

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, May 1, 2014

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, May 1, 2014 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	W. Buchanan
	-	J. De Bruyn
	-	M. Hacon
	-	J. Palmer
	-	T. Rock
Director	-	G. Hough
Secretary-Treasurer	-	L. Taschner

DECLARATION OF CONFLICT OF INTEREST:

T. Rock declared a conflict of interest on Application B14-07-3 (Anne Hughes).

APPROVAL OF MINUTES:

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

"The Minutes of the Meeting of April 3, 2014, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

L. Taschner briefly spoke on the upcoming OACA Conference to be held in the Town of Blue Mountains from May 26 to May 28.

G. Hough clarified changes to the 2014 Provincial Policy Statement.

J. Palmer pointed out that no farm plan is required for Application B14-19-1 (Harry S. & Maureen O'Brien). He noted that there is only approximately 70 acres of workable land. G. Hough stated that was correct. He pointed out that a 50-acre parcel worked by the Amish would likely be more viable.

T. Rock suggested that farm severances of 75 acres requiring farm viability plans may be increased to having a lot area of 100 acres.

J. De Bruyn asked whether there would be a review of the Official Plan in 2014. In response, G. Hough indicated that the review is underway and may be completed in 2015. Public sessions will be forthcoming.

CORRESPONDENCE:

1. Correspondence dated April 22, 2014 from Public Health & Emergency Services
Re: Application B14-19-1 – Harry S. & Maureen O'Brien
2. Correspondence dated April 18, 24 & 25, 2014 from Union Gas Limited
Re: Application B14-19-1 – Harry S. & Maureen O'Brien
3. Correspondence dated April 23, 2014 from Council of the Township of Norwich

Re: Application B14-07-3 – Anne Hughes

4. Correspondence dated April 24, 2014 from Council of Township of Norwich
Re: Application B14-24-3 – Cyril Demeyere
 5. Correspondence dated April 18, 2014 from Council of Township of South-West Oxford
Re: Application B14-20-4 – John & Darlene Pippel and Adam & Rachel Martin
 6. Correspondence dated April 28, 2014 from Public Health & Emergency Services
Re: Application B14-24-3 – Cyril Demeyere
 7. Correspondence dated April 30, 2014 from Norfolk County
Re: Application B14-24-3 – Cyril Demeyere
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APPLICATIONS FOR CONSENT:

B14-19-1 – Harry S. & Maureen O'Brien (Part Lot 14, Conc. 10, Township of Blandford-Blenheim, formerly Blenheim)

Harry & Maureen O'Brien were in attendance to speak to the application. H. O'Brien explained the application to the Committee and indicated that he wishes to split his existing 200 acre farm into two lots. Each of his two daughters will receive 100 acres. He reviewed the late correspondence received from the County Public Health & Emergency Services Department and Union Gas Limited.

The purpose of the Application for Consent is to create a new agricultural lot. The lot to be severed will comprise approximately 41.9 ha (103.4 ac), contains no buildings or structures and is in agricultural production (cash crops). The lot to be retained will comprise approximately 41.9 ha (103.6 ac) and contains a livestock barn (cattle), an open manure storage facility, two (2) sheds and an accessory farm dwelling.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan and conforms to the Township Zoning By-law. The recommendation is in support of the severance.

H. O'Brien stated that he concurs with the suggested conditions and the recommendation of the staff Planning Report.

J. De Bruyn asked whether all the setbacks related to the Minimum Distance Separation (MDS) are met. In response, G. Hough stated that staff from the Township office have confirmed that the MDS is met. He pointed out an existing road allowance through the property and questioned whether or not it was being used. G. Hough pointed out that the road was not improved or used.

In response to a question regarding Union Gas easements, G. Hough stated that there were no issues and that the easements will simply be included in the transfer documents.

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

'Granted'

CONDITIONS:

1. 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.
2. 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.

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3. 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.

CARRIED.

T. Rock declared a conflict of interest and left the proceedings.

B14-07-3 – Anne Hughes (Part Lot 17, Conc. 3, Township of Norwich, formerly North Norwich)

Anne Hughes, together with her solicitor, Gordon Klein, were in attendance. G. Klein presented the application to the Committee and stated that he and his client concur with the suggested conditions and the recommendation of the staff Planning Report. He reviewed the late correspondence received from the Council of the Township of Norwich.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will comprise approximately 19.8 ha (49 ac), is in agricultural production (cash crops) and is to be added to the farm parcel to the immediate east. The lot which will be enlarged comprises approximately 58.7 ha (145 ac), is in agricultural production (cash crops) and contains a dairy farm operation consisting of several farm buildings and two accessory single detached dwellings. The lot to be retained will comprise approximately 0.57 ha (1.4 ac) and contains an existing single detached dwelling, detached garage and shed. It is proposed that the lot to be retained will be used for non-farm rural residential purposes.

