



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Thursday, June 13, 2013 at 9:30 a.m. in the Court Room at the County Court House, 1 Huron St., Stratford.

Committee Members Present:

Mert Schneider (Chair)
Ian Forrest
Bill French
Jim Aitcheson
Rhonda Ehgoetz

Staff Present:

Leslie Belland (Secretary-Treasurer)
Geoff VanderBaaren (Planning Representative)

1. CALL TO ORDER

With quorum present, Mert Schneider called the meeting to order at 9:34 a.m.

2. ADOPTION OF AGENDA

Moved by: Jim Aitcheson
Seconded by: Ian Forrest

THAT the Land Division Committee agenda for June 13, 2013 be approved. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT the minutes of the May 16, 2013 Land Division Committee meeting be amended by changing "... Mr. Van Loon runs a beef farm..." to "... Mr. Van Bakel runs a beef farm..." in Section 5.3, and approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B12/13

Name of Applicant: Scott STECKLY and James ROES

Legal Description: Part Lot 5, Concession 3, Mornington Ward, Township of Perth East (Mill Street West, Milverton)

Nature of Application:

To create a new lot by severing a vacant 1.645 hectare parcel while retaining a vacant 1.645 hectare parcel.

The applicant, Scott Steckly, was in attendance. He offered no comments. Geoff VanderBaaren noted that ZBA, OPA and severance applications have been submitted, and that Planning would not support the severance application until an Official Plan Amendment has been approved. A public meeting to deal with the OPA has been scheduled for July 18th. He recommended that the severance application be deferred until the next meeting of the Land Division Committee.

Moved by: Ian Forrest
Seconded by: Bill French

THAT Application B12/13 be deferred until such time that the applicants have addressed the matter of Official Plan conformity. **Carried.**

5.2 File No.: B14/13

Name of Applicant: Donald Hugh PUGH

Legal Description: Part Lot 25, Registered Plan 363, Milverton Ward and Part Lot 7, Concession 3, Mornington Ward, Township of Perth East (27 Arena Drive, Milverton)

Nature of Application:

To create a new lot by severing a 25 acre parcel with an existing house and garage, while retaining a vacant 81.76 agricultural parcel.

The applicant's lawyer Stirling Kenny, was in attendance. Mr. Kenny noted that the farmhouse on the subject property is the oldest farmhouse in Milverton that is still standing and that it is to be conveyed to Mr. Pugh's oldest son. He said that the 25 acre proposed severed portion is more land than the applicant requested as he only wanted to sever 10 acres, however Geoff VanderBaaren wanted all of the land within the corporate village to be included in the severed portion. The remainder of the land will continue to be farmed. Mr. Kenny questioned the need for the drain apportionment condition. Mr. VanderBaaren explained that the condition is necessary as the drain will be altered because of the severance. Mr. Kenny was in agreement with the proposed conditions.

Moved by: Bill French
Seconded by: Ian Forrest

THAT Application B14/13 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.

4. Confirmation be received by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation be received from the Township of Perth East that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment and for contacting the Township Clerk to satisfy this condition. **Carried.**

5.3 File No.: B09/13

Name of Applicant: Rick BOISVERT and Denise KONINGS BOISVERT

Legal Description: Part Lot 24, Concession 4, Wallace Ward, Municipality of North Perth (8639 Road 164)

Nature of Application:

To create a new lot by severing a vacant 8 acre agricultural parcel, while retaining 14.4 acres with an existing house and two storage sheds. A steel commercial storage style building is proposed for the severed portion.

The applicants were in attendance and had no comments. Geoff VanderBaaren reinforced the comments in the Planning report regarding the need for further information to aid in determining whether the application is in compliance with the Official Plan. Rhonda Ehgoetz questioned whether the Boisverts would be getting an entrance from the Ministry of Transportation and Mr. Boisvert replied that there is already an entrance. Ian Forrest said that MTO would want further information and Mr. Boisvert indicated that he already had discussions with MTO. Chairman Schneider also indicated that the Committee would require further information, in writing, from MTO.

