

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, March 3, 2011

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

	-	G. Brumby
	-	J. de Bruyn
	-	H. Elliott
	-	M. Hacon
	-	J. Palmer
Acting Corporate Manager	-	G. Hough
Secretary-Treasurer	-	L. Taschner

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of February 3, 2011, be approved with the following amendments:

Page 5 – The last paragraph read as follows:

'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.'

Page 6 – The second last paragraph read as follows:

'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.'

CARRIED.

BUSINESS ARISING FROM MINUTES:

Upon the request made at the February 3, 2011 meeting of the Committee, R. Walton, Public Works Director and M. Campbell, Operations Manager, County Public Works Department, were in attendance to speak on the Access By-law recently adopted by Oxford County Council and how it ties into the severance process.

M. Campbell stated that the new Guidelines were necessary and the By-law gives authority to enforce the Guidelines. He stated that the Guidelines will be used in reviewing severance applications and each application will be reviewed on a case-by-case basis to provide safe entrances to properties. The intent of the By-law is to prevent proliferation of entrances onto County Roads.

R. Walton stated that the Committee will not see great changes from the Public Works practice. He noted that the Transportation Master Plan was prepared approximately two years ago and passed by County Council. As the roads become busier, the aim is to limit the number of accesses. Public Works will continue to provide comments on development applications.

J. Palmer questioned Public Works staff on the definitions and stated that not all definitions are provided in the Guideline section. He stated that mutual entrances are always a concern of the Committee and that the By-law does not make reference to this. In response, it was stated that where Public Works deems that mutual entrances are necessary, they will respond accordingly.

H. Elliott referred to a particular application located in Huntingford that was before the Committee last year where an applicant was not aware she could have put in a separate entrance to her property. She is now having problems selling the property as no one wants to purchase the lot with a shared driveway. In response, R. Walton indicated that he was well aware of that application.

G. Hough questioned Public Works staff what criteria they used for making their recommendation for that particular property in Huntingford? In response, R. Walton stated that the decision was based on ditching and drainage and that there are always problems when there are culverts in close proximity to each other.

H. Elliott questioned whether there was any way information could be provided to an applicant prior to the application being submitted. In response, R. Walton stated that property owners would need to meet with Public Works staff. R. Walton also indicated that his Department is consistent in their recommendations on development applications.

J. de Bruyn questioned the Public Works process. In response, R. Walton explained that one staff member reviews the applications and then they are checked by him. Before the Planning Department gets its comments, there might be a site visit made. He indicated that when commenting, common sense, as well as a review of the Guidelines and By-law are used.

J. de Bruyn asked whether all properties need to have frontage. In response, G. Hough answered in the affirmative. J. de Bruyn questioned whether an access to a public road can be refused to an approved severance? In response, R. Walton indicated that a pre-consultation is available. However, in many instances, his staff does not see or hear anything about a particular application until it is circulated to his Department for comments.

M. Hacon questioned Planning's process. In response, G. Hough explained that when an application is submitted it is reviewed by the Planner for that particular municipality and prepared for circulation. The application is then circulated by the Secretary-Treasurer to a number of agencies, including the County Public Works Department.

G. Brumby questioned the appeal process? He asked whether the Committee could decide against the By-law. It was noted that Committee had no authority to grant relief from this By-law. In response, R. Walton stated that he would recommend an appeal if he felt that the Public Works concerns were not met and if the By-law is not met.

J. de Bruyn questioned Entrance Permit costs. In response, M. Campbell indicated that they vary on what the County incurs to put the culvert in. There is no application or processing fee.

It was suggested to Public Works staff by the Committee that their comments need to be clearer with reasons for their decisions. In response, M. Campbell indicated that Public Works staff would be prepared to make more decisive responses.

G. Hough indicated that the Committee struggles with mutual accesses. He noted that Public Works staff need to be more elaborate when commenting, including such items as ditching issues, maintenance, etc., for reasons of approval or denial.

G. Brumby suggested that the Public Works comments refer to the Guidelines as this would also make it easier for the Committee. In response, R. Walton stated that the Committee will see more requests for mutual accesses on County Roads due to servicing costs. He noted that other regions have similar By-laws.

J. de Bruyn questioned whether farm accesses are considered the same as residential and commercial accesses? In response, M. Campbell indicated that farm accesses are dealt with differently. They are larger to allow efficiency of larger equipment. Field entrances are permitted to allow access for agricultural equipment.

On behalf of the Committee, J. de Bruyn thanked R. Walton and M. Campbell for their attendance and information regarding their Guidelines and By-law.

CORRESPONDENCE:

Correspondence was received from the Oxford County Public Health & Emergency Services regarding Application #B11-01-3 (McFarlan Rowlands Insurance Brokers) indicating that the upon a site inspection conducted on February 24, 2011, they have no objection to the application.