G. Hough briefly reviewed the staff Planning Report. He stated that the proposal is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. A re-zoning will be required from the Township Zoning By-law.

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

'Granted'

CONDITIONS:

1. The lot to be retained 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 owners' existing property. Any additional transactions with regard to the severed parcel must comply with Section 50 (3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
3. Drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owner's expense, to the satisfaction of the Township of 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.

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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.

CARRIED.

T. Rock returned to the proceedings.

B14-21-4 – Willow Hawk Farms Inc. and Eric & Carol Van Moerkerke (Part Lot 9, Conc. 8, Township of South-West Oxford, formerly West Oxford)

Eric Van Moerkerke was in attendance to present the application. He stated that he proposes to retain a 0.81 ac parcel for rural residential purposes. He indicated that he concurs with the suggested conditions and the recommendation of the staff Planning Report. He pointed out that there have been no livestock in the barn over the past 30 years. The barn will be removed.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 20.48 ha (50.6 ac), consists of an existing barn (to be removed) and is in agricultural production and will be added to the agricultural lot to the immediate east. The lot to be enlarged will cover an area of 21.7 ha (53.64 ac), contains an existing shed, and is in agricultural production. The lot to be retained will cover an area of approximately 0.3 ha (0.81 ac) and contains an existing single-detached dwelling and garage. 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 2014 Provincial Policy Statement and complies with the Official Plan policies. A zone change application has been submitted to re-zone the retained lot to Rural Residential (RR). Despite the larger than normal size of the accessory structure on the retained lot, it is considered appropriate. A condition will require the old agricultural structure on the lot to be severed to either be removed or decommissioned.

J. Palmer suggested that the existing house is not surplus to the farm. It was noted that a new residential lot is not being created.

In response to T. Rock's questions, G. Hough explained that decommissioning a building means the removal of the livestock stalls, thereby prohibiting further livestock from being housed in the barn.

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

'Granted'

CONDITIONS:

1. The lot to be retained be appropriately re-zoned.
2. The existing agricultural structure on the lot to be severed be removed or decommissioned to the satisfaction of the Township of South-West Oxford Chief Building Official.

3. The parcel intended to be severed be conveyed to the abutting landowner to the immediate east and be consolidated with said owner's existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) & (5) of the Planning Act, R.S.O., 1990, as amended, and be reflected on the certificate.
4. Drainage assessment re-apportionment be undertaken, pursuant to Section 65 of The Drainage Act, R.S.O., 1990, at the owners' expense, to the satisfaction of the Township of South-West Oxford.
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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

B14-24-3 – Cyril Demeyere (Part Lots 12, 13 & 14, Conc. 14, Township of Norwich, formerly South Norwich)

David Roe, the owner's agent, was in attendance to present the application. He reviewed the late correspondence received from the Council of the Township of Norwich, the County Public Health & Emergency Services Department, and the County of Norfolk. He explained that the two parcels were acquired at two separate times and merged in title. The owner wishes to recreate the two parcels.

The purpose of the Application for Consent is to create a new agricultural lot. The lot to be severed will comprise approximately 44.2 ha (109.2 ac), contains no buildings or structures and is in agricultural production (cash crops). The lot to be retained will comprise approximately 57.3 ha (141.5 ac), is in agricultural production (cash crop) and contains several farm buildings and an existing accessory single detached dwelling.

G. Hough briefly reviewed the staff Planning Report. He indicated that the application is consistent with the 2014 Provincial Policy Statement, complies with the Official Plan policies for farm splits and conforms to the Township Zoning By-law.

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

'Granted'

CONDITIONS:

1. 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 Norwich.
2. 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.

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3. 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.

CARRIED.

B14-20-4 – John & Darlene Pippel and Adam & Rachel Martin (Part Lot 8, Conc. 1, Township of South-West Oxford, formerly Dereham)

M. Borndahl, the owners' solicitor, was in attendance to present the application. He reviewed the late correspondence received from the Council of the Township of South-West Oxford. He requested a deferral of the application in order to deal with the accessory structure. He indicated that he will appear before Township Council prior to any final decision regarding the structure.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed will cover an area of 19.16 ha (47.34 ac), contains no buildings or structures, is in agricultural production. It is proposed that the severed lot will be added to the farm parcel to the immediate west. The lot to be enlarged covers an area of 60 ha (148.27 ac), is in agricultural production, and contains farm buildings and an accessory single detached dwelling. The lot to be retained will cover an area of 0.87 ha (2.16 ac), contains an existing single detached dwelling and a storage shed/workshop and will be used for non-farm rural residential purposes. The owners have also applied for Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the proposal is consistent with the 2014 Provincial Policy Statement and complies with the County Official Plan policies. He pointed out that the lot to be retained is marginally over the 2 acre maximum, as it follows the existing fence line. He stated that Planning staff is not supportive of keeping the accessory structure on the retained lot as it is too large. At the request of the owners' solicitor, he indicated that the application will be back in front of the Committee once it has been considered by Township Council.

