

## MINUTES

### OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, July 2, 2015

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, July 2, 2015 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock (left at 9 :30 a.m.)
	-	A. Tenhove
Director	-	G. Hough
Secretary-Treasurer	-	L. Taschner

The meeting was called to order at 9:00 a.m.

#### DECLARATION OF CONFLICT OF INTEREST:

T. Rock declared a conflict of interest for Application B15-07-4 (Monheim Farm Limited).

#### APPROVAL OF MINUTES:

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

*"The Minutes of the Meeting of June 4, 2015, be approved as printed and circulated."*

CARRIED.

#### BUSINESS ARISING FROM MINUTES:

None.

#### GENERAL BUSINESS:

A. Tenhove and H. Elliott stated that they will not be in attendance for the August meeting of the Committee. H. Elliott further stated that he is interested in attending the OACA Seminar to be held on Friday, September 25, 2015 in North Bay, Ontario.

#### CORRESPONDENCE:

Correspondence dated June 23, 2015 was received from Union Gas Limited regarding Application B15-13-4 (Springerhill Farms Inc.)

Correspondence dated June 29, 2015 was received from Ronald Otte regarding his severance application B15-21-1.

APPLICATIONS FOR CONSENT:

B15-21-1 - Ronald A. Otte (Part Lot 1-3 & Lots 6-8, Block H, Plan 104, Township of Blandford-Blenheim, formerly Township of Blenheim, in Drumbo)

Mrs. Rhonda Otte, spouse of Ronald Otte, was in attendance to speak to the application. She pointed out that her husband has requested a slight amendment to the application, reflecting a new lot frontage of 68 feet in place of the 65 feet requested in the application form.

The purpose of the Application for Consent is to create a vacant residential building lot. The lot to be severed will comprise approximately 1,195.6 m<sup>2</sup> (12,870 ft<sup>2</sup>) and currently contains three small sheds that are proposed to be removed. The lot to be retained will comprise approximately 2,670.7 m<sup>2</sup> (28,747.2 ft<sup>2</sup>) and contains an existing single-detached dwelling. A detached garage is proposed to be constructed on the lot to be retained.

G. Hough briefly reviewed the staff Planning Report. He stated that there are a variety of lot sizes in the vicinity of the proposed severance and pointed out that the requested lot size amendment will continue to meet the Residential Type 1 (R1) Zone provisions.

The new lot configurations for the severed and retained lots are as follows:

	<u>SEVERED LOT</u>	<u>RETAINED LOT</u>
Area	1,250.3 m <sup>2</sup> (13,458.1 ft <sup>2</sup> )	2,615.3 m <sup>2</sup> (28,150.9 ft <sup>2</sup> )
Frontage	20.7 m (68 ft)	43.3 m (142.2 ft)
Depth	60.4 m (198 ft)	60.4 m (198 ft)

G. Hough indicated that the application as amended is consistent with the 2014 Provincial Policy Statement and complies with the Official Plan policies. Planning staff concurs with the slight adjustment to the lot frontage and lot area of the severed and retained lots. There is capacity for water and there are no impacts to the setbacks.

T. Rock questioned R. Otte the need for an additional garage on the retained lot. In response, R. Otte stated that her husband will store his cars in the garage. T. Rock further questioned whether the large trees on the property are to be removed? In response, R. Otte indicated that the three larger trees on the retained lot will remain, and that a larger and smaller tree on the lot to be severed may need to be cut down to accommodate the new house location.

G. Brumby asked why the three extra feet was needed. In response, R. Otte explained that the purchaser of the severed lot wanted an additional 5 feet of frontage, but due to the location of the trees on the retained lot, the severed lot, the owner and purchaser have agreed on an increase of 3 feet only.

Moved by: H. Elliott  
Seconded by: A. Tenhove

*'Granted, as amended'*

CONDITIONS:

1. 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 Blandford-Blenheim.
2. The owner shall remove the existing sheds located on the lot to be severed to the satisfaction of the Township Chief Building Official.
3. The owner shall decommission the exiting private water well located on the lot to be retained, in accordance with the Ontario Water Resources Act, R.S.O. 1990 (Ontario Regulation No. 903), to the satisfaction of the County Public Works Department.

4. If required, the owner shall enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township.
5. All financial requirements of the County with respect to the provision of water and wastewater services must be complied with. This condition may be cleared through payment of the required services or by entering into a Severance Agreement with the Township. A copy of the draft Severance Agreement, which addresses the above requirements, must be provided to the satisfaction of the County Public Works Department prior to clearing the condition.
6. 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.
7. 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.

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B15-13-04 – Springerhill Farms Inc. (Part Lots 9 & 10, Concession 10, Township of South-West Oxford, formerly Township of Dereham)

David Roe, the owner's agent, was in attendance to present the application. He briefly explained the application to the Committee, and stated that the severance is for a farm consolidation resulting in a rural residential lot.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 50.6 ha (125 ac), is in agricultural production (cash crops) and contains a bank barn, two sheds and a chicken coop (which is to be removed). The lot to be severed is to be added to the agricultural parcel to the immediate east, which comprises approximately 20.3 ha (50.2 ac) and contains an existing accessory dwelling, storage building, several sheds, and pool/spa sales and service operation. The lot to be retained comprises approximately 0.36 ha (0.89 ac), contains an existing single-detached dwelling, detached garage and shed and will be used for rural residential purposes.

