

MINUTES

OXFORD COUNTY LAND DIVISION COMMITTEE

Thursday, November 2, 2017

The Oxford County Land Division Committee met in the Council Chamber, County Administration Building, Woodstock, Ontario, on Thursday, November 2, 2017 at 9:00 a.m. with the following individuals:

Chair	-	G. Brumby
	-	H. Elliott
	-	B. George
	-	M. Hacon
	-	R. Jull
	-	T. Rock
	-	A. Tenhove
Senior Planner	-	R. Versteegen
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: B. George
Seconded by: M. Hacon

"The Minutes of the Meeting of October 5, 2017, be approved as printed and circulated."

CARRIED.

BUSINESS ARISING FROM MINUTES:

None.

GENERAL BUSINESS:

G. Brumby and H. Elliott spoke about their attendance at the OACA Seminar held in Cobourg on October 23-24.

APPLICATIONS FOR CONSENT:

B17-58-1 – Ethel Borzas (Part Lot 24, Conc. 10, Township of Blandford-Blenheim, formerly Blenheim)

Ken & Linda Swartz were in attendance on behalf of Ethel Borzas. K. Swartz stated that both the owner and they concurred with the suggested conditions and the recommendation of the staff Planning Report.

The purpose of the application for consent is to create a new residential lot in the Village of Bright. The lot to be severed comprises approximately 0.43 ha (1.07 ac) and contains an existing single detached dwelling. The lot to be retained comprises approximately 14.4 ha (35.7 ac), is in agricultural production (cash crop), and is vacant of any buildings or structures.

R. Versteegen briefly reviewed the staff Planning Report. He pointed out that the severed lot is situated within the Settlement designation, while the retained lands are within the Agricultural Reserve designation in the County Official Plan. The application is consistent with the 2014 Provincial Policy Statement and complies with the policies of the Official Plan. The lot to be severed will require a re-zoning to recognize the rural residential use proposed. No comments or concerns were raised as a result of the agency circulation and the public notice process.

K. Swartz confirmed that the access to the retained lands will continue to be from Oxford Road 22.

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

'Granted'

CONDITIONS:

1. The lot to be severed be appropriately zoned.
2. If required, the owners shall enter into a standard Severance Agreement with the Township of Blandford-Blenheim, to the satisfaction of the Township of Blandford-Blenheim.
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 Blandford-Blenheim.
4. A road widening to 15 m (50 feet) from the centreline of Baird Street South (Oxford Road 22), along the frontage of the lot to be severed and the lot to be retained, be dedicated to the County of Oxford, free of all costs and encumbrances, to the satisfaction of the Oxford County Public Works Department.
5. 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.
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.

B17-52-5; A17-07-5 – Kenneth Haworth & Marta Rozman (Part Lot 28, Conc. 2, Township of Zorra, formerly West Zorra)

Ken Haworth, together with the applicant, Dave Maddocks, were in attendance to present the application.

The purpose of the application for consent is for an agricultural lot addition. The owners propose to sever 18.6 ha (45.8 acres) of agricultural land and woodlot containing a single detached dwelling and an accessory shed. The lot to be severed will be added to the adjacent agricultural lot to the immediate south, covering an area of approximately 42 ha (104.4 acres), and consisting of a barn, two sheds and an accessory single-detached dwelling. The lot to be retained will cover an area of approximately 22.7 ha (56.2 acres), contains a single detached dwelling and accessory sheds, and will continue to be used for agricultural purposes.

A variance has been requested from Section 7.2.4, Number of Accessory Dwelling and Garden Suites Per Lot, of the Township of Zorra Zoning By-law No. 35-99, to permit two dwelling units on the lot to be enlarged.

R. Versteegen briefly reviewed the staff Planning Report. He indicated that the owner wishes to sever approximately 18.6 ha (45.8 acres) and add it to the abutting farm parcel to the immediate south covering an area of approximately 42 ha (104.4 acres), and to retain approximately 22.7 ha (56.2 acres). He indicated that the majority of the severed lands have an Open Space designation. In response to the 2014 Provincial Policy Statement, he pointed out that it does permit such severances, as long as the retained parcel continues to be flexible and viable. The lands are located within the Open Space designation and are identified as a Provincially-Significant Earth Sciences Area of Natural and Scientific Interest. Total workable lands on the severed lot are approximately 8.9 ha (22 acres) and on the retained lot there are approximately 3.44 ha (8.5 acres). The severed lot consists of significantly less than the 30.35 ha (75 acre) By-law requirement. The CBO in his comments points out that the retained lot will not meet the A2 Zone lot area requirement. In their comments, County Public Works indicated that no new entrance will be permitted. Planning staff has recommended that the application be denied as it is not consistent with the 2014 Provincial Policy Statement and does not comply with the County Official Plan policies.