J. De Bruyn pointed out that if the building is to be removed, the depth of the lot could be reduced to meet the maximum 2-acre lot size.

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

"Deferred"

REASON:

1. The Application for Consent be deferred for up to three months to the August 2014 meeting in order to permit the owners to appear before Township of South-West Oxford Council to discuss the issue of the existing accessory structure on the lot to be retained.

CARRIED.

B11-18-6; A11-08-6 – Jennifer Story (Part Lots 63 & 64, Plan 186, Town of Ingersoll)

G. Brumby, Chairman, indicated that T. Rock was seized to take part in the proceedings of the application as he was absent for the hearing of the original application. T. Rock withdrew from the proceedings.

Dave Story, the owner's father, was in attendance to present the application. He explained that the application was deferred by the Committee until such time as municipal services are available to the lot. The services have now been installed. He noted that his daughter would like to keep the existing shed on the lot to be severed.

The purpose of the Application for Consent is to create a residential building lot. The lot to be severed will cover an area of 624.2 sq. m (6,720 sq. ft.) and contains an existing detached accessory shed. The lot to be retained will cover an area of 552.9 sq. m (5,952 sq. ft.) and contains an existing 1-1/2-storey single detached dwelling. It is proposed that a single detached dwelling is proposed to be constructed on the lot to be severed.

Relief is requested from Section 6.2 – R1 ZONE PROVISIONS (LOT DEPTH), to permit a lot depth for both the lot to be severed and the lot to be retained of 29.2 m (96 ft) in place of the 30 m (98.4 ft) required; and

Relief is requested from Section 6.2, R1 – ZONE PROVISIONS (FRONT YARD DEPTH), to permit a front yard depth for the lot to be retained of 5.18 m (17 ft) in place of the 6.0 m (19.8 ft) required by the Town of Ingersoll Zoning By-law No. 04-4160.

G. Hough briefly reviewed the staff Planning Report. He noted that the lots are of sufficient size to accommodate a single detached dwelling. A minor variance is requested from the lot depth provision to permit a lot depth for the lots to be severed and retained of 29.2 m (96 ft) in place of the 30 m (98.4 ft) required, and from the front yard depth to permit a front yard depth for the lot to be retained of 5.18 m (17 ft) in place of the 6.0 m (19.8 ft) required by the Zoning By-law. G. Hough indicated that correspondence was received from the owner in which she requests that she would like to keep the existing shed which is currently situated on the lot to be severed. He noted that staff is not in support as accessory structures are not permitted on lots when there is not house.

In response, D. Story stated that he understands the rules and that if the severance is approved, the shed will need to be removed or moved.

W. Buchanan questioned whether the owner could apply for a minor variance from the Town. In response, G. Hough indicated that a decision will need to be made prior to the one-year lapsing period on the consent.

In response to J. De Bruyn's enquiry, D. Story stated that the sewers have been installed.

Moved by: J. De Bruyn
Seconded by: M. Hacon

'Granted'

B11-18-6

CONDITIONS:

1. If required, the owner shall enter into a standard Severance Agreement with the Town of Ingersoll, to the satisfaction of the Town.
2. The owner shall remove the detached accessory structure (garden shed) and other accessory structures/uses located on the lot to be severed, to the satisfaction of the Town of Ingersoll.

3. All financial requirements of the County with respect to the provision of water and wastewater services must be complied with. This condition can be cleared by payment for the required services or by entering into a Severance Agreement with the Area Municipality. A copy of the draft Severance Agreement, which addresses the above requirements, must be provided to the satisfaction of the County of Oxford Public Works Department prior to clearing the condition.
4. 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.
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.

A11-08-6

REASONS:

1. The variances requested are minor variances from the provisions of the Town of Ingersoll Zoning By-law No. 04-4160.
2. The variances requested are desirable for the appropriate development or use of the land, building or structure.
3. The variances requested are in keeping with the general intent and purpose of the County of Oxford Official Plan.
4. The variances requested are in keeping with the general intent and purpose of the Town of Ingersoll Zoning By-law No. 04-4160.

CARRIED.

T. Rock returned to the proceedings.

On the motion of J. Palmer, the Committee meeting adjourned at 10:30 a.m.

"Gordon Brumby"

CHAIRPERSON