

MINUTES
LAND DIVISION COMMITTEE

April 8, 2008

A meeting was held at the County Building at 9:00 a.m. on the above date.

Present

Chair B. MacDougall. Warden J. Burns. Members G. Minielly and J. Foubister. Also present were Secretary-Treasurer D. Posliff, Deputy-Secretary-Treasurer T. Dewsbury, Senior Planner B. Uitvlugt, Planners E. Nadalin, F. Garardo and Chief Building Official C. Nauta.

Absent

None.

Plan of Subdivision

Application 38T-08001	T.W. Gray a/f Durco Construction Ltd. Lot 27, Con 11 (Corunna) Township of St. Clair
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An application for approval of a draft plan of subdivision has been made by T.W. Gray a/f Durco Construction Limited with the intention of creating fifty (50) residential building lots for single-detached dwellings with a block for a pumping station and blocks for stormwater outlets to Marsh Creek.

The proposal consists of an irregular shaped parcel of land located in the northeast end of Corunna, east of the St. Clair Heights Subdivision (Brooktree Drive) and north of Hill Street (County Road 4). According to the subdivision application, the subject lands comprise of an area of approximately 8.237 hectares (~20.35 acres) in area with a frontage of ~185.971 metres along Hill Street and 20 metres along each future road extensions off of Brooktree Drive.

In addition to the above, the lot subject to this application would have a remnant "land-locked" parcel measuring approximately 1.74 hectares (4.3 acres) in area, situated east of Marsh Creek. This orphaned parcel would be the most eastern portion of the subject lands that would not be part of the subdivision, but labeled Block 54 on the subdivision map. The location of the subject land is Part Lot 27, Concession 11, Geographic Township of Moore, Township of St. Clair.

Also attending the meeting were Terry Gray, a/f the applicant and Frank Durco Sr.

B. Uitvlugt outlined the planning report that was submitted for this proposed plan of subdivision. He indicated that the proposal meets both the Official Plan and Provincial Policy Statement. He has not received any public comments regarding this application nor has the council of St. Clair. He stated that the issue of the landlocked parcel east of Marsh Creek needs to be addressed before draft approval can be given. Therefore he recommended that the draft approval be given subject to the conditions listed in the planning report once the issue of the orphaned lot is dealt with.

J. Foubister asked for clarification of the dotted line on the diagram on page 2 of the planning report. T. Gray replied that it was the 100 year floodline that had been determined by the St. Clair Region Conservation Authority. J. Foubister asked if building would be allowed in that area. T. Gray indicated that building would not be allowed in that area and also that there would be provisions in the subdivision agreement that would not allow dwellings to be constructed in the flood plain. J. Burns asked how that would be enforced in order to ensure compliance. B. Uivlugt indicated that the municipality, through the building permit process, would attempt to ensure compliance with regulation. T. Gray stated that the owners of these properties could maintain the floodplain area through planting grass, etc. however the grading of these properties cannot be altered.

B. MacDougall questioned the issue of a storage container that was mentioned in correspondence from the Ministry of the Environment. This is located on a brownfield site to the east of the proposed plan of subdivision lands. B. Uitvlugt replied that the issue was a continuing high priority for the Ministry of the Environment and the municipality and would continue to be monitored.

Discussion took place regarding an abandoned well on the lands. B. Uitvlugt indicated that the decommissioning of the well and the appropriate sign-off from the Ministry of Natural Resources would be required as a condition of draft approval.

Foubister/Minielly: That the Committee make recommendation to the Secretary-Treasurer of the Land Division Committee that Application 38T-08001 be given draft approval, subject to the following conditions:

Carried.

Conditions

- 1) That the road allowance included in this draft plan shall be shown and dedicated as a public highway and that the name of the proposed road shall be identified and consistent with the 911 County of Lambton protocol. The new roads shall be named "Bayhill Drive" and "Harper Drive".