G. Hough briefly reviewed the staff Planning Report. He stated that the application is consistent with the 2014 Provincial Policy Statement and complies with the County of Oxford Official Plan. A re-zoning of the retained lot will be necessary. He pointed out that the lot to be enlarged was created by a severance in 2005 and, therefore, a one-square foot parcel will need to be deeded to the Municipality in order to 'undo' the previous severance. This is a legal technical step that is necessary to be undertaken. A condition has been imposed requiring the owner to apply to the Township for a change of use permit for the existing storage barn situated on the lot to be severed. The dwelling on the retained lot is currently a duplex dwelling and is not in conformity with the zone provisions. The re-zoning of the property will recognize the legal use of the dwelling. G. Hough noted that the subject property is located within the well head protection area and that any future development may be subject to the requirements of the Risk

Management Plan. G. Hough pointed out that late correspondence received from Union Gas Limited is requesting that an additional condition be imposed requiring the owner to enter into any necessary easements and/or agreements with Union Gas Limited. He noted that Planning staff will contact Union Gas Limited regarding such conditions going forward.

D. Roe stated that he concurred with the Union Gas condition being added to the recommendation.

A. Tenhove questioned the agent as to whether the pool and spa operation will expand or whether the agricultural use is to expand. In response, D. Roe stated that the owner's son intends to farm the land.

T. Rock questioned whether the application would be in compliance with the Minimum Distance Separation II requirements? In response, G. Hough pointed out that that was the reason the owner is required to obtain a Change of Use Permit from the Township. The barn can continue to be used for agricultural uses, but will no longer be permitted to house livestock.

R. Jull noted that the property is located at the boundary between the Town of Tillsonburg and the Township of South-West Oxford and questioned whether municipal services would extend to this property. In response, G. Hough noted that the water line extended only to the first dwelling located just west of the boundary.

G. Brumby asked who the Risk Management Officer was and his/her role. In response, G. Hough indicated that the Risk Management Officer was the same person as the Water Manager, a staff member in the County Public Works Department. This person assesses source water protection.

The Committee discussed the inclusion of the additional condition requested by Union Gas Limited, and unanimously concurred in its inclusion.

Moved by: T. Rock  
Seconded by: H. Elliott

*'Granted'*

CONDITIONS:

1. The lots to be severed and retained be appropriately zoned.
2. The owner obtains a change of use permit for the existing storage barn located on the lot to be severed and identified on Plate 5 of Report No. CASPO 2015-140, from the Township Chief Building Official, to the satisfaction of the Township Chief Building Official, to ensure that the barn can no longer be used for livestock purposes.
3. The existing chicken coop located on the lots to be severed and retained and identified on Plate 5 of Report No. CASPO 2015-140 be removed, to the satisfaction of the Township Chief Building Official.
4. 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.
5. A 0.3 m (1 ft.) x 0.3 m (1 ft.) parcel of land from the lot to be enlarged (PIN 00019 - 0688 LT) be deeded to the Township of South-West Oxford, free of any encumbrances and costs, and a copy of the registered deed be presented to the Secretary-Treasurer of the Land Division Committee prior to the stamping of the deed for Application B15-13-4.
6. 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.

7. If required, the owner shall enter into a standard Severance Agreement with the Township of South-West Oxford, to the satisfaction of the Township.
8. If required, the owner enter into any necessary easements and/or agreements with Union Gas Limited, to the satisfaction of Union Gas Limited.
9. 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.
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 2014 Provincial Policy Statement.
2. The application for consent complies with the policies of the County of Oxford Official Plan.

CARRIED.

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T. Rock left the proceedings at 9:30 a.m. as he declared a conflict of interest. He did not return to the proceedings.

B15-07-4 – Monheim Farm Ltd. (Part Lot 1, Concession 1, Township of South-West Oxford, formerly Township of West Oxford)

Ian Heikoop of Oxford Sand and Gravel, the owner's agent, together with Richard A. Coad, solicitor Oxford Sand and Gravel, were in attendance to present the application. R. Coad stated that his client is seeking consent for a lease. Two separately owned farm properties are involved. Gravel is currently being extracted from the Karn farm, and once extraction is complete there, extraction will commence on the Edwards farm located immediately west of the Karn farm (Monheim Farm Ltd.). He noted that the Committee considered the creation of a new lot for the identical parcel and that application was denied. The application currently before the Committee is for consent for a lease. The Township has approved the necessary zoning on the property subject of the lease.

The purpose of the Application for Consent is to establish a long-term lease between Monheim Farm Limited and Oxford Aggregates and Asphalt Inc. for a period of 75 years. The lands subject to the proposed lease comprise approximately 1.21 ha (3 ac) and consist of vacant agricultural land, a parking lot, and a scale house used in conjunction with the aggregate operation to the east. The lands are to be further developed to support the surrounding aggregate operations. The remainder of the subject property comprises an area of approximately 80 ha (197.68 ac), and consists of lands in agricultural production, an aggregate extraction operation, several farm buildings and two accessory single-detached dwellings.