APPLICATIONS FOR CONSENT:

#B10-67-3 – Don & Sandra Gee (Part Lot 5, Conc. 8, Township of Norwich, formerly East Oxford)

Don & Sandra Gee were in attendance to present the application. D. Gee indicated that he and his wife wish to semi-retire and he is not able to continue farming.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 21.85 ha (54 acres), consists of an existing Quonset Hut (to be removed) and is in agricultural production. The lot to be severed will be added to the agricultural lot to the immediate south which contains farm buildings and an accessory single detached dwelling. The lot to be retained will cover an area of 0.81 ha (2 acres), contains an existing single detached dwelling and shop with an attached shed, and will be used for non-farm rural residential purposes. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement and complies with the County of Oxford Official Plan. A re-zoning of the retained lot will be required. He pointed out that the accessory structures exceed the 100 sq. m (1,076.43 sq. ft.) Zoning By-law requirement. The Quonset hut is to be removed.

D. Gee stated that he would like to keep the structure attached to the red structure/barn as he stores wood in the building. He indicated that the south end of the building where the wood is store is opened. In response, G. Hough indicated that as long as the building is not enclosed, this could be addressed in the Zoning By-law.

J. de Bruyn asked if there was an open drain on the property. In response, D. Gee indicated there was.

The Committee discussed amending the wording in Condition No. 1 to allow the owners to keep the lean-to attached to the red building. It was decided that the measurement would be increased from the originally recommended 160 sq. m (1,722.3 sq. ft.) to 232 sq. m (2,497.3 sq. ft.) and that the lean-to structure remain open faced to the south.

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

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately re-zoned and that the said zoning include provisions that limit the total gross floor area and height for buildings and structures, including the lean- to (attached to the shop measuring 72.8 m² (784 ft²)), accessory to a residential use to not more than 232 m² (2,497 ft²) in gross floor area and 4.25 m (14 ft), in height, respectively. The lean-to shall remain open-faced on the south side.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate south and be consolidated with said owners 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 Quonset Hut located on the parcel to be severed be removed with the appropriate permits obtained from the Township of Norwich Building Department.
4. If required, drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O. 1990, at the applicants' expense, to the satisfaction of the Township of Norwich.
5. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial, 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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

#B10-68-4 – Arnold & Janet Belore and Gerry Belore (Part Lot 12, Conc. 4, Township of South-West Oxford, formerly Dereham)

Gerry Belore, together with his solicitor, Terry Thompson, were in attendance. T. Thompson briefly explained the application and pointed out that a zone change application has been submitted in conjunction with the severance.

The purpose of the Application for Consent is for a lot addition to an industrially zoned lot. The lot to be severed will cover an area of 6,815.2 sq. m (73,371.9 sq. ft.), contains no buildings or structures and will be added to the lot to the immediate east currently zoned agricultural and general industrial. The additional lot area will be used for the testing of agricultural equipment. The lot to be retained will cover an area of 25.9 ha (53.9 acres), contains an existing horse barn and an accessory single detached dwelling and will continue to be used for agricultural purposes. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement and complies with the County of Oxford Official Plan. He briefly reviewed the zoning on the property and suggested that the lot addition and zoning would have little impact on abutting properties relative to the existing situation.

J. de Bruyn asked the owner whether there would be a new fence put up between the newly enlarged lot and the retained lot. In response, G. Belore indicated that a new fence will be put up.

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

'Granted'

CONDITIONS:

1. The lot to be retained and the lot to be enlarged be appropriately re-zoned.

2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east and be consolidated with said owner's existing property. Any additional transactions with regard to the 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 reapportionment 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 South-West Oxford.
4. If required, the owner enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township.
5. 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, 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 2005 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

#B-11-01-3 – McFarlan Rowlands Insurance Brokers (Lot 604, Plan 955, Township of Norwich, formerly Village of Norwich)

Len Girard, the owner's agent, was in attendance to present the application. Also in attendance was Tim Thompson, 14 Moore Crescent, Norwich ON N0J 1P0. L. Girard indicated that Tim Thompson owns the property to the immediate north, consisting of an accounting business, and it is with this property that the easement is being entered into.

The purpose of the Application for Consent is for easement purposes. The property subject to the easement will cover an area of 152.4 sq. m (1,640.5 sq. ft.), is for drainage purposes, and will serve the property to the immediate north, municipally known as 1 Front Street. The subject property covers an area of 13,677.2 sq. m (14,705.8 sq. ft.) and consists of an existing insurance office.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2005 Provincial Policy Statement, complies with the County of Oxford Official Plan and conforms to the Township Zoning By-law.

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

'Granted'

CONDITIONS:

1. The easement for servicing be established over the subject property in favour of the lot to the immediate north, to the satisfaction of the Secretary-Treasurer of the Oxford County Land Division Committee.
2. The Clerk of the Township of Norwich advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town, financial, services and otherwise, have been complied with.
- 3.. 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.
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.
3. The subject property is appropriately zoned.

CARRIED.

On the motion of J. Palmer, the Committee meeting adjourned at 11:50 a.m.

"Gord Brumby"

ACTING CHAIRPERSON