

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, February 3, 2011

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, February 3, 2011 at 10:00 a.m. with the following individuals:

- G. Brumby
- W. Buchanan
- J. de Bruyn
- H. Elliott
- M. Hacon
- J. Palmer
- T. Rock

Corporate Manager - G. Hough
Secretary-Treasurer - L. Taschner

Moved by: W. Buchanan
Seconded by: M. Hacon

"That the meeting of the County of Oxford Land Division Committee be called to order at 10:00 a.m."

CARRIED.

G. Hough introduced Jason Brander to the Committee. He stated that Jason is the Development Planner for the Township of Norwich and the Township of Zorra.

ELECTION OF CHAIR:

The Secretary-Treasurer opened the floor for nominations for the position of Chair for the year 2011. Nominations were as follows:

Moved by: J. Palmer
Seconded by: M. Hacon

"That John de Bruyn be nominated for the position of Chair of the County of Oxford Land Division Committee for the year 2011."

CARRIED.

John de Bruyn was declared Chair of the County of Oxford Land Division Committee for the year 2011.

J. de Bruyn thanked G. Brumby for Chairing the Committee in his absence.

ELECTION OF VICE-CHAIR:

Nominations for the position of Vice-Chair were invited.

Moved by: J. Palmer
Seconded by: M. Hacon

"That Gord Brumby be nominated for the position of Vice-Chair of the County of Oxford Land Division Committee for the year 2011."

CARRIED.

G. Brumby was declared Vice-Chair of the County Land Division Committee for the year 2011.

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: J. Palmer
Seconded by: T. Rock

"The Minutes of the Meeting of December 2, 2010, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

The Committee discussed the correspondence they received from Ian Moyer, the appellant for Application #B-47/09 (Patrick & Lesley Fortner), dated January 4, 2011, G. Brumby stated that a response should be sent to Mr. Moyer.

Moved by: M. Hacon
Seconded by: G. Brumby

"A letter from the Community and Strategic Planning Office be sent to Ian Moyer in response to his letter addressed to the Land Division Committee members dated January 4, 2011."

CARRIED.

J. de Bruyn indicated that the Public Works Department passed a By-law at Oxford County Council regarding access to property. He suggested that the Operations Manager of Public Works attend the meeting to present the By-law to the Committee.

Moved by: J. Brumby
Seconded by: J. Palmer

"That the Operations Manager of the County Public Works Department attend a meeting of the Land Division Committee to review its Access By-law."

CARRIED.

CORRESPONDENCE:

None.

APPLICATIONS FOR CONSENT:

#B-10-52-7 – Colin & Teresa Heckman (Lot 78, Plan 500, Town of Tillsonburg)

Andrew Gilvesy, the owners' agent, was in attendance to present the application. Also in attendance were the following individuals:

Glen Groom	Christ Hendriksen
415 Broadway	417 Broadway
Tillsonburg ON N4G 3S8	Tillsonburg ON N4G 3S8

A. Gilvesy briefly explained the application. He indicated the owners wish to sever a lot into two separate parcels. The severed lot is vacant and a single-detached dwelling is proposed to be constructed on it. The retained lot contains an existing house. The property meets the Residential Type 1 (R1) zone provisions. A geotechnical report has been prepared, and an Environmental Impact Study has been approved by the Long Point Region Conservation Authority. There is no impact on the ravine feature of the lot.

The purpose of the Application for Consent is to create a vacant residential building lot. The lot to be severed will cover an area of 2,528 sq. m (27,212 sq. ft.) and contains no buildings or structures. The lot to be retained will cover an area of 2,493 sq. m (26,835 sq. ft.) and contains an existing single detached dwelling. It is proposed that a single detached dwelling will be constructed on the lot to be severed. The application also seeks to create an easement in favour of the lands to be retained over an existing sanitary sewer lateral which is located on the lands to be severed.

