depth of 4.2 m (14 ft) to recognize the location of the existing grain storage building on the lot to be severed.

T. Rock requested some clarification as to the new boundary line, as outlined on Plate 1. R. Versteegen responded that the lands to be severed and added to the retained were represented by the green line on Plate 1.

T. Rock questioned why the existing grain operation could not be accounted for by using a special provision, as opposed to a Zone Change. R. Versteegen responded that it is better to do through a zone change application to ensure the entire property is covered by one zone.

R. Jull inquired as to what is in the building at the rear of the property. D. Jancsar responded that it holds commodities. R. Jull also questioned how it was allowed to be constructed, if it was not within the boundary of the existing property. R. Versteegen responded that that would have to be addressed with the Chief Building Official of the Township of Blandford-Blenheim.

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

'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 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 owners shall enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
4. 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.
5. The Clerk of the Township of Blandford-Blenheim 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 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.

On the motion of G. Brumby, the Committee meeting adjourned at 9:57 a.m.

"Brian George"

CHAIRMAN