

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, October 6, 2016

The Oxford County Land Division Committee met in the Council Chambers, County Administration Building, Woodstock, Ontario, on Thursday, October 6, 2016 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock
	-	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:

None.

APPROVAL OF MINUTES:

Moved by:

Seconded by:

"The Minutes of the Meeting of September 1, 2016, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

Both G. Brumby and B. George stated that they enjoyed the workshops they attended at the OACA Seminar which was held in Orangeville on September 26th. L. Taschner indicated that the workshops were well attended and a lot of good discussions resulted.

G. Hough briefly spoke on Bill 73 and in response to a request from the Committee indicated that he would bring forward examples of required reasons to be added to Committee decisions.

G. Hough pointed out that a draft Woodlands Conservation By-law has been sent to the Municipalities and the next step is the public consultation process.

CORRESPONDENCE:

A letter of objection dated September 29, 2016 was received from Marc & Jennifer Hillner regarding Applications B16-30-4 and B16-31-4 (John & Lillian Wiggers).

Correspondence dated October 3, 2016 was received from Hydro One regarding Application B16-34-5 (Southside Property Management [London] Inc.).

Correspondence dated October 4, 2016 was received from Jack Sousa regarding Application B16-34-5 (Southside Property Management [London] Inc.) requesting a deferral of the application.

A letter of objection dated October 5, 2016 was received from Brentridge Holsteins Ltd., regarding Application B16-34-5 (Southside Property Management [London] Inc.).

APPLICATIONS FOR CONSENT:

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

John & Lillian Wiggers, together with their agent, David Roe, were in attendance. Also in attendance were Marc & Jennifer Hillner. D. Roe briefly reviewed the proposal. He indicated that there are no outstanding issues with the access to the property to preclude the applications from proceeding. He stated that he and his clients concur with the suggested conditions and the recommendation of the staff Planning Report.

Correspondence received from Marc & Jennifer Hillner was reviewed.

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 briefly reviewed the staff Planning Report. He pointed out that the applications were originally heard by the Committee at the August meeting. He stated that the County Public Works Department is satisfied with the 6.7 m access proposed. A road widening has been requested by Public Works across the lots to be severed and retained. He noted that the Township is not interested in proceeding with a Site Plan Control application, but rather wishes the owners to enter into a Severance Agreement. G. Hough stated that he felt that a Site Plan application is a clearer way to proceed; however, the Township is satisfied proceeding with a Severance Agreement. He noted that the Long Point Region Conservation Authority, in their comments, note restrictions of where to build; however, there is sufficient area on the lots. No buildings are permitted in the Floodplain Area. The area is not within a natural heritage feature. Planning staff have no concerns with the proposal to sever two lots for rural residential purposes.

R. Jull questioned whether the driveway would be maintained by the Township, with respect to snow removal and whether that will be noted in the Severance Agreement. In response it was pointed out that the driveway is not a Township road and is a private driveway. An easement has been requested between the two of the three property owners for access. It will be their responsibility to maintain the driveway.

J. Hillner stated that their concern was with the driveway and she and her husband would prefer to see a buffer strip constructed along the lot line between her property and the proposed road access to the severed lots. She also voiced her concern regarding the property line, and that the existing cedars may need to be cut down. In response, D. Roe stated that a survey will be required to confirm the property boundaries of the Wiggers' property.

J. Wiggers stated that the cedars encroach approximately five feet onto his property. In response, G. Hough stated that any branches that encroach onto the Wiggers property can be removed, as long as they are only on their property.

J. Hillner questioned who reviews the Severance Agreement. In response, G. Hough stated that the Township staff, as well as Planning staff review the Severance Agreement. J. Hillner questioned who was responsible for constructing the easement access? In response, G. Hough noted that is the responsibility of the owners, however, it must be constructed to the Township's specifications and inspection after the work is completed.

J. Wiggers pointed out that the draft survey plan is very detailed and will identify each property and the dimensions, together with the location of the easements. He suggested that the easements on his property will be less onerous than those created by a previous severance across the road on the Mallott property.

G. Hough further explained that no conveyances can occur until all conditions of the consents are met.

J. Hillner stated that their original intent was to appeal the applications; however, now that they have additional information, they may not be appealing the severances.

G. Brumby questioned whether there would be a fence constructed. In response, D. Roe stated that no fence is contemplated at this time. He suggested that the neighbours can proceed and put up a fence if they wish.

R. Jull stated that fencing is usually between neighbours. G. Hough suggested that fencing decisions need to be discussed between the parties involved.

B. George suggested to the Hillners that the use of an environmental tarp will protect their property during construction.