G. Hough reviewed the staff Planning Report. He noted that the area subject to the ravine is zoned R1, and the Official Plan designation is Low Density Residential and Open Space, which addresses the floodplain. He indicated that there is sufficient area to build the proposed house outside of the floodplain area. He noted that the sewer line runs through the severed lot and that all private laterals will need to be identified. A watercourse runs through the property. The property has been identified in the Oxford Natural Heritage Study as having natural features and areas to be protected, namely the watercourse and the woodlot. However, no policies are in place as yet. Planning staff is satisfied that there would be no significant impact on the woodlot or the ravine. He noted that there is a variety of lot sizes in the area. The application meets the infilling policies of the Official Plan. He pointed out that the application was reviewed by Town Council and it has been requested that the lateral be videoed prior to the severance being completed.

A. Gilvesy stated that he concurred with the findings and suggested conditions of the staff Planning Report. He noted that the R1 Zone requires a lot area of 495 sq. m and the severed lot will be 5 times larger. The proposed house will be 1,600 sq ft in size. He pointed out that a 6-unit apartment building is located across the road from the lot. He stated that the new home will be constructed 2 metres further north than the existing houses on Broadway and the owners intend to work with the Town and County regarding the sewer easements. He indicated that the Town of Tillsonburg Public Works had already tried to video the sewer; however, the photos were inaccurate.

C. Hendriksen noted that he owns property on Broadway and stated that he was concerned with the removal of fill and the removal of trees situated on the property. He wondered whether a condition could be imposed to protect his concerns.

In response, G. Hough explained that sewer lateral permits will be required and will be under the jurisdiction of both the Long Point Region Conservation Authority and the County of Oxford. The area may be re-designated to Environmental Protection in the Oxford Natural Heritage Study. He also suggested that the LRPCA will be vigilant with the removal of trees and the fill removed.

G. Groom explained that his property fronts onto Broadway. He noted that the subject property has been a wilderness property for some time and questioned the need to build a house and retaining wall beside a stream. Many people benefit from the woodlot. It is a watershed to the Otter Creek and prevents flooding. He suggested that there are many lots available in the Town to build a home. He quoted an article from the February 2, 2011 issue of the Tillsonburg News. He noted that he felt it was premature to allow the construction of a house and retaining wall if it is proposed that the area will be designated Environmental Protection in the Oxford Natural Heritage Study of the Official Plan. He understands that all the necessary work to the satisfaction of the Conservation Authority and the County and Town has been undertaken, and that there is already a low rise apartment already across the road, however, this is not a reason to allow further construction. He stated that he does not concur with the application.

A. Gilvesy stated that the development is under the Conservation Authority's jurisdiction and only five truckloads of fill are to be removed. The owners are working with the Conservation Authority and do not wish to create problems with or for the neighbours. He noted that the Town of Tillsonburg's Regional Storm Requirements are even higher requirements than the Conservation Authority's requirements.

T. Rock confirmed with the agent that a two-storey sunken basement will be constructed. He questioned whether the owners have obtained floodplain insurance. In response, A. Gilvesy stated that the owners have not looked into insurance yet. T. Rock questioned whether the property could be considered a woodlot in the Oxford Natural Heritage Study. In response, G. Hough pointed out that a watercourse runs through the property and the trees are not significant.

He questioned whether when building and Public Works approvals are in place could the County or Town be responsible. In response, A. Gilvesy pointed out that if the owners meet all the necessary requirements, they could not be denied insurance.

G. Brumby questioned where exactly the house was being constructed? In response, A. Gilvesy stated that it was being built outside of the 100 year floodplain area.

Moved by: J. Palmer
Seconded by: H. Elliott

"Granted"

CONDITIONS:

1. The owners enter into a standard Severance Agreement with the Town of Tillsonburg.
2. The owners shall confirm that no underground or overhead services serving the retained lands traverse the severed parcel or vice versa. Where such services exist, the applicant shall re-locate the services, to the satisfaction of the Town of Tillsonburg and the relevant utility agencies.
3. An overall lot grading and drainage plan encompassing both the severed and retained lots be provided to the Town of Tillsonburg for approval, to the satisfaction of the Town of Tillsonburg Engineering Department.
4. The existing municipal sewer and private servicing laterals located on the lot to be severed shall be located and videoed, to the satisfaction of the Town of Tillsonburg Engineering Department.
5. The owners provide an easement in favour of the County of Oxford to recognize the existing sanitary sewer that traverses the lot to be severed, to the satisfaction of the County of Oxford Public Works Department.
6. The owners provide easements in favour of the County of Oxford to recognize the existing private sanitary laterals located on the lot to be severed, to the satisfaction of the County of Oxford Public Works Department.
7. 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.
8. Prior to the completion of the consent, the owners shall provide a reference plan of the severed and retained lots to the Secretary-Treasurer which shows the dimensions of the said severed lot to be approximately 40 m (131.2 ft) in width and 72.69 m (238.48 ft) in length and the lot to be retained be approximately 42 m (137.7 ft) in width and 72.69 m (238.48 ft) in length.
9. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services, and otherwise, have been complied with.
10. 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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

