

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, November 6, 2014

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, November 6, 2014 at 9:00 a.m. with the following individuals:

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

Director	-	G. Hough
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: M. Hacon  
Seconded by: J. Palmer

*"The Minutes of the Meeting of October 2, 2014, be approved as printed and circulated."*

CARRIED.

#### BUSINESS ARISING FROM MINUTES:

None.

#### GENERAL BUSINESS:

G. Hough presented the Report for Application B13-69-2 (Estate of Doris Rudy). He briefly explained the reason for the need to remove Condition No. 2 from the decision approved by the committee at is December 10, 2013.

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

*"That Condition No. 2 of the Decision for Application B13-69-2 (Estate of Doris Rudy) be removed. The change is considered minor and, therefore, no circulation or public notice of the application is required."*

CARRIED.

The Committee members congratulated W. Buchanan and J. Palmer in the recent election. Both members will sit as Councillors for the Township of Norwich.

#### CORRESPONDENCE:

Correspondence dated October 29, 2014 received from the Upper Thames River Conservation Authority regarding Application B14-51-4 (Monheim Farm Limited).

Correspondence dated November 5, 2014 received from the Council of the Township of South-West Oxford regarding Application B14-51-4 (Monheim Farm Limited).

Correspondence dated October 29, 2014 received from the Upper Thames River Conservation Authority regarding Application B14-52-2 (Clara Zehr).

Correspondence dated November 5, 2014 received from the Council of the Township of East Zorra-Tavistock regarding Application B14-52-2 (Clara Zehr).

#### APPLICATIONS FOR CONSENT:

##### B14-49-7 – Anton & Margit Pusztahegyi (Part Block A, Plan 966, Town of Tillsonburg)

Anton & Margit Pusztahegyi were in attendance. Also in attendance was John Veldman, 105 Concession Street W., Tillsonburg ON N4G 3K7. J. Veldman briefly explained the application to the Committee and indicated that he will be purchasing the severed lot and proposes to construct a house.

The purpose of the application is to create a residential building lot. The lot to be severed will cover an area of 0.20 ha (0.5 ac) and is currently vacant. The lot to be retained will cover an area of 0.41 ha (1.01 ac), and contains an existing single-detached dwelling and shed. It is proposed that a single-detached dwelling will be constructed on the lot to be severed.

G. Hough reviewed the staff Planning Report. He pointed out that the property is located in a low lying area of Otter Creek. The property is zoned R1 with EP Overlay. There are a variety of lot sizes in the area. The severed lot will cover an area of approximately one-half acre, while the retained lot will measure approximately 1 acre. The application is consistent with the Provincial Policy Statement (PPS) and complies with the Official Plan policies. The property will need to be re-zoned. There is significant valleyland feature as noted in the Official Plan. The property is not affected by the Long Point Region Conservation Authority's (LPRCA) 1:100 year flood limited. The application was considered by Town Council and a resolution was passed in support of the application.

J. Veldman stated that he concurred with the findings and suggested conditions of the staff Planning Report. He requested clarification on how to proceed with the re-zoning. In response, G. Hough indicated that the EP Overlay designation will need to be removed, if a house is proposed in that area.

T. Rock questioned what would happen if no house is constructed. In response, G. Hough indicated that nothing would happen.

J. De Bruyn questioned whether there was enough land to build a home, considering all the restrictions. In response, G. Hough indicated that the LPRCA did not indicate in their comments that a house cannot be built. This area is not considered a significant wetland according to the LPRCA. G. Hough indicated that all agencies will need to be satisfied and appropriate measures will be addressed.

Moved by: H. Elliott  
Seconded by: M. Hacon

*"Granted"*

#### CONDITIONS:

1. The lot to be severed be re-zoned to incorporate a Holding Provision to be removed once the owner/ applicant has obtained site plan approval from the Town of Tillsonburg.
2. The owners enter into a Severance Agreement with the Town of Tillsonburg, to the satisfaction of the Town.

