



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, June 22, 2015 at 9:30 a.m. in the Council Chamber at the County Court House, 1 Huron St., Stratford.

Committee Members Present:

Mert Schneider
Doug Eidt
Walter McKenzie
Jim Aitcheson
Rhonda Ehgoetz

Staff Present:

Leslie Belland (Secretary-Treasurer)
Allan Rothwell (Planning Director)

1. CALL TO ORDER

With quorum present, Mert Schneider called the meeting to order at 9:33 a.m.

2. ADOPTION OF AGENDA

Moved by: Jim Aitcheson
Seconded by: Walter McKenzie

THAT the Land Division Committee agenda for June 22, 2015 be approved. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

Committee Member Doug Edit declared a pecuniary interest regarding Item No. 5.3 pertaining to Consent Applications B05/15 and B06/15 by K-C Warehousing Inc.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Rhonda Ehgoetz
Seconded by: Doug Eidt

THAT the minutes of the April 27th, 2015 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

- 5.1 File No.:** B03/15
Name of Applicant: Kyle Smith
Owners: Ed and Michelle Jeffrey
Legal Description: Part Lots 42 and 43, Concession 6, South Easthope Ward, Township of Perth East (3411 Perth Road 112)

Nature of Application:

To create a lot addition by severing a vacant 812.3 square metre agricultural parcel to be added to an abutting property owned by Kyle Smith and described as Part Lot 43, Concession 6, South Easthope Ward, Township of Perth East for residential purposes, while retaining approximately 56 hectares.

The applicant's spouse Mellanie Smith, acting as agent on behalf of Kyle Smith, as well as owners Ed and Michelle Jeffrey were in attendance. Allan Rothwell commented that the application is straight forward. Mellanie Smith noted that extra land is required for installation of a septic bed in order to build a new house on the subject property in the future. Allan Rothwell clarified for Jim Aitcheson that 2005 wetlands mapping and existing OP policies were used to indicate natural resource areas to the south and north of the subject property.

Moved by: Doug Eidt
Seconded by: Jim Aitcheson

THAT Application B03/15 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 georeferenced 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.
6. 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.
7. That the area being severed be added to the abutting property owned by Kyle Smith and described as Part Lot 43, Concession 6, South Easthope Ward as in R247958, Township of Perth East, and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcels and the Certificates under Section 53(42) shall contain reference to this stipulation.
8. Confirmation be received from a solicitor that the resultant lot (severed land 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 land is being added.
9. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N. **Carried.**

5.2 File No.: B04/15
Name of Applicant: Mapleview Congregation
Legal Description: Part Lot 5, West Mitchell Road Concession,
 Blanshard Ward, Township of Perth South
 (2154 Perth Road 163)

Nature of Application:

To create a lot addition by severing a 6715.3 square metre parcel with an existing aluminum sided shop for institutional purposes, to be added to the abutting property owned by Mapleview Congregation Inc., described as Part Lot 5, Concession West Mitchell Road, Blanshard Ward, Township of Perth South, while retaining a 3142.3 square metre parcel with an existing single detached dwelling.

Clarence Giesbrecht representing Mapleview Congregation and agent Trevor McNeil were in attendance. Allan Rothwell commented that County of Perth OPA #148 was approved in May 2015 to allow for the proposed enlargement. He also noted that an application to amend the Perth South Zoning By-law was being considered by the Township of Perth South in July. He pointed out on the aerial photo where the Perth County Public Works Department required road widening. Trevor McNeil also noted the recent OPA process to allow for expansion of the church property and indicated that the requirement of a daylight triangle could be worked out. Allan Rothwell commented that the daylight triangle would not be very large as it would be between entrances in an area between Line 10 and Perth Road 163. Doug Edit asked if this is an area that cannot be built on and Allan indicated it was, however the owners will still be required to maintain this area.

Moved by: Jim Aitcheson
Seconded by: Walter McKenzie

THAT Application B04/15 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 georeferenced 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 apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth South 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.
6. 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.
7. That the area being severed be added to the abutting property owned by Maplevieview Congregation Inc. and described as Part Lot 5, Concession West Mitchell Road, Blanshard Ward, Township of Perth South, and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcels and the Certificates under Section 53(42) shall contain reference to this stipulation.
8. Confirmation be received from a solicitor that the resultant lot (severed land 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 land is being added.

9. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
10. That all financial requirements of the Township of Perth South be satisfied (if any).
11. Confirmation be received from the County of Perth Public Works Department that it has acquired appropriate road widening. **Carried.**

5.3 File No.: B05/15
Name of Applicant: K-C Warehousing Inc.
Legal Description: Part Park Lot 53, Plan 341, Mitchell Ward
Municipality of West Perth (82 Huron Rd., Mitchell)

Nature of Application:

To create a lot addition by severing a vacant 2276.9 square metre commercial parcel to be added to the abutting lot to the north owned by K-C Warehousing Incorporated and Patricia Ann Skinner, described as Part Park Lot 53, Plan 341, Being Parts 1 and 2 on 44R-4566, together with a storm sewer easement over Part 4 on 44R-4566 as in PC9402, Mitchell Ward, Municipality of West Perth, while retaining 16575.8 square metres with an existing steel sided commercial building, of which 6411 square metres is proposed to be severed by Application B06/15.

File No.: B06/15
Name of Applicant: K-C Warehousing Inc.
Legal Description: Part Park Lot 53, Plan 341, Mitchell Ward
Municipality of West Perth (82 Huron Rd., Mitchell)

Nature of Application:

To create a new lot by severing a 6411 square metre commercial parcel with an existing steel sided commercial building, while retaining a 10164.8 square metre parcel.

Committee Member Doug Eidt was excused from the meeting as he has a pecuniary interest in both Applications B05/15 and B06/15. The agent for the applicant, Trevor McNeil, was in attendance. Allan Rothwell noted that the Planning report did not mention the proposed storm sewer easement for Application B05/15, and that there is a requirement for a Consent Servicing Agreement with the Municipality for construction of the roadway and municipal service extensions of Wimpole Street between Victoria and Albert Streets towards the highway for Application B06/15. Trevor McNeil noted that Gaffney Electric would like to purchase the property related to Application B06/15 and that proposed Condition #11, being that the owner enter into a Consent Servicing Agreement with the Municipality of West Perth for construction of the roadway and associated Municipal service extensions of Wimpole Street between Victoria Street and Albert Street, should only be imposed on Application B06/15. He also indicated that the retained area for Application B06/15 is zoned for commercial use. Allan Rothwell noted that the proposed conditions for Application B05/15 should include the requirement of a revised Site Plan Agreement as indicated in the Planning Report.

Moved by: Rhonda Ehgoetz
Seconded by: Walter McKenzie

THAT Application B05/15 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 georeferenced 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 property to the north owned by K-C Warehousing Incorporated and Patricia Ann Skinner and described as Part Park Lot 53, Plan 341, Being Parts 1 and 2 on 44R-4566, together with a storm sewer easement over Part 4 on 44R-4566 as in PC9402, Mitchell Ward, Municipality of West Perth, and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcels and the Certificates under Section 53(42) shall contain reference to this stipulation.
7. Confirmation be received from a solicitor that the resultant lot (severed land 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 land is 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 Municipality of West Perth that all taxes have been paid.
10. That all financial requirements of the Municipality of West Perth be satisfied (if any).
11. That the owners seek and obtain an amended Site Plan Agreement from the Municipality of West Perth that incorporates the lands to be severed within the Site Plan Agreement

between K-C Warehousing Incorporated/Patricia Skinner and the Municipality of West Perth. **Carried.**

Moved by: Walter McKenzie
Seconded by: Jim Aitcheson

THAT Application B06/15 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 georeferenced 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 West Perth that all taxes have been paid.
6. That all financial requirements of the Municipality of West Perth be satisfied (if any).
7. That the owners enter into a Consent Servicing Agreement with the Municipality of West Perth for construction of the roadway and associated Municipal service extensions of Wimpole Street between Victoria Street and Albert Street. **Carried.**

6. REPORTS

6.1 New and Pending Applications report received for information.

Moved by: Jim Aitcheson
Seconded by: Doug Eidt

THAT the June 22, 2015 report on new and pending applications be received for information. **Carried.**

7. CORRESPONDENCE – None

8. APPEALS – None

9. OTHER BUSINESS

9.1 Allan Rothwell advised the Committee members that a Public Meeting to hear input from interested persons/parties concerning the existing County of Perth Official Plan policies regarding surplus farm dwelling severances was scheduled to take place on June 23rd at the Sebringville Community Centre, starting at 7:30 p.m.

9.2 Allan Rothwell advised the Committee members of an OMB Hearing scheduled for Thursday, June 25th regarding County of Perth Official Plan Amendment #142.

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A

12. NEXT MEETING – August 24, 2015

13. ADJOURNMENT

Moved by: Doug Eidt
Seconded by: Rhonda Ehgoetz

THAT the meeting adjourn at 10:12 a.m. **Carried.**

Leslie Belland, Secretary-Treasurer

Meredith Schneider, Chair