#B-10-53-3 – Dan Martin (Part Lots 6 & 7, Conc. 8, Township of Norwich, formerly South Norwich)

Dan Martin, together with his solicitor, Jo-Ann Hanson, were in attendance. J. Hanson explained the application, and stated that both she and her client concur with the recommendation in the staff Planning Report.

The purpose of the Application for Consent is to create a vacant agricultural lot. The lot to be severed will cover an area of 31.2 ha (77 ac), contains no buildings or structures and is in agricultural production. The lot to be retained will cover an area of 25.5 ha (63 ac), contains a single detached dwelling and a farm shed, and is in agricultural production. It is proposed that a broiler barn will be constructed on the lot to be retained. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He pointed out that the application is consistent with the 2005 Provincial Policy Statement (PPS), complies with the policies of the County Official Plan, and the subject property is appropriately zoned. He explained that whenever there is a severance proposed of 75 acres or less, a Farm Viability Plan must be filled out. Therefore, the owner prepared a farm plan for the chicken broiler operation on the retained lot. There is a house situated on the lot to be retained, while the lot to be severed is currently vacant. No new access to the severed lot is permitted as per the County Public Works Department. A field access already exists.

J. Hanson reiterated that there are no buildings on the lot to be severed.

J. Palmer suggested that the Public Works Department is not consistent with its comments regarding access. He wondered whether a condition needed to be imposed requiring the owner to construct the chicken barn prior to the consent being completed. In response, G. Hough indicated it would be difficult to complete this condition within the one-year period. In this case, it becomes a matter of enforcement. The house already exists and meets the By-law requirements.

J. de Bruyn suggested that a Building Permit could be issued within the one-year period. In response, J. Hanson pointed out that the owner needs to sell the 78-acre severed lot in order to fund the chicken broiler operation. She noted that the nutrient plan is well underway. She does not want to see Mr. Martin put under any undue hardship.

D. Martin agreed that he needs to sell the severed lot in order to fund the operation proposed on the retained lot.

G. Hough explained that the 62 acre retained lot meets the Zoning By-law requirements, meets flexibility and suitability policies of the Official Plan, and there is already a house on the property. Planning staff is satisfied that the chicken broiler operation will come to fruition.

D. Martin noted there is a financial obligation and it all takes time, and he does not wish to sell the severed lot under a time constraint.

Moved by: G. Brumby
Seconded by: T. Rock

"Granted"

CONDITIONS:

1. If required, a road widening to 15 m (50 feet) from the centre line of Oxford Road 19, along the frontage of the severed and retained lots be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
2. If required, the owner enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township.
3. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the applicant's expense, to the satisfaction of the Township of Norwich.
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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

#B-10-62-1 – Ted Mitchell & Lee Mitchell (Part Lots 3 & 4, Conc. 7, Township of Blandford-Blenheim, formerly Township of Blandford)

Ted Mitchell, together with his agent, Michael Conrad, spoke to the application. M. Conrad presented the application to the Committee. He indicated that both he and his client concur with the findings and suggested conditions of the staff Planning Report.

The purpose of the Application for Consent is for a lot addition. The lot to be severed will cover an area of 1.1 ha (2.8 ac) and contains no buildings or structures. The lot to be retained will cover an area of 37.55 ha (92.78 ac), contains farm buildings and an accessory single detached dwelling and is in agricultural production. It is proposed that the lot to be severed will be added to the Maple Lake Home Park situated to the immediate east. The retained lot will continue to be used for agricultural purposes.

G. Hough reviewed the staff Planning Report. He explained that the intent of the severance is to accommodate the installation and updating of septic systems. He noted that a re-zoning of the property will be required.