3. The owners shall provide a 6.0 m storm drainage easement centered over the existing watercourse that traverses the severed lands in favour of the Town of Tillsonburg, to the satisfaction of the Town of Tillsonburg Engineering Department.
4. The owners shall submit a proposed site servicing plan, to the satisfaction of the Town Engineering Department and the Oxford County Public Works Department.
5. The owners shall provide a preliminary lot grading plan depicting the proposed building envelope and driveway entrance, to the satisfaction of the Town Engineering Department.
6. 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. 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.
7. The Clerk of the Town of Tillsonburg advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Town of Tillsonburg 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.

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B14-51-4 – Monheim Farm Limited (Part Lot 1, Concession 1, Township of South-West Oxford, formerly West Oxford)

Ian Heikoop representing Oxford Sand and Gravel was in attendance to present the application. He reviewed the late correspondence received from the Upper Thames River Conservation Authority (UTRCA) and South-West Oxford Township Council. He pointed out that the business has been in operation since 1959. They started operations on the Karn family farm in 1995. The Company is proposing to expand aggregate extraction north into the Karn farm prior to development. Extraction is to continue for the next 50-75 years, and thus wish to sever the lands for the future. I. Heikoop stated that he recognizes that technically this severance is not permissible by the Official Plan. He suggested that it is difficult for the Provincial Policy Statement (PPS) to identify specific properties. He indicated that he foresees Woodstock expanding to this area in the future for development. He requested the Committee to approve the severance.

The purpose of the Application for Consent is to create a new non-farm lot. The lot to be severed will cover an area of 1.21 ha (3 ac) and consists of vacant agricultural land, a parking lot and a scale house used in conjunction with the aggregate (sand and gravel) operation to the east. The lot to be severed is to be further developed to support the surrounding aggregate operations owned and / or leased and operated by the applicant. The lot to be retained will cover an area of approximately 80 ha (197.68 ac), contains outbuildings and two accessory single detached dwellings, and will continue to be used for agricultural and gravel pit purposes.

G. Hough reviewed the staff Planning Report. He explained that the severed lot is currently zoned ME-1, recognizing a temporary use as an accessory use to the main gravel pit zoned property. The area is identified as a primary aggregate resource, although the property is zoned Agricultural and is identified as Agriculture Reserve in the Official Plan. Creating lots for agricultural purposes is very limited. He reiterated that the ME-1 Zone is only a temporary zone, and the lands are to be returned to agricultural uses after extraction is completed. Planning staff is not in support of the severance proposed.

J. Palmer questioned how the Sakura House is a property that can never be sold except back to Toyota and why the application before the Committee cannot be dealt with in a similar manner. In response, G. Hough explained that Sakura House is located within a settlement area. There are different policies and the Sakura application is a different situation than what is proposed in the Monheim application.

W. Buchanan questioned whether the owner could apply for a 99-year lease? In response, I. Heikoop indicated that the policies would be the same as for creating the lot.

J. De Bruyn questioned the boundary of the property, in particular a small parcel in the corner of the lot on Clarke Road. In response, I. Heikoop indicated that the parcel of land is a Union Gas utility area.

T. Rock questioned whether the owner could simply enter into a long term lease for 21 years less a day, thus not needing Planning Act approval. G. Hough stated that this was an option.

M. Hacon questioned whether the lands will be extracted. In response, I. Heikoop explained that the northern portion of the Karn farmlands will be extracted once the license is achieved. Then extraction will continue westward in the future.

J. De Bruyn questioned the Oxford Communications property and how it became separated from the farm property. It was pointed out that the lot was created in 1956 and a blanket easement was established to the lot through the Karn farm.

J. Palmer wondered why this severance could not be supported when a lot was created for the Oxford Communications property. G. Hough explained that the Oxford Communications property would not be supported today and probably was not subject to a decision by the County or Township.

J. Palmer asked I. Heikoop what would happen if the application is turned down. In response, I. Heikoop stated that they would pursue options for a 99-year lease. The entrance would remain at its current location.

