

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, December 3, 2015

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, December 3, 2015 at 10:30 a.m. with the following individuals in attendance:

Chair	-	G. Brumby
	-	H. Elliott - absent
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock - absent
	-	A. Tenhove
Director	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 10:30 a.m.

DECLARATION OF CONFLICT OF INTEREST:

APPROVAL OF MINUTES:

Moved by:

Seconded by:

"The Minutes of the Meeting of November 5, 2015, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

The Committee set the January meeting for Thursday, January 21, 2016 commencing at 9:00 a.m.

CORRESPONDENCE:

Correspondence dated November 24, 2015 was received from the Upper Thames River Conservation Authority regarding Applications B15-42-4 & B15-43-4 (Gerald W. Belore).

Correspondence dated November 30, 2015 was received from Dawne Fewster regarding Applications B15-42-4 & B15-43-4 (Gerald W. Belore).

APPLICATIONS FOR CONSENT:

B15-28-8 & B15-29-8 – Albert T. Hargreaves Real Estate Ltd. (Block 10, Plan 41M-258, City of Woodstock)

Bob Yates was in attendance representing the owner. B. Yates explained the application to the Committee. He stated that he and the owner concur with the findings and suggested conditions in the staff Planning Report.

The purpose of the Applications for Consent is to create two residential building lots. The lots to be severed by B15-28-8 and B15-29-8 will cover an area of approximately 1,006.5 m² (10,834.2 ft²) and 811.5 m² (8,735.2 ft²), respectively. The lot to be retained will cover an area of approximately 1,360 m² (14,639.4 ft²). The subject property is currently vacant. Semi-detached dwelling units are to be constructed on each of the severed and retained lots.

G. Hough briefly reviewed the staff Planning Report. He indicated that the property is designated Low Density Residential in the County Official Plan, and is currently zoned for commercial purposes. The owner has submitted a re-zoning application to zone the property Residential Type 2 (R2) in order to facilitate the residential development proposed. The existing development in the immediate vicinity is semi-detached dwellings. The lots will be in excess of the zoning requirements for the R2 Zone. He noted that the owner will be required to install an attenuation barrier as per the required Noise Study.

R. Jull questioned where the attenuation barrier will be installed. In response, G. Hough noted it will be on the owner's property. There are no trees on the owner's property.

B15-28-8

Moved by: M. Hacon
Seconded by: B. George

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-law No. 5266-76, and amendments thereto. The Agreement will be registered on title by the owner. As part of this agreement the owner shall agree to install a noise attenuation barrier as per the owner's noise study report, to the satisfaction of the City of Woodstock and the County Public Works Department.
3. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock and County of Oxford Public Works Department, regarding the installation of services and drainage facilities.
4. The owner shall confirm that no underground or overhead services serving the retained lot traverse the severed lot and vice versa. Where such services exist, the owner shall re-locate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
5. A 0.3 m (1ft.) reserve along the north side of the lot to be severed be dedicated to the City of Woodstock, to the satisfaction of the City of Woodstock Engineering Department.
6. The owner shall submit a proposed servicing and grading plan prepared by a professional engineer or Ontario Land Surveyor to the satisfaction of the City of Woodstock.
7. The owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
8. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock have been complied with.
9. 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.

B15-29-8

Moved by: B. George
Seconded by: A. Tenhove

'Granted'

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. The owner shall enter into a Severance Agreement with the City of Woodstock as set forth in the City of Woodstock By-law No. 5266-76, and amendments thereto. The Agreement will be registered on title by the owner. As part of this agreement the owner shall agree to install a noise attenuation barrier as per the owner's noise study report, to the satisfaction of the City of Woodstock and the County Public Works Department.
3. The owner shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock and County of Oxford Public Works Department, regarding the installation of services and drainage facilities.
4. The owner shall confirm that no underground or overhead services serving the retained lot traverse the severed lot and vice versa. Where such services exist, the owner shall re-locate the services or obtain private easements over the severed and/or retained lots, to the satisfaction of the City of Woodstock.
5. The owner shall submit a proposed servicing and grading plan prepared by a professional engineer or Ontario Land Surveyor, to the satisfaction of the City of Woodstock.
6. The owner shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
7. The Clerk of the City of Woodstock advise the Secretary-Treasurer of the Land Division Committee that all requirements of the City of Woodstock 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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

B15-42-4 & B15-43-4 – Gerald W. Belore (Part Lot 12, Concession 4, Township of South-West Oxford, formerly Township of Dereham)

Gerald Belore together with this solicitor, Terry Thompson, were in attendance. Also in attendance was Mrs. Catherine Kindree, 324036 Mt. Elgin Road, R. R. #2, Mount Elgin ON N0J 1N0.

T. Thompson presented the application to the Committee. He indicated that the lands to be severed by B15-43-4 will be added to the residential lot to the immediate south. G. Belore wishes to retire in Mount Elgin, and has requested to sever the house and barn on a 1.39 ac lot to be used for light industrial purposes (B15-42-4). T. Thompson reviewed the late correspondence received from the Upper Thames River Conservation Authority and from Mrs. D. Fewster. T. Thompson noted that there is a mix of designations on the retained lot. He stated that both he and Mr. Belore concur with the suggested conditions and the recommendation of the staff Planning Report.