Moved by: Jim Aitcheson
Seconded by: Rhonda Ehgoetz

THAT Application B09/13 be deferred until the applicants provide additional documentation on the proposed use of the proposed severed lot for farm-related commercial/industrial use, in compliance with the policies of Section 5.5.10 of the County Official Plan. **Carried.**

5.4 File No.: B10/13

Name of Applicant: Gerald and Joan SIMPSON

Legal Description: Lot 7, Concession 5, Wallace Ward, Municipality of North Perth (5214 Line 88)

Nature of the Application:

To create a new lot by severing a vacant 16,434 square foot residential parcel, while retaining a 20,097 square foot parcel with an existing house and garage.

Gerald Simpson was in attendance. Neither Mr. Simpson nor Mr. VanderBaaren had any comments. Rhonda Ehgoetz noted that there are several trees on the lot and questioned whether they would be removed. Mr. Simpson replied that he is not building on the lot, therefore the trees would not be removed. Mrs. Ehgoetz also questioned whether allowing this severance would be a precedent for more development across the road. Mr. VanderBaaren indicated that the infilling area designation does not include the farmland across the road.

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT Application B10/13 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation be received from the Municipality of North Perth that all financial conditions of the Municipality have been met (if any).
6. Confirmation be received from the Municipality of North Perth of an approved Zoning By-law Amendment to recognize the reduced lot frontage and lot areas of both the proposed severed and retained lots. **Carried.**

5.5 File No.: B11/13

Name of Applicant: Kevin GERBER

Legal Description: Part Lot 18, Concession 1, Mornington Ward, Township of Perth East (6154 Road 116)

Nature of the Application:

To create a lot addition by severing a vacant 55 acre agricultural parcel to be added to the abutting property to the east owned by Alvin Wagler, while retaining 118.4 acres with an existing house, barn, and shed.

The applicant was in attendance. He asked for clarification regarding the drain apportionment condition. Geoff VanderBaaren noted that the application is straight forward, and that the proposal will recreate the original lots.

Moved by: Jim Aitcheson
Seconded by: Rhonda Ehgoetz

THAT Application B11/13 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the certificate under Section 53(42) of the Planning Act, 1990 is affixed, the name(s) of the owner(s) of the abutting lands to which the parcels are being joined, are the same as the transferee(s) in the said transfers.
6. That the area being severed be added to the abutting lot owned by Alvin Wagler and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.
7. Confirmation be received from a solicitor that the resultant lot (severed lands and the land to which it is being added) will be encumbered by any mortgage(s) as one lot at the time of registration of transfer or that there are no outstanding mortgages/encumbrances on the lands to which the severed lands are being added.
8. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
9. Confirmation be received from the Township of Perth East that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment and for contacting the Township Clerk to satisfy this condition. **Carried.**

5.5 File No.: B13/13**Name of Applicant:** Frank SANTINI**Legal Description:** Part Lot 123, Registered Plan 398 and Part Lot 20, Concession 1, Downie Ward (182 Station Road, Sebringville)**Nature of the Application:**

To create a new lot by severing a 5612.3 square metre residential parcel with an existing house, while retaining 272632 square metres with an existing metal shed.

Both the applicant, Frank Santini, and the property owner's son, Mr. Eybergen, were in attendance. Mr. Santini offered no comments. Geoff VanderBaaren said that the property is subject to a plan of subdivision and if approved, there is no need for a revision to the lot. The subdivision application is still in process and is separate and distinct from the severance application. Rhonda Ehgoetz questioned how farm equipment will access the property and Mr. Santini replied that access would have to come off of Hwy. 8. Jim Aitcheson indicated that if need be, access would come off of the road allowance. Ian Forrest asked whether the questions and concerns submitted by Paul Neumeister, Carl and Marion Strasser, and Clair Trachsel had been dealt with by the Township of Perth South and Mr. Santini replied they would be dealt with through the subdivision process. Jim Aitcheson noted that this proposal is similar to B14/13 (Pugh) approved earlier this morning.