G. Brumby questioned whether there will be any buildings constructed on the severed lot, as currently the applicant is operating the business from a trailer. I. Heikoop explained that an office and scale would be constructed on the 3-acre severed lot.

At the request of the Committee, G. Hough explained the definitions of temporary use and accessory use.

J. Palmer commented that it is unfortunate that the severance meets opposition due to policy, and stated he does not feel that the severance would cause any problems.

G. Brumby stated that he felt the operation will not cease if the application is denied

Moved by: T. Rock  
Seconded by: J. De Bruyn

*"Not Granted"*

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REASONS:

1. In accordance with Section 2.3.4 of the 2014 Provincial Policy Statement (2014 PPS), the creation of a new lot within a Prime Agricultural Area is not permitted unless such lot creation is the result of a farm consolidation, is for an agricultural or agricultural-related purpose or is for a technical reason. This proposal does not involve a farm consolidation, is not for an agricultural or agricultural-related purpose or for a technical reason and is therefore not permitted.
2. In accordance with Section 2.5.4.1 of the 2014 Provincial Policy Statement (2014 PPS), extraction of mineral aggregate resources is permitted in prime agricultural areas on prime agricultural land is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition. The creation of a new lot for the purpose of containing a use accessory to an aggregate extraction operation is not an interim use of land.
3. In accordance with Sections 3.1.4.1 or 3.4.1.4.1 of the Official Plan, uses accessory to aggregate operations are considered temporary and are intended to cease when extraction on the site ceases. The creation of a new lot for the purpose of containing a use accessory to an aggregate extraction operation is not an interim use of land.

CARRIED.

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B14-58-3 & B14-59-3 – Marianne Klyn (Part Lot 7, Concession 5, Township of Norwich, formerly North Norwich)

Rick Klyn and his solicitor, Gordon Klein, were in attendance. G. Klein presented the application to the Committee. He indicated that the application proposes to create two service commercial lots and is requesting an access easement.

The purpose of the Applications for Consent is to create two highway commercial building lots. The lot to be severed by B14-58-3 will cover an area of approximately 5,836.2 sq. m (62,820 sq. ft) and the lot to be severed by B14-59-3 will cover an area of approximately 1,738.7 sq. m (18,715 sq. ft). The lot to be retained will cover an area of approximately 4,418.9 sq. m (47,565 sq. ft). The severed and retained lots are currently vacant of any buildings or structures. The owner has also requested that the existing access easement situated on the lot to be severed by B14-59-3, which is currently in favour of the property to the immediate south, be joined by the lot to be severed by B14-58-3, for the purpose of providing shared access to Highway 59.

G. Hough reviewed the staff Planning Report. He indicated the property is currently zoned Highway Commercial in the Township Zoning By-law and is designated Industrial in the County Official Plan. Originally, the access easement was requested as an amendment to the existing access easement with the Tim Horton's property to the south. G. Klein has suggested that Condition No. 1 be amended, thus resulting in a new easement being created.

J. De Bruyn commented that no buildings can be built on the area of the easement. In response, G. Klein indicated the area will be used for parking and no construction is proposed. G. Klein further noted that parking will not be permitted on the easement.

The Committee discussed the easement with G. Klein. G. Hough pointed out that the easement proposed is a private easement between two property owners and not with the County.

G. Klein explained the easement and agreement process and wording of the easement.

T. Rock suggested amendments to the easement. G. Klein stated that he was comfortable with the current language of the easement.

The Secretary-Treasurer read the amended wording to Condition No. 1 and the additional condition.