In response to photographs of various trailers parked on the retained lands, J. Palmer indicated that it is not necessary that the Committee is made aware of situations that are not relevant to the decision of the Committee, and in a way with a negative bias toward the applicant.

W. Buchanan questioned whether the houses on the property to be enlarged had their own sewage systems. In response, M. Conrad explained that there are individual fields with two to three houses per field.

T. Mitchell indicated that the Minimum Distance Separation requirements will be met and that no new trailers are to be located on the lot to be severed. The severance is only to permit additional lands for septic systems.

In answer to J. de Bruyn's comments, M. Conrad noted that his firm is working closely with the Ministry of Natural Resources and that a Hydrogeological Report has been completed. The property is legal non-conforming and many of the units exist year long.

J. de Bruyn questioned whether there were any issues with accessory structures. It was pointed out that stringent requirements will be undertaken through the zoning and site plan processes, with the establishment of setbacks and policies. Actual setbacks will be increased as no new structures are proposed.

G. Hough also pointed out that a large portion of the property to be enlarged is affected by Environment Protection Area, and there is not a lot of opportunity to expand fields for septic system, thus the need for the severance.

Moved by: H. Elliott
Seconded by: W. Buchanan

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately rezoned.
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 parcel severed will have to comply with Subsections 3 and 5, of Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the applicant's expense, to the satisfaction of the Township of Blandford-Blenheim.
4. 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.
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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

#B-10-63-6 – Martinus & Klasina Benjamins (Lot 2, Plan 1623, Town of Ingersoll)

Martinus Benjamins was in attendance to present his application. He briefly explained his application to the Committee.

The purpose of the application for consent is to create a residential building lot that will cover an area of approximately 699 m² (7,524 ft²) in area. The lot to be retained will cover an area of approximately 1,782.5 m² (19,186.2 ft²) in area and contains a single detached dwelling with an attached garage. A single-detached dwelling is proposed to be constructed on the lot to be severed.

G. Hough reviewed the staff Planning Report. He pointed out that the application is consistent with the 2005 Provincial Policy Statement (PPS), and complies with the policies of the County Official Plan. He noted that a re-zoning of the portion of the lot to be severed presently zoned Development (D), will be required.

M. Benjamins stated that he concurred with the findings and suggested conditions of the staff Planning Report.

Moved by: J. Palmer
Seconded by: M. Hacon

"Granted"

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of water and sewer services to the subject property have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
3. The Clerk of the Town of Ingersoll advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

#B-10-64-3 – Jacobus A. Boeder (Part Lot 14, Conc. 2, Township of Norwich, formerly North Norwich – Burgessville)

Adrian Boeder, the owner, was in attendance. Also in attendance were Jamie Dickson, Applicant, and Gordon Klein, solicitor. G. Klein presented the application and indicated Mr. Dickson is the prospective purchaser of the severed lot.

The purpose of the Application for Consent is for a residential lot addition. The lot to be severed will cover an area of 0.55 ha (1.36 ac), and contains an existing garage which is to be removed. The lot to be severed will be added to the residential lot to the immediate southwest. The lot to be retained will cover an area of 0.59 ha (1.46 ac) and contains an existing single detached dwelling and barn.

G. Hough reviewed the staff Planning Report. He noted that the application is consistent with the 2005 Provincial Policy Statement (PPS), and complies with the policies of the County Official Plan. An application for zone change has been submitted with the severance application. He noted that a re-wording of Condition No. 3 to indicate that only the setback of the barn on the retained lot would need to be shown on the required survey of the severed lot.

G. Klein stated that he concurred with the amendment.

J. de Bruyn questioned whether the accessory structure could house livestock? In response, G. Hough pointed out that if it does not contain livestock today, it is not considered a legal non-conforming use in that regard.

Moved by: W. Buchanan
Seconded by: T. Rock

"Granted, with rewording of Condition No. 3"

CONDITIONS:

1. The lot to be severed be appropriately re-zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and west and be consolidated with said owner's existing property. Any additional transactions with regard to the parcel severed will have to comply with Subsections 3 and 5, of Section 50 of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. That the applicants provide a survey, illustrating setback information for the existing barn on the lot to be retained to ensure compliance with the provisions of the Township of Norwich Zoning By-law, to the satisfaction of the Township of Norwich.
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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

#B-10-65-7 – 1279098 Ontario Inc. (Lots 1096, 1097, 1098 & 1099, Plan 500, Town of Tillsonburg)

Chris Pettinger, the owner, was in attendance to present the application. He briefly explained his application to the Committee.

