

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, August 4, 2016

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, August 4, 2016 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	R. Jull
	-	T. Rock
	-	A. Tenhove

Director	-	G. Hough
Acting Secretary-Treasurer	-	L. Buchanan

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

DECLARATION OF CONFLICT OF INTEREST:

None.

APPROVAL OF MINUTES:

Moved by: B. George
Seconded by: T. Rock

"The Minutes of the Meeting of July 7, 2016, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

None.

CORRESPONDENCE:

Correspondence was received from Marc & Jennifer Hillner, dated August 3, 2016, regarding application numbers B16-30-4 and B16-31-4 (Wiggers) expressing concerns with the application.

APPLICATIONS FOR CONSENT:

B16-32-4 – Culloden Crest Farms Ltd. (Lot 6, Conc. 6, Township of South-West Oxford, formerly Township of Dereham)

Peter Ypma, applicant, was in attendance to present the application and briefly explained his proposal. The purpose of the application is to create a new vacant agricultural parcel.

The purpose of the Application for Consent is to sever a 38.8 ha (95.8 acre) agricultural parcel and to retain a 42.2 ha (104.2 acre) parcel for agricultural purposes. Both the severed and retained lots are vacant and are in agricultural production.

G. Hough reviewed the Planning Report with the Committee.

P. Ypma questioned the drainage assessment as he was not sure what it meant. G. Hough explained that when a property is split and there is a drain involved, the assessment is then also split to apportion some to each resulting property.

G. Brumby questioned whether the properties were at one time separate. P. Ypma stated they were not; it has always been one property.

Moved by: H. Elliott
Seconded by: R. Jull

“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 South-West Oxford.
2. 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.
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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B16-25-8 – Robert H. & Doris A. McTavish (Part Lot 1, Plan 485, City of Woodstock)

B16-26-8 – Michael & Barbara Hoskin (Part Lot 1, Plan 485, City of Woodstock)

Robert and Doris McTavish and Michael and Barbara Hoskin were in attendance for these applications.

G. Hough suggested that because the applications are closely entwined, they will be heard and discussed together, however decisions for each should be rendered separately.

The McTavishes and the Hoskins briefly outlined the purpose of the applications indicating that ultimately a new vacant residential lot would be created fronting on Leinster Street.

The purpose of Application B16-25-8 is for a residential lot addition. The lot to be severed will cover an area of approximately 278.7 sq. m (3,000 sq. ft), is currently vacant, and will be added to the residential lot to the immediate north (554 Huron Street). The lot to be enlarged covers an area of approximately 1,045.1 sq. m (11,250 sq. ft.), and contains an existing single-detached dwelling. The lot to be retained will cover an area of approximately 766.4 sq. m (8,250 sq. ft.) and contains an existing single-detached dwelling and an accessory shed. This application is associated with B16-26-8 (Michael & Barbara Hoskin). Upon completion of the lot addition, the owners of 554 Huron Street propose to sever a residential building lot which will have frontage on Leinster Street.

G. Hough reviewed the report for application B16-25-8 (McTavish) with the Committee.

R. McTavish indicated he had no questions and was satisfied with the conditions as contained in the report.

B. George enquired if the applicants have discussed the proposal with neighbouring property owners. Mr. McTavish indicated they have and although the neighbours were not thrilled with the proposal, they did understand.

B. George enquired about the fencing of the current property and R. McTavish indicated it would be removed.

B16-25-8

Moved by: A. Tenhove

Seconded by: B. George

“Granted”

CONDITIONS:

1. The parcel intended to be severed be conveyed to the abutting landowner to the immediate north 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.
2. The owners 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.
3. The owners shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
4. The owners shall agree, in writing, to satisfy all requirements, financial and otherwise, of the City of Woodstock, regarding the installation of services and drainage facilities.
5. 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.
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.

3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

The purpose of the Application B16-26-8 is to create a residential building lot. The lot to be severed will cover an area of approximately 557.48 sq. m (6,000 sq. ft.) and contains no buildings or structures. The lot to be retained will cover an area of 768.71 sq. m (8,275 sq. ft.) and contains an existing single-detached dwelling. It is proposed that a single-detached dwelling will be constructed on the lot to be severed. The owners have also applied for a Partial Discharge of Mortgage. This application is associated with B16-25-8 (Robert & Doris McTavish) where a parcel of land is being severed from the McTavish property and added to the Hoskin property.

G. Hough reviewed the report for application B16-26-8 (Hoskin) with the Committee.

B. Hoskin questioned the one foot reserve along Leinster Street. G. Hough indicated that the one foot reserve will be removed through the clearance of conditions should the application be granted.