B14-58-3

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

*“Granted”*

CONDITIONS:

1. A Shared Access Easement for the purpose of providing access to Oxford Road 59 shall be established over the lot to be severed by B14-59-3 in favour of the lot to be severed by B14-58-3. The Shared Access Easement shall be registered on title or Notice thereof be registered on title, and a copy of the Shared Access Easement shall be provided to the County of Oxford Public Works Department and to the Secretary-Treasurer of the Land Division Committee.
2. The certificate for lot to be severed by B14-59-3 be issued, the Transfer registered and a copy of the receipted Transfer be provided to the Secretary-Treasurer of the Land Division Committee prior to the issuance of the certificate for B14-58-3.
3. The County of Oxford Public Works Department 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 Township which states that no building permit shall be issued until payment is made to the County.
4. 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.
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.
3. The subject property is appropriately zoned.

B14-59-3

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

*“Granted”*

CONDITIONS:

1. The County of Oxford Public Works Department 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 Township which states that no building permit shall be issued until payment is made to the County.
2. 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.
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.

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B14-52-2 – Clara Zehr (Lot 33, Concession 13, Township of East Zorra-Tavistock, formerly East Zorra)

Duane Zehr, the applicant/agent, was in attendance to present the application. He reviewed the two letters received at the meeting, one from the Upper Thames River Conservation Authority (UTRCA) and from the Council of the Township of East Zorra-Tavistock. He briefly explained the application to the Committee, and indicated that the severance is for a lot addition to the existing Golf Course.

The purpose of the Application for Consent is for a recreational lot addition. The lot to be severed will cover an area of approximately 4.24 ha (10.48 ac), and contains an existing single-detached dwelling, a barn, a shop and two sheds. It is proposed that the severed lot will be added to the golf course to the immediate north which consists of an existing club house, a cart shed, and an accessory single-detached dwelling and lands associated with the existing golf course. The lot to be retained will cover an area of approximately 19.51 ha (48.22 acres), contains no buildings or structures and is in agricultural production.

G. Hough reviewed the staff Report. He stated that the application is consistent with the Provincial Policy Statement (PPS) and complies with the County Official Plan. The severed, retained and enlarged lots will all require re-zoning. The lot to be retained will be undersized, and the accessory residential use will require a farm viability plan prior to any development of the site in the future. He stated that Planning staff is supportive of the severance.

J. Palmer stated that there would be two houses on the golf course property. In response, G. Hough, confirmed that the house will be severed from the subject property and added to the enlarged lot. He further noted that the lot to be retained will be re-zoned to prohibit a residence use on the property. G. Hough indicated that both homes have been used in conjunction with the golf course property. The golf course property is zoned Recreational (REC), while the lot to be retained will continue to be used for agricultural purposes.

J. De Bruyn asked how many homes currently exist on the golf course property. In response, G. Hough stated that the current zoning always only one residence. In response to a question, G. Hough indicated that a single-detached dwelling is permitted to be constructed on a lot which has a minimum lot area of 75-acres or an existing undersized lot with no buildings.

J. De Bruyn stated that he had concerns with the removal of the only residence from the farm property. In response, G. Hough explained that staff of the Township had no comments regarding the barn, and its future use by the golf course property.

Moved by: M. Hacon  
Seconded by: H. Elliott

*"Granted"*

CONDITIONS:

1. The lots to be severed, retained and enlarged by appropriately zoned.
2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north and consolidated with said owners existing property. Any additional transactions with regard to the severed parcel must comply with Section 50(3) and (5) 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 East Zorra-Tavistock.
4. The owner shall provide a recent survey confirming the setbacks from the existing buildings to the new lot line to the satisfaction of the Township of East Zorra-Tavistock.
5. The Clerk of the Township of East Zorra-Tavistock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
6. All stated conditions must be satisfied pursuant to Subsection 41, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year of the mailing of this Notice of Decision. If all conditions are not met within one year, this Application for Consent shall be deemed to be refused. The required instruments must be presented for certification pursuant to Subsection 42, of Section 53 of the Planning Act, R.S.O., 1990, as amended, within one year from the date of the mailing of this Notice of Decision. If the said instruments are not presented and certified within one year, the consent herein shall lapse.

REASONS:

1. The application for consent is consistent with the 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 11:05 a.m.

*"Gordon Brumby"*

CHAIRPERSON