Moved by: A. Tenhove
Seconded by: T. Rock

'Granted'

CONDITIONS:

1. The owners provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.
2. A road widening of 5 m (16.4 ft) along the entire frontage of the lot to be severed and the lot to be retained (to 15 m from centerline of Oxford Road 20 right-of-way) be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
3. An easement for access purposes be established over the lot to be retained in favour of the lot to be severed.
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.
3. The subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

B16-31-4

Moved by: T. Rock
Seconded by: A. Tenhove

'Granted'

CONDITIONS:

1. The certificate for Application B16-30-4 be issued, the Transfer and Easement are 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 Application B16-31-4.
2. The owners provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.
3. A road widening of 5 m (16.4 ft) along the entire frontage of the lot to be severed and the lot to be retained (to 15 m from centerline of Oxford Road 20 right-of-way), be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the County Director of Public Works.
4. An easement for access purposes be established over the lot to be retained in favour of the lot to be severed.
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 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 subject property is appropriately zoned.
4. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to approve the application.

CARRIED.

B16-39-6 – 1551991 Ontario Inc. (Lot 6A, Block 13, Plan 279, Town of Ingersoll)

Mr. Denis Brolese, the owner's agent, was in attendance to present the application. He briefly explained the application, and stated that he and his client concur with the findings and suggested conditions of the staff Planning Report and requested the Committee's approval of the application.

The purpose of the Application for Consent is to sever a semi-detached dwelling house (2 units) currently under construction. Both the lots to be severed and retained will each cover an area of 401.5 sq. m (4,309.8 sq. ft) and will each consist of one semi-detached dwelling unit. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He pointed out that approximately one year ago the subject property in question was severed from a larger property to the immediate east. The owner now wishes to separate the existing semi-detached dwelling into two separate lots. The application represents a good example of infilling. The proposal is consistent with the 2014 Provincial Policy Statement, complies with the Oxford County Official Plan, and conforms to the Town's Zoning By-law.

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

'Granted'

CONDITIONS:

1. The owner provide an as-built survey, to the satisfaction of the Town of Ingersoll Building Department.
2. 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.
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.

B16-38-4 – 1390521 Ontario Inc. (Part Lot 12, Broken Front Concession, Township of South-West Oxford, formerly West Oxford)

Brian Jones, principal of 1390521 Ontario Inc., was in attendance and briefly explained the application to the Committee. Also in attendance was Edward DeCloet, 37 Graydon Street, Mount Elgin ON N0J 1N0.

The purpose of the Application for Consent is to sever a 0.8 ha (2.0 acre) vacant parcel of land for industrial purposes, and to retain a 1.7 ha (4.26 acre) parcel containing an existing landscaping contractor's yard. The owner has also applied for a Partial Discharge of Mortgage.

G. Hough briefly reviewed the staff Planning Report. He indicated that the subject property is located within the Rural Cluster designation of the County Official Plan. The proposed severance is consistent with the 2014 Provincial Policy Statement, complies with the County of Oxford Official Plan industrial policies, and conforms to the Township's Zoning By-law. He further noted that the proposal does not result in any impact on the surrounding uses in the area.

B. Jones stated that he concurred with the suggested conditions and the recommendation of the staff Planning Report.

In response to a question from R. Jull, B. Jones noted the lagoon situated on the lot to be severed.

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

'Granted'

CONDITIONS:

1. The owners provide Proof of Probability of Potable Water, to the satisfaction of the Oxford County Public Works Department.
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.

B16-34-5 – Southside Property Management (London) Inc. – Part Lot 20, Conc. 3, Township of Zorra, formerly North Oxford)

Jack Sousa, the owner's solicitor, was in attendance and requested a deferral of the application in order to further review the staff report with his client. Also in attendance was Ken Wullms, 154598 15th Line, R. R. #3, Ingersoll ON N5C 3J6.

The correspondence dated October 4, 2016 received from Jack Sousa requesting a deferral of the application to the next meeting of the Committee was reviewed by the Committee.

Late correspondence was received from Hydro One dated October 3, 2016 and a letter of objection was received from Brent & Claire Pike of Brentridge Holsteins Ltd., were also reviewed by the Committee.

The purpose of the application for consent is to sever a 0.46 ha (1.15 acres) parcel containing a single detached dwelling for rural residential purposes, and to retain a 39 ha (97 acres) parcel containing a silo and shed (to be removed) to continue to be used for agricultural purposes.

The Committee requested the Director to review the staff Report. G. Hough indicated that the policies are very strict in the Official Plan and that the severance of surplus farm dwellings is only permitted where the farm parcel is consolidated with an abutting property, resulting in the rural residential lot. Therefore, Planning staff cannot support the severance.

K. Wullms had no comments to make.

T. Rock asked Mr. Sousa if he felt that the additional information he proposes will change Planning staff's recommendation of the application. In response, J. Sousa stated that he would appreciate the opportunity to review the recommendation with his client.

G. Hough stated that Planning staff would have no concerns with the deferral of the application.

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

'Deferred'

REASON:

1. The application for consent be deferred to the next meeting of the Land Division Committee, at the request of the applicant, in order to permit an opportunity to further review the staff Planning Report.

CARRIED.

On the motion of T. Rock, the Committee meeting adjourned at 10:15 a.m.

"Original Signed by"

CHAIRMAN