B16-26-6

Moved by: T. Rock
Seconded by: R. Jull

"Granted"

CONDITIONS:

1. The certificate for Application B16-25-8 be issued and a copy of the registered deed be presented to the Secretary-Treasurer of the Land Division Committee, prior to the issuance of the certificate for Application B16-26-8.
2. The owners 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. The agreement shall include the provision that the applicant is responsible for all costs associated with extending a sanitary service to the proposed lot. The owner shall also provide confirmation that gravity sanitary service to the main floor of the proposed dwelling can be achieved.
3. The owners 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 owners remove the 0.3 m (1 ft.) reserve along Leinster Street (Block B, M-11), to the satisfaction of the City of Woodstock, if necessary.
5. The owners 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.
6. The owners shall provide a recent survey confirming lot sizes and building setbacks, to the satisfaction of the City of Woodstock Engineering Department.
7. The owners shall submit a proposed grading plan for the lot to be severed prepared by a Professional Engineer or Ontario Land Surveyor, to the satisfaction of the City of Woodstock.

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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.
3. The subject property is appropriately zoned.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B16-28-5 – Sunova Farms Inc. (Part Lot 29, Conc. 13, Township of Zorra, formerly Township of East Nissouri)

Kevin and Jackie DeBoer were in attendance to present the application. Also in attendance was the applicant's brother, Brad DeBoer (17690 Elginfield Road, St. Marys N4S 1C6).

The DeBoers presented the application indicating they wish to create a new vacant agricultural parcel.

The purpose of the application for consent is to create a farm lot. The lot to be severed will cover an area of approximately 37.25 ha (92.05 ac), contains no buildings or structures and is in agricultural production. The lot to be retained will cover an area of approximately 33.18 ha (82 ac), contains a barn, a shop/shed and accessory single-detached dwelling, and also is in agricultural production.

G. Hough reviewed the Planning Report with the Committee.

The applicants indicated they had no questions regarding the report and no concerns regarding the conditions.

G. Brumby questioned whether the proposed lots were separate at one time. The applicants responded in the affirmative.

R. Jull enquired if the RE lot was previously severed from the farm parcel. Mr. DeBoer again responded in the affirmative.

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

“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 Zorra.

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2. The Clerk of the Township of Zorra advise the Secretary-Treasurer of the Land Division Committee that all requirements of the Township, financial and otherwise, have been complied with.
 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.
4. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B16-27-3 – John Bruce Palmer (Part Lot 3, Concession 3, Township of Norwich, formerly Township of North Norwich)

John Palmer, Morgan Wills and their solicitor, Gordon Klein were in attendance to present the application. Mr. Klein indicated the applicants wish to add property from an agricultural lot to an abutting rural residential property.

The purpose of the application for consent is for a non-farm rural residential lot addition. The lot to be severed will cover an area of approximately 2,340 m² (25,188.4 ft²) and contains an existing driveway and accessory structure. It is proposed that the lot to be severed will be added to the abutting non-farm rural residential parcel to the immediate west. The lot to be enlarged is approximately 5,790 m² (1.4 ac) in size and contains an existing single detached dwelling and accessory building. The lot to be retained will comprise approximately 19.4 ha (48 ac), is currently vacant and is used for agricultural purposes (cash crop).

G. Hough reviewed the Planning Report with the Committee.

G. Klein indicated his clients had no questions or concerns with the report or proposed conditions.

R. Jull enquired why the original severance did not include the parcel now being severed. J. Palmer indicated that the original severance, done in 1974, did not include the barn as it was being used for livestock and was also the access to the agricultural lot to the north of the proposed residential property at the time.

Moved by: T. Rock
Seconded by: R. Jull

“Granted”

CONDITIONS:

1. The lots to be severed and enlarged be appropriately rezoned.

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2. The parcel intended to be severed be conveyed to the abutting landowner to the immediate west 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, the owner obtain a Change of Use Permit for the accessory building on the lot to be severed, ensuring that the said accessory structure cannot be used for the housing of livestock, to the satisfaction of the Township of Norwich.
 4. If required, a drainage assessment 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 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 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.
3. The Land Division Committee did not receive any comments from the public respecting this application.

CARRIED.

B16-30-4 & B16-31-4 – John & Lillian Wiggers (Part Lot 15, Concession 11, Township of South-West Oxford, formerly Township of West Oxford)

John and Lillian Wiggers and their agent, David Roe, were in attendance to present their application.