Moved by: Bill French
Seconded by: Jim Aitcheson

THAT Application B13/13 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation be received from the Township of Perth South that the existing Agreement between William Eybergen and the Township of Perth South that is registered on the title of the subject property has been removed, and the registration of a new Agreement between the owner of the retained parcel and the Township of Perth South which will state that no new lots will be created by severance on the retained land. Further, the Agreement, under Section 51(23) of the Planning Act, RSO 1990 will state that any future development must be done by the Plan of Subdivision

process. Such development shall only be considered if it is on a comprehensive bases (not piecemeal) and shall only be considered if the proposed development makes provision for municipal water supply and sewage treatment services.

6. Confirmation be received from the Township of Perth South of an approved amendment to the Township of Perth South Zoning By-law to place the proposed severed property in the “Hamlet/Village Residential Zone (HVR)” and to amend the “Future Development Zone (FD-2)” zone provisions to recognize the reduced lot frontage and lot area on the remnant property.
7. Confirmation be received from the Township of Perth South that all financial conditions of the Township have been met (if any). **Carried.**

5.7 File No.: B07/13 – Deferred from May 16th, 2013 LDC meeting.

Name of Applicant: 2315952 ONTARIO INC.

Legal Description: Part Lots 58, 59 and 60, Registered Plan No. 363, Milverton Ward, Township of Perth East

Nature of the Application:

To create a new lot by severing a vacant 1952.1 square metre parcel for residential purposes, while retaining a vacant 9880.8 square metre parcel.

File No.: B08/13 – Deferred from May 16th, 2013 LDC meeting.

Name of Applicant: 2315952 Ontario Inc.

Legal Description: Part Lots 58, 59 and 60, Registered Plan No. 363, Milverton Ward, Township of Perth East

Nature of the Application:

To create a new lot by severing a vacant 1952.1 square metre parcel for residential purposes, while retaining a vacant 9880.8 square metre parcel.

The applicant, Sean O’Neill, was in attendance. Mr. O’Neill commented that since the May 16th LDC meeting he has tried to work with the Township of Perth East to address all concerns raised by the community and to come up with a site plan that all are happy with. Many letters of objection from members of the community were read. Presentations were made by Ross Huntley and Jaret Henhoeffler ending with similar recommendations that the applications not be approved, or at least be deferred. Geoff VanderBaaren commented that many of the concerns raised will more appropriately be dealt with through the Site Plan and Zoning By-law Amendment process. (Copies of all reply comments and presentations made at today’s public hearing are in the application files and available for review).

Moved by: Ian Forrest
Seconded by: Rhonda Ehgoetz

THAT Applications B07/13 and B08/13 be granted provisional consent subject to conditions.
Motion Failed.

Moved by: Bill French
Seconded by: Jim Aitcheson

THAT Applications B07/13 and B08/13 be deferred to allow the applicant time to address concerns raised by members of the community. **Carried.**

6. REPORTS

6.1 The June 13, 2013 report on new and pending applications was received for information.

7. CORRESPONDECE - None

8. APPEALS - None

9. OTHER BUSINESS

9.1 Ian Forrest gave a brief report on his and Leslie's attendance at the 2013 Annual OACA Conference held May 26th to 29th, noting one of the items for discussion at the conference was the importance of Land Division Committee members not having any individual discussions with applicants prior to a public hearing.

9.2 Leslie advised the LDC of the revisions to the Consent Application form, noting in particular the addition of question #14: Is this application consistent with the Provincial Policy Statement issued under subsection 3(1) of the Planning Act R.S.O. 1990, Chapter 13, as amended).

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A

12. NEXT MEETING

Wednesday, September 4, 2013.

13. ADJOURNMENT

Moved by: Ian Forrest
Seconded by: Rhonda Ehgoetz

THAT the meeting adjourn at 1:24 p.m. **Carried.**

Leslie Belland, Secretary-Treasurer

Meredith Schneider, Chairman