

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, September 6, 2018

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, September 6, 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-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: T. Rock
Seconded by: A. Tenhove

"The Minutes of the Meeting of August 2, 2018, be approved as amended."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

The Secretary-Treasurer discussed the upcoming OACA Seminar to be held in Guelph, Ontario on October 15-16, 2018. The following Committee members indicated their interest in attending: H. Elliott indicated that he is interested in attending. He was the only member who indicated that he would be attending.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

B18-37-6, B18-38-6 & B18-39-6 – Oak Country Homes Limited (Lot 1 & Part Lots 2 & 210, Block 54 and Part Lots 211 & 215, Block 59, Plan 279, Town of Ingersoll)

Jerry Beckett was in attendance to present his application. Also in attendance was John Edwards, 274 Centre Street, Ingersoll ON N5C 1X6.

The purpose of the Applications for Consent is to create three residential building lots. The lot to be created by B18-37-6 is to be approximately 594.6 m² (6,400.2 ft²) in area with a frontage of 15 m (49.2 ft.). The lot to be created by B18-38-6 is to be approximately 594.44 m² (10,722.3 ft²) in area with a frontage of 15 m (49.2 ft.). The lot to be created by B18-39-6 is to be approximately

649.7 m² (6,993.3 ft²) in area with a frontage of 16.8 m (55.2 ft.). The lot to be retained is to cover an area of approximately 594.8 m² (6,402.4 ft²) and have a frontage of 15 m (49.2 ft.). The severed and retained lots are currently vacant. Single-detached dwellings are proposed to be constructed on each of the lots to be severed and retained.

R. Versteegen reviewed the staff Planning Report. He indicated that three infill lots are proposed. Previous severances approved under Applications B17-53-6 and B17-54-6 created the original lots. The subject property is now severing the retained lot by those applications. He explained that Centre Street is not to be connected to King Street. He reviewed the lot areas of the severed and retained lots. Single detached dwellings are proposed. The application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies and conforms to the Town's Zoning By-law provisions. The property is currently zoned R1 and no zone change is required. No concerns were raised during the agency circulation and no comments were received as a result of the public notification to the area residents.

J. Beckett stated that he concurred with the findings and suggested conditions of the staff Planning Report.

J. Edwards indicated that he is in agreement with the severances. He stated that he lives on Centre Street.

In response to G. Brumby, R. Versteegen noted that Centre Street will only be connected to Concession Street, and will not be extended to King Street.

B18-37-6

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

"Granted"

CONDITIONS:

1. The certificates for Application B18-38-6 and B18-39-6 be issued, the Transfers registered, and a copy of the registered Transfers be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate for Application B18-37-6.
2. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities.
3. The owner shall enter into a Severance Agreement with the Town of Ingersoll. Provisions in the agreement shall include that the owner provides a grading plan for the proposed development, a grading deposit of \$5,000, that the owner agrees to contribute towards the construction of the Centre Street road allowance as well as the installation of municipal services within the road allowance; and also obtain Road Allowance Excavation Permit from the Town.
4. The Owner shall pay a cash-in-lieu of parkland dedication to the Town of Ingersoll as per the Town's Cash-in-lieu of Parkland By-law.
5. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll 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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve / deny the application.

CARRIED.

B18-38-6

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

"Granted"

CONDITIONS:

1. The certificate for Application B18-39-6 be issued, the Transfer registered, and a copy of the registered Transfer be provided to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate for Application B18-38-6.
2. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities.
3. The owner shall enter into a Severance Agreement with the Town of Ingersoll. Provisions in the agreement shall include that the owner provides a grading plan for the proposed development, a grading deposit of \$5,000, that the owner agrees to contribute towards the construction of the Centre Street road allowance as well as the installation of municipal services within the road allowance; and also obtain Road Allowance Excavation Permit from the Town.
4. The Owner shall pay a cash-in-lieu of parkland dedication to the Town of Ingersoll as per the Town's Cash-in-lieu of Parkland By-law.
5. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll 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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve / deny the application.

CARRIED.

B18-39-6

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

"Granted"

CONDITIONS:

1. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities.

2. The owner shall enter into a Severance Agreement with the Town of Ingersoll. Provisions in the agreement shall include that the owner provides a grading plan for the proposed development, a grading deposit of \$5,000, that the owner agrees to contribute towards the construction of the Centre Street road allowance as well as the installation of municipal services within the road allowance; and also obtain Road Allowance Excavation Permit from the Town.
3. The Owner shall pay a cash-in-lieu of parkland dedication to the Town of Ingersoll as per the Town's Cash-in-lieu of Parkland By-law.
4. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll have been complied with.
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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. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve / deny the application.

CARRIED.

B18-08-6 – Sifton Properties Limited (Part Lot 19, Concession 1, Town of Ingersoll, formerly Township of West Oxford)

Lindsay Clark of Sifton Properties Limited was in attendance to present the application. Also in attendance was David Sheard, 42 Hollingshead Road, Ingersoll ON N5C 0B5.

The application for consent proposes to create a lot that is to be used for commercial purposes, while the lot to be retained is designated and zoned to accommodate residential and commercial development. The proposed severed and retained lands are subject to draft approved plan of subdivision SB 14-02-06. The lot to be severed comprises approximately 4.7 ha (11.7 ac.) and is currently vacant of any buildings or structures. The lot to be retained comprises approximately 5.1 ha (12.6 ac.) and is also currently vacant of any buildings or structures.