Also in attendance were:

Marc & Jennifer Hillner
163862 Brownsville Road
Brownsville ON N0L 1C0

Dan Valcke
1210 South Washington Street
Kokomo IN USA 46902

Steve Collins
163847 Brownsville Road
Brownsville ON N0L 1C0

D. Roe presented the application to the Committee indicating the applicants wished to create two new vacant residential lots.

The purpose of the applications for consent is to create two rural residential building lots. Application B16-30-4 proposes to sever a vacant lot covering an area of approximately 4,648 m² (1.15 acres) (Part 5). Application B16-31-4 proposes to sever a lot covering an area of approximately 4,511 m² (1.15 acres) (Parts 3 & 4). The existing shed situated on the lot to be severed by B16-31-4 will be removed. The lot to be retained will cover an area of approximately 5,854.5 m² (1.45 acres), and contains an existing single detached dwelling with attached garage. All three lots will continue to be used for rural residential purposes.

Easements for access purposes are also proposed to be created. Application B16-31-4 proposes to create an easement over PART 4 in favour of lot to be severed by B16-30-4. The lot to be retained proposes to create an easement over PART 2 in favour of the two lots to be severed.

G. Hough reviewed the Planning Report with the Committee and indicated that there should be additional conditions attached should the Committee grant the application. There exists a small accessory structure on the lot to be severed by B16-30-4 and this structure should be removed as a condition of approval. Also, conditions for severance agreements with the Township of South-West Oxford for both lots to be severed should be added as conditions of approval, together with a requirement to prepare a private agreement affecting the severed and retained lands to address the maintenance of the proposed joint access. G. Hough also indicated that the properties could be put under site plan control as a mechanism to ensure the access serving the severed and retained lots is developed to the satisfaction of the Township and the County.

D. Roe indicated his clients had no questions regarding the report, nor concerns with the 6 conditions proposed.

G. Brumby enquired as to the next steps. D. Roe indicated there would be easement agreements drawn up between all three lots and agreed that site plan control on the properties is an effective way to address development issues.

S. Collins questioned if the easements were a part of the severance and how did one proceed without any details?

G. Hough responded that the details of the easement, such as location, width, etc., are illustrated on Plate 3 of the report. The details regarding the physical construction of the driveway would be determined by Township staff in consultation with the applicants.

M. and J. Hillner, neighbours to the immediate west, presented their concerns with the application to the Committee. They indicated they have a good relationship with their neighbours however they are concerned that the right-of-way / easement may become a 'roadway' along the entire length of their property. They also have concerns regarding fencing, specifically height and material. They expressed concerns with drainage and how surface runoff would be managed. They also indicated that the access to the subject properties cannot be located any further east because of sight restrictions and proximity to the bridge to the east. The Hillners questioned whether services such as postal and waste would use the easement/roadway.

D. Valcke questioned the location of the driveway and why did this application not go through a plan of subdivision? D. Valcke also indicated that when he previously owned the property in the 1980s, he had applied for severance and that application was denied.

G. Hough explained that the County Official Plan permitted the severance of 5 or fewer lots by consent where it was determined that a plan of subdivision was not required to adequately address the technical matters related to the development

T. Rock enquired if an Environmental Impact Statement had been prepared and if there was opportunity for further controls that could be used if the consent was granted. G. Hough indicated that the Long Point Region Conservation Authority waived the requirement for an EIS as the area associated with the watercourse traversing the lands did not contain any significant environmental features or ecological functions. He also indicated that further controls can be achieved through conditions on the severance, such as a severance agreement and putting the lands under site plan control.

B. George stated that services such as postal and waste would not use the private drive / easement and that these services would be delivered on Brownsville Road. He was also concerned that the report was not complete in that there was only minimal amount of information regarding how the floodplain and woodlot would be impacted.

T. Rock enquired as to whether the application was premature. He does not understand that the conservation authority did not have any objection to the application.

A. Tenhove enquired whether the property to the immediate west was severed from the subject lands in the past. D. Valcke responded in the affirmative.

A general discussion was held on the merits of deferring the application to give the applicants more time to confer with the Township and others. D. Roe indicated that his clients would prefer that a decision be made today and have the additional conditions added.

M. Hillner again commented they had serious concerns with the easement, driveway/bridge issue, safety concerns with traffic and wildlife within the thicket area of the proposed lots.

Moved by: B. George
Seconded by: R. Jull

"That Applications B16-30-4 and B16-31-4 be deferred for up to 120 days."

REASON:

1. To allow the applicants time to further investigate issues raised with the proposed access easement and for the Community and Strategic Planning Office to expand on conditions available to address the same.

CARRIED.

On the motion of H. Elliott, the Committee meeting adjourned at 10:50 a.m.

"Gordon Brumby"

CHAIRMAN