The purpose of the Application for Consent is to create a commercial lot. The lot to be severed will cover an area of 1,304 sq. m (14,036.6 sq. ft.) and contains an existing service station. The lot to be retained will cover an area of 867 sq. m (9,332.6 sq. ft.), and contains an existing office and garage. It is proposed that both lots will continue to be used for commercial purposes. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement (PPS), complies with the policies of the County Official Plan, and the subject property is appropriately zoned. He noted that a Cardinal Muffler shop is proposed on the severed lot.

Moved by: G. Brumby
Seconded by: M. Hacon

"Granted"

CONDITIONS:

1. The owner enter into a standard Severance Agreement with the Town of Tillsonburg.
2. The County of Oxford Department of Public Works advise the Secretary-Treasurer of the County of Oxford Land Division Committee that all financial requirements of the County of Oxford with respect to provision of separate water and sewer services to the lots to be severed and retained have been complied with. This condition can be cleared by payment for the required services or entering into a severance agreement with the area municipality which states that no building permit shall be issued until payment is made to the County. In order to clear this condition, a copy of the draft Severance Agreement which addresses the above requirements to the satisfaction of the County of Oxford Public Works Department, must be provided to the Public Works Department.
3. The owner shall confirm that no underground or overhead services serving the retained lands traverse the severed parcel or vice versa. Where such services exist, the applicant shall re-locate the services or obtain private easements, to the satisfaction of the Town of Tillsonburg.
4. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
5. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.
3. The subject property is appropriately zoned.

CARRIED.

#B-10-66-1 – Robert McKinley (Part Lot 24, Conc. 2, Township of Blandford-Blenheim, formerly Township of Blenheim)

Dean Jancsar together with Zach Jancsar, agents for the owner, were in attendance to present the application. D. Jancsar briefly explained the application to the Committee.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 40.2 ha (99.3 ac), contains no buildings or structures and is in agricultural production. The lot to be retained will cover an area of 0.81 ha (1.99 ac), and contains an existing single detached dwelling and detached garage. It is proposed that the lot to be severed will be added to the agricultural parcel to the immediate south. The lot to be retained will be used for non-farm rural residential purposes.

G. Hough reviewed the staff Planning Report. He stated that the application is consistent with the 2005 Provincial Policy Statement (PPS), and complies with the policies of the County Official Plan. He noted that a re-zoning of the lot to be severed will be necessary.

D. Jancsar stated that he concurred with the findings and recommendation of the staff Planning Report.

J. de Bruyn questioned how it will be determined that the geothermal loop will remain on the retained lot. In response, G. Hough suggested that an additional condition to read as follows will ensure that the geothermal loop is located entirely on the retained lot.

"The owners confirm that the geothermal loop be located entirely on the lot to be retained, to the satisfaction of the Secretary-Treasurer of the Land Division Committee."

The Committee concurred with the additional condition being added.

Moved by: W. Buchanan
Seconded by: J. Palmer

"Granted, with additional condition"

CONDITIONS:

1. The lot to be retained be appropriately re-zoned.
2. If required, a road widening to 15 m (feet) from the centre line of Oxford Road 22 along the frontage of the lot to be severed and the lot to be retained be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
3. The owner shall dedicate land necessary to establish a 15m (50 ft) daylight sight triangle at the intersection of Oxford Road 22 and Township Road 3, free and clear of any encumbrances, and to the satisfaction of the County Director of Public Works.
4. Drainage assessment re-apportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990, at the applicant's expense, to the satisfaction of the Township of Blandford-Blenheim.
5. 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 parcel severed will have to comply with Subsections 50(3) and 50(5), of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
6. The owner confirm that the geothermal loop be located entirely on the lot to be retained, to the satisfaction of the Secretary-Treasurer of the Land Division Committee.
7. 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.

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 2005 Provincial Policy Statement.
2. 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 12:05 p.m.

"John de Bruyn"

CHAIRPERSON