R. Versteegen reviewed the staff Planning Report. He explained that the severed lot will be used for commercial purposes. The subject property is subject of an Official Plan amendment and subject to a Noise Study. The proposed lot is close to an existing industrial property. Both the severed and retained lots are currently vacant. Residential lots are located to the north and west, service commercial uses to the east, and industrial uses to the south. The application is consistent with the 2014 Provincial Policy Statement, and complies with the commercial policies for the severed lot and residential policies for the retained lot. The application conforms to the Town's Zoning By-law and no zone change is required. No concerns were raised as a result of the agency circulation. Two comments were receive from neighbouring property owners. The prospective purchaser is not interested in purchasing the entire commercial block, only 78 per cent. The concept plan proposes 100,000 sq. ft. of retail space. If the remaining area between the residential area and the area of the severed lot fails in the Official Plan amendment application, a reciprocal agreement for access purposes between the two lots will be necessary. R. Versteegen reviewed the recommended conditions. Comments received from David Sheard, attached to the staff Report, were reviewed by the Committee. D. Sheard also provided photos of the recent flooding in the area. A letter of concern was also received from T. Lobzun and appended to the staff Report. Mr. Lobzun's concerns relate to the Official Plan application.

L. Clark suggested that Condition No. 2 as noted in the staff Planning Report requiring the owner to enter into a Severance Agreement and including the requirement of payment of traffic control signalization at a cost to the applicant of \$100,000 is the same condition as in their subdivision agreement. In response, R. Versteegen suggested that the Town wants to ensure that the payment for the signalization of the intersection is properly addressed and that timing of payment was a concern to the Town.

A discussion ensued regarding the cost at \$100,000. B. George wondered what would happen if it was greater? In response, R. Versteegen stated that the Town staff provided the amount. B. George suggested that the condition could be amended.

L. Clark further stated that Condition No. 2 also requires an easement and asked the Committee to remove it. She pointed out that owner has access to Hollingshead Road. She suggested that it could be reviewed at the site plan control stage.

In response, R. Versteegen indicated that two properties will be separated but will need to effectively function as one. If the Official Plan Amendment on the remnant parcel does proceed, the easement for shared access and services could be expunged.

Again, L. Clark suggested that it makes more sense to proceed by way of site plan control or a development agreement.

D. Sheard indicated that there have been many changes in the Harrisview subdivision. Damage has been caused and he indicated that he feels that the infrastructure has not been put in properly. Promises have been made for restoration. Problems have been caused to neighbours. Many stores in the downtown area are closed and he suggested that proper plans need to be put in place. He stated that he felt that the development is patchwork.

B. George indicated that Town Council zoned this area for commercial uses.

L. Clark acknowledged that there are problems in the area and noted that their engineer has been out to the property.

G. Brumby suggested that there needs to be open conversation between the owner and the neighbours. He suggested that the amount of \$100,000 as noted in Condition No. 2 be removed.

T. Rock stated that storm water complaints should be addressed to the Town and not with the Land Division Committee. He stated that he does not concur with the removal of the easement in Condition No. 2.

M. Hacon also suggested that the fee of \$100,000 could be removed from the condition but wants to see the easement stay.

D. Sheard stated that he is not opposed to the severance, he just would like he owner proceed in an orderly fashion, and to practise prevention.

In response to L. Clark, R. Versteegen indicated that it will be up to the Town to defer payment or collect it at the time the Agreement is signed. Again, L. Clark questioned why the clause is required when it is already in Phase 4 of the Subdivision Agreement. She felt it would be redundant making it a condition of the severance too.

T. Rock suggested that such conditions should be between the owner and the lawyers.

D. Sheard stated that he agreed that the condition should remain and that the developer needs to pay the cost and not the residents.

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

"That Condition No. 2 be amended to remove the word \$100,000."

CARRIED.

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

"Granted"

CONDITIONS:

1. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the Town of Ingersoll, regarding the installation of services and drainage facilities.
2. The owner shall enter into a Severance Agreement with the Town of Ingersoll. Provisions in the agreement shall include the requirement that the applicant pays 50% of the costs of the traffic control signalization of Hollingshead Road and Clark Road East.

The agreement shall also include that the owner agrees to establish a shared access easement (access, parking, servicing including a private maintenance agreement) over the lot to be severed in favour of that portion of the lot to be retained currently identified in Application OP 16-12-6 and measuring approximately 91 m (298.6 ft.) x 202.4 m (664 ft.) with a lot area of approximately 1.83 ha (4.5 ac.), and vice versa. This parcel shall be identified on a registered Plan of Survey, prepared by an Ontario Land Surveyor. A copy of the registered Reference Plan shall be provided to the Secretary-Treasurer of the Land Division Committee.
3. That the owner shall obtain approval from the County of Oxford to modify the draft approved plan of subdivision (File No.: SB 14-02-06) for the purpose of removing the lot to be severed from the draft approved plan.
4. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Ingersoll have been complied with.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve / deny the application.

CARRIED.

On the motion of G. Brumby, the Committee meeting adjourned at 10:10 a.m.

"Brian George"

CHAIRMAN