D. Maddocks explained that his grandson suffers from muscular dystrophy and they are looking to purchase a home that would be close to their existing home on the enlarged lot. No future plans are proposed for the 22 ha (55 acres) as he plans to plant trees on the property. He stated that he felt the severance will not fragment the farmland, as the 22 ha (55 acres) will be returned to forested area. Currently, the property is not good for large-scale farming machinery. The severance will result in a more viable and flexible parcel. A re-zoning application will be applied for to recognize the undersized retained lot. He indicated that he received positive commendation from the Upper Thames River Conservation Authority to move forward with the putting approximately 3.44 ha (8.5 acres) back to forest.

R. Versteegen stated that there was no dispute that the severed lot will enlarge the farm parcel to the south. The issue is with the undersized retained lot with only approximately 8.5 acres of workable lands. He further stated that Section 2.3.4 of the 2014 Provincial Policy Statement discourages the creation of new lots in prime agricultural areas and provides only four instances where such lot creation may be permitted. The first instance is for agricultural uses, provided the lots are of a sufficient size for the type of production common in the area and are sufficiently large enough to maintain flexibility in adapting the operation in the future.

D. Maddocks suggested that the 3.44 (8.5 acre) parcel is a questionable area of agriculture. In the recent past, 12,000 trees have been planted in the area. He noted he will not be removing agriculture from the area.

A discussion ensued regarding the additional information provided by the D. Maddocks.

In response to B. George, R. Versteegen stated that it is proposed that two houses will be situated on the enlarged lot.

In response to M. Hacon, R. Versteegen indicated that currently there are 66 acres of workable land and that the woodlot on the retained lot is protected.

R. Jull suggested that the 8.5 acre parcel be included as part of the severed lot. R. Versteegen pointed out that this would result in the retained lot being even smaller.

G. Brumby questioned whether the only concern of the County was surrounding the 8.5 acre parcel. In response, R. Versteegen stated that Planning was concerned with the undersized retained lot. G. Brumby suggested the owners/applicants could meet with staff to discuss any further options they may have.

T. Rock indicated that even if a deferral is granted, there would still be no reason to find the application acceptable, as it does not meet the Official Plan policies. R. Versteegen indicated that the applicant is welcome to request a deferral as he does not want to leave the impression that staff would not be willing to further assist the applicant but acknowledged that the options may be limited.

B. George asked whether there was any point in deferring the application, and whether the policies would change? In response, R. Versteegen indicated that staff could review the environmental policies.

D. Maddocks requested a further deferral of the application for up to 90 days to permit him to meet with Planning staff to review the application.

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

"Deferred"

REASON:

1. The application be deferred for up to 60 days to the February, 2018 meeting of the Land Division Committee in order to permit the owners/applicants to meet with planning staff to review their application.

CARRIED.

B17-59-3 – Doris P. Plumadore (Part Lot 7, Conc. 1, Township of Norwich, formerly East Oxford)

Doris Plumadore, together with her solicitor, Terry Thompson, were in attendance. T. Thompson presented the application. He indicated that the application represents a technical severance as prior to Mr. Plumadore's death in 2011, both properties were held under separate ownership. The two lots merged in title and are now in Doris Plumadore's name. The retained lot consists of a 100-year old home. The severed lot was used as a trucking operation. It was Mr. Plumadore's wish to construct a garage on the severed lot, however, after he became ill, the garage was never completed, and thus the lot is vacant.

The purpose of the application for consent is to sever lands that were previously two separate residential lots that inadvertently merged. The lot to be severed comprises approximately 1,837.3 m² (19,777.4 ft²) and is currently vacant. The lot to be retained comprises approximately 1,619 m² (17,424 ft²) and contains an existing single detached dwelling and detached garage.

R. Versteegen briefly reviewed the staff Planning Report. He explained that the application is not consistent with the 2014 Provincial Policy Statement and the lots are undersized. A zone change application has been submitted with the severance. The application currently meets the Official Plan policies. However, the application will not comply when the proposed changes to the Official Plan are adopted to bring it in conformity with the 2014 Provincial Policy Statement.