The purpose of the Applications for Consent is to create one new lot for industrial purposes and to facilitate one residential lot addition within the Village of Mount Elgin. The lot to be severed by B15-42-4 will cover an area of approximately 0.56 ha (1.39 ac) in area and will have approximately 45 m (148 ft) of frontage along Mount Elgin Road. This lot contains an existing single detached dwelling and three barns (one of which will be removed). A new entranceway is proposed for the lot to be severed. Application B15-43-4 proposes a residential lot addition covering an area of approximately 464.5 m² (5,000 ft²), to be added to the residential lot to the immediate south, which contains an existing single detached dwelling and a storage shed. The lot to be retained will cover an area of approximately 25.3 ha (62.45 ac) and will have approximately 20 m (66 ft) frontage along Mount Elgin Road. The lot to be retained is currently vacant and will continue to be used for agricultural production. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He noted that the first application proposes to create a new lot, while the second is for a residential lot addition. The subject property is designated Industrial in the County Official Plan, and is zoned Limited Agricultural (A1). The lot to be severed by B15-42-4 proposes a re-zoning to Special General Industrial Zone (MG-sp), while the lot to be severed by B15-43-4 will be re-zoned to Residential Type 1 (R1). He explained that part of the existing barn situated on the retained lot (currently housing horses) will need to be removed, and the owner will be required to remove the horses and obtain a Change of Use Permit for the remainder of the barn.

In response to Mrs. D. Fewster's letter, G. Hough indicated that the 66 ft access would not compromise the eventual light industrial use on the retained lot. The applications are both supported by Planning staff.

Mrs. C. Kindree asked G. Hough to read aloud the uses permitted in the special Restricted Industrial Zone. She stated that she was surprised to learn of the number of uses permitted. In response to Mrs. Kindree, G. Hough explained that a single detached dwelling is generally not permitted within that zone. He also indicated that the zone permits a lesser range of industrial development. In response, C. Kindree stated she felt that there will be an increase in traffic. She indicated that she would prefer the property remain agricultural rather than be re-zoned to industrial, as there are residential uses in the vicinity.

B. George indicated that the Committee was only dealing with the severance today.

G. Brumby further pointed out that the zoning will be dealt with by the Township and pointed out that she would need to attend the public meeting at the Township to voice her concerns.

In response, T. Thompson stated that there are already a number of industrial uses in the vicinity and the proposal is for lighter industrial.

B. George indicated that Mrs. Kindree's concerns were legitimate and they will need to be dealt with at the Township meeting. In response, C. Kindree stated that she generally had no objection with the severance, and she only had concerns with the zoning.

A. Tenhove noted that the retained lot is less than 75 acres in area. G. Hough noted that a portion of the property is located within the Settlement boundary, and already has less than 75 acres in area. The property is zoned A1 and recognizes the lot area.

B15-42-4

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

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. 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.
3. A driveway entrance be provided for the lot to be severed, to the satisfaction of the Township of South-West Oxford.
4. The westerly portion of the existing barn on the lot to be severed be removed, to the satisfaction of the Township of South-West Oxford.
5. The horses be removed from the existing barn on the lot to be severed and a change of use permit be issued for the remainder of the barn, to the satisfaction of the Township of South-West Oxford.
6. If required, a drainage reapportionment 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 South-West Oxford.
7. If required, the applicant shall enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township of South-West Oxford.
8. 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 and otherwise, have been complied with.
9. 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.

B15-43-4

Moved by: M. Hacon
Seconded by: R. Jull

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. 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 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. If required, 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 South-West Oxford.
4. 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 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.

CARRIED.

B15-44-5 – Paul & Ellen MacLeod (Lot 27, Concession 6, Township of Zorra, formerly Township of West Zorra)

Ellen MacLeod was in attendance to present the application. She stated that both she and her husband concur with the findings and suggested conditions of the staff Planning Report.

The application for consent proposes to create a new farm lot. The lot to be severed is proposed to be approximately 40 ha (100 ac.) in area and fronts onto 41st Line. The severed lot is comprised of approximately 37 ha (91 ac.) of agricultural land in crop production, a 2 ha (5 ac.) woodlot and also contains an existing drive shed. The lot to be retained is proposed to be approximately 35 ha (87 ac.) in area and fronts onto 43rd Line. The retained lot is comprised of approximately 24 ha (60 ac.) of agricultural land in crop production, a 10 ha (25 ac.) woodlot, and contains an existing accessory farm dwelling and a detached garage. The severed and retained lots will continue to be used for agricultural production. The owners have also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the property is within the Agricultural Reserve designation in the County Official Plan and is zoned General Agricultural (A2) in the Township's Zoning By-law. The retained lot will consist of 60 acres workable land and will remain flexible and suitable for the area. The retained lot will continue to meet the A2 Zone Provisions.

R. Jull asked whether all the lands are currently being used for the farm operation. In response, E. MacLeod stated they have 200 cows and they will need all the lands.

In response to G. Brumby, G. Hough stated the zoning on the property would allow the construction of a house on the severed lot.

Moved by: A. Tenhove
Seconded by: R. Jull

'Granted'

CONDITIONS:

1. Drainage assessment re-apportionment shall 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 Zorra.
2. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township of Zorra have been met.
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.

CARRIED.

On the motion of M. Hacon, the Committee meeting adjourned at 11:30 a.m.

"Gordon Brumby"

CHAIR