G. Hough reviewed the staff Planning Report, and indicated that planning staff was of the opinion that consent for a 75-year lease is no different than for the creation of a new lot from a policy perspective. The application is not consistent with the 2014 Provincial Policy Statement (PPS). When reviewing the policies of the PPS, he noted that his opinion is that they are the same as those for the creation of a new lot. Planning staff's position recommends denial of the application based on the PPS policies.

R. Coad argued that none of the policies of the PPS are the same for consent for a lease and the creation of a new lot. In his opinion, a lease is temporary and no lot is being created. He noted that he visited the pit earlier in the week and the extent of the quality of the gravel resource should extend for many years. Depending on the market, the pit could be 100 years old by the time extraction is no longer viable. The 150-acre parcel to the immediate west will require approximately 36 years for gravel extraction. It is necessary now to put that lease in place. The lease is temporary and once extraction is completed, the site will be rehabilitated. There will be no effect on agriculture. He pointed out that it is imperative that the east to west access is created for safety reasons, enabling for future gravel extraction from the Edwards' property (immediately west of the current extracted property). He reiterated that no lot is proposed to be created by the application and that the policies of the PPS encourage aggregate extraction that is compatible with agriculture. He stated that Woodstock has the most extract areas between Niagara Falls and Windsor. It is an important resource.

B. George questioned the parcel of land owned by Turriss Sites Development and how it was created. In response, G. Hough explained that the lot was created in the 1950's. A previous severance application was approved by the Committee in 2014. The purpose of applications B14-64-4 and B14-65-4 was to achieve a land exchange, whereby the 'land locked' parcel containing the communication tower would be reconfigured such that it will slightly increase in size, become oriented along the westerly boundary of the subject lands and be accessed by way of an easement along the westerly boundary of the lot to be retained by B14-64-4.

B. George questioned the limits of the lease? G. Hough explained that the zoning is in place and pointed out that the lease is requested to facilitate the long-term agreement between two property owners.

R. Coad pointed out that the lease will only apply for 49-50 years and will commence when the extraction commences on the Edwards' property. The lease will end when the extraction process is completed.

A. Tenhove questioned the length of the lease. In response G. Hough explained that consent is required when the lease is for more than 21 years. A lease could run 21 years less one day, and not require Planning Act consent approval.

G. Brumby referred to the staff Report and the recommendation to deny the application. He suggested that a 21 year, less one day lease not requiring Planning Act consent would be permissible; however, Planning staff's recommendation for consent for a lease over 21 years is to deny the application. G. Brumby asked staff what conditions would be required if a motion were made to approve the application? In response, G. Hough stated that the only condition that would need to be imposed is the standard clerk condition. L. Taschner read the condition to the Committee members.

G. Brumby asked R. Coad, if his clients had no other alternative, would they consider entering into a lease not requiring Planning Act consent? In response, R. Coad stated that he would work with the current parties; however, he's not sure who will own the property after 21 years, and his clients could be faced with constructing a redundant set of buildings. The lease with consent would be a valid and binding agreement between the parties and should the properties be sold, the new owner would be made aware of the existing lease.

In response to M. Hacon's enquiry as to the time left in the extraction process, I. Heikoop stated that it depended on the types and sizes of development. He noted that there is approximately 12 years left in the existing pit, 36 years on the Karn farm and then they would switch to the Edward's farm for an additional 36 years. It all depends on development in the Woodstock and area and the markets. The lease is for long-term planning for 75 acres. When there is no longer aggregate, the land will be rehabilitated to its original farm use.

G. Brumby suggested the longer lease would provide a better level of stability.

M. Hacon asked about the road relocation. In response, G. Hough indicated that there was nothing stopping the agent from doing that today, via a Site Plan amendment. He indicated that the Township is supportive of the road relocation.

In response to R. Jull, G. Hough reiterated that the only condition necessary would be the standard Clerk's condition.

A. Tenhove asked whether the lands would be automatically rehabilitated after gravel extraction is complete and wondered whether the Township would need to amend the zoning. In response, R. Coad stated that the terms and conditions of the Lease require that the lands subject to the lease be vacated and rehabilitated for agriculture after gravel extraction is done.

B. George commented on the MHBC Report's conclusion. In response, G. Hough stated that Planning staff's concern is that the lease is similar to that of lot creation.

R. Coad explained that in legal terms a lease is temporary, whereas a transfer of land is permanent. He stated that if the gravel pit were surrounded by residential uses, the consent for lease would likely not be favourable.

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

*'Granted'*

CONDITIONS:

1. 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.
2. 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.

REASON:

1. The application for consent for lease does not offend the policies of the 2014 Provincial Policy Statement (PPS) and complies with the general intent of the County of Oxford Official Plan.

CARRIED.

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On the motion of A.Tehnove, the Committee meeting adjourned at 10:20 a.m.

"Gordon Brumby"  
CHAIR