T. Thompson stated that he had discussions with Planning staff. The new City of Woodstock boundary is across the street from the property. No objections or concerns were raised during the agency circulation. He re-iterated the application is a technical severance and complies with the Official Plan policies. He is seeking a favourable recommendation and approval of the application.

M. Hacon confirmed that the existing was always two separate entities, which merged on title at the time of Mr. Plumadore's passing. The use is permitted.

In response to T. Rock, R. Versteegen indicated that none of the agencies objected to the application and stated that if the application is approved, appeals to decisions by the Committee

are up to County Council. The new Woodstock boundary is along the north side of Highway No. 2. The Plumadore property is not part of the annexation to Woodstock. R. Versteegen further pointed out that if the application is approved a rezoning will be required and that Minimum Distance Separation (MDS) will be dealt with through the zoning application.

The Secretary-Treasurer read aloud the proposed conditions.

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

'Granted'

CONDITIONS:

1. The lots to be severed and retained by appropriately zoned.
2. If required, the owners shall enter into a standard Severance Agreement with the Township of Norwich, to the satisfaction of the Township of Norwich.
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 Norwich.
4. The existing driveway access to Highway 2 from the lot to be severed be removed, to the satisfaction of the County Public Works Department.
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 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.

B17-50-3 – John & Jacqueline Krushel (Part Lot 4, Conc. 2, Township of Norwich, formerly Township of East Oxford)

John & Jacqueline Krushel, together with Robert DeBrabandere, were in attendance. R. DeBrabandere presented the application. Also in attendance was Dave Martin, 565900 Towerline Road, Woodstock ON N4S 7W3.

R. DeBrabandere stated that he wishes to purchase 49.4 ac from his neighbour to be added to his property. The retained lot will be approximately 3.0 ac and will be used for rural residential purposes.

The purpose of the Application for Consent is for an agricultural lot addition. The lot to be severed comprises approximately 19 ha (47 ac), is in agricultural production (cash crop), contains an existing coverall structure (which is proposed to be relocated), and is to be added to the

agricultural parcel to the immediate west. The lot to be enlarged comprises approximately 17 ha (42 ac), is in agricultural production (cash crop), and contains two barns, two grain bins, and an accessory farm dwelling. The lot to be retained comprises approximately 2.1 ha (5.3 ac) and contains an existing single detached dwelling and workshop.

R. Versteegen briefly reviewed the staff Planning Report. He explained that the application was previously deferred by the Committee at its September 7th meeting. The applicant met with Planning staff to revise the size of the retained lot. He indicated that previously the applicants proposed a 5 acre retained lot. He pointed out that the application accumulates +18 points on the Point System in the Official Plan. The application accumulates +10 points because the retained lot is greater than 2.5 acres in size. The location of the existing septic system results in the current lot configuration of 3 acres. The severed lot contains a coverall which the owner has agreed to relocate. No concerns were raised as a result of the agency circulation. The application is consistent with the 2014 Provincial Policy Statement. The issue is the size of the retained lot and that it does not meet the Point System of the Official Plan.

In response, D. DeBrabandere stated that it will be difficult to decrease the size of the retained lot due to the location of the septic system.

D. Martin indicated that he applied for a severance on the property approximately 10 years ago and his application at that time was turned down because the lot was too large.

M. Hacon questioned whether there was any way to relocate the septic system.

John Krushel indicated that the house is 30 years old and the septic system is in good condition. The Ministry frowns upon people decommissioning good-running systems and putting in new ones.

In response to R. Jull, R. Versteegen indicated that the hydro corridor is part of the 3 acre retained lot. John Krushel also indicated that the corridor runs 66 m from the centreline of the road.

In response to T. Rock's, R. Versteegen reviewed how the numbers were assessed in the Point System for the application.

D. Martin asked where the coverall building is to be relocated. In response, John Krushel indicated it will be given to the purchaser of the severed lot. D. Martin stated that he does not agree with the creation of rural residential lots.

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

"Not Granted"

REASONS:

1. The proposal does not conform to Section 3.1.5.4 of the County Official Plan as it relates to non-farm rural residential development in the Agricultural Reserve Policy area.
2. Comments received from the public were reviewed, and where appropriate, were considered in the Land Division Committee's decision to deny the application.

CARRIED.

On the motion of T. Rock, the Committee meeting adjourned at 11:05 a.m.

"Gordon Brumby"
CHAIRMAN