- 2) That the applicants provide parkland cash-in-lieu of 5 percent to the Township of St. Clair. The Owner also agrees, if requesting an extension of draft approval, the date for calculation of cash-in-lieu of parkland will be from the date of the extension of draft approval.
- 3) That such easements or dedications as may be required for utility purposes shall be granted to the appropriate authority. (Blocks 51, 52 & 53) stormwater and sewer pumping facility shall be deeded to the Township of St. Clair as well as the 1ft reserve from the reverse frontage lots.
- 4) That the applicants enter into a Subdivision Agreement with the Township of St. Clair which is to be registered on title of the lands once the plan of subdivision is registered and which shall satisfy all the concerns of the Township, financially and otherwise, which shall include but not be limited to:
 - a) Provision of a municipal sanitary sewer and connection, storm sewer and water distribution services, subject to the satisfaction of the Township Engineer and in keeping with the Ministry of Environment standards. The agreement is to address committing (allocating) capacity to the subject lands with timelines and securities.
 - b) The applicants satisfy the Township with respect to drainage and storm water management.
 - c) Provision of security fencing between the proposed residential development and the industrial/landfill lands to the east to the satisfaction of the Township as well as an opaque fence on the reverse frontage lot lines.
 - d) Installation of a fire hydrant system to the satisfaction of the Fire Department and ensure the proper width of the travelled portion of the cul-de-sac in terms of fire protection vehicles.
 - e) Urban design being incorporated into the subdivision (ie. boulevard trees) to the satisfaction of the Township of St. Clair.
 - f) Any signage be identified on an approved plan to the satisfaction of the Township of St. Clair.
 - g) A sidewalk be incorporated in the subdivision to the satisfaction of the Township;

- h) The edge of the lands along Marsh Creek be treated to the satisfaction of the St. Clair Region Conservation Authority.
- 5) That the applicants obtain written reserve sewage capacity from the Township for the proposed development subject to timelines and securities.
- 6) That the Owner obtains approval from the Ministry of Environment for the final servicing plans and submit copies of the Certificates of Approval, issued by the Ministry of Environment, to the County of Lambton and the Township of St. Clair. The provisions of the approved servicing plans must be incorporated into the Subdivision Agreement.
- 7) That the Ministry of Culture confirm that all archaeological resource concerns have met licensing and resource conservation requirements.
- 8) That the Ministry of Natural Resources (or appropriate agency) confirm that abandoned wells have met the provincial requirements for decommissioning.
- 9) That the Public Works Department be presented the details of the proposed street and its municipal entrances and be satisfied with the urban design, curbing, geometry, grade, drainage, signage and any other relevant matters prior to the development of the lands.
- 10) That the Public Works Department be presented the details of the entrances to access each lot and any other relevant matters prior to the development of the lands. The applicant shall obtain 911 addresses from the Township of St. Clair for each residential parcel.
- 11) That the applicants obtain capacity from Hydro One for the proposed development or, if necessary, that final approval of the plan be phased in accordance with the availability of electrical servicing.
- 12) That the applicants obtain capacity and any easements from Union Gas for the proposed development.
- 13) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Township of St. Clair how Conditions 1 through 5 have been satisfied.
- 14) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Ministry of Environment how Condition 6 has been satisfied.

- 15) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Ministry of Culture as to how Condition 7 has been satisfied.
- 16) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Ministry of Natural Resources (or appropriate agency) as to how Condition 8 has been satisfied.
- 17) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Township's Public Works Department as to how Conditions 9 through 10 have been satisfied.
- 18) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by Hydro One as to how Condition 11 has been satisfied.
- 19) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by Union Gas as to how Condition 12 has been satisfied.
- 20) That prior to signing the Final Plan, the applicants shall submit:
 - one (1) original plan;
 - four (4) transparent duplicates;
 - six (6) white paper copies;
 - two (2) CD-ROMs with the final plan (AutoCad compatible) and;
 - three (3) copies of the Subdivision Agreement executed with the Township of St. Clair.
- 21) That this Draft Approval shall lapse if Final Plan Approval or an extension of Draft Plan Approval is not obtained within three (3) years of the date of this approval.

Applications

Application B-002/08

1272068 Ontario Ltd. c/o Ken Simpson
2836 Forest Road, Part Lot 1, Con 4
Township of Brooke-Alvinston

An application has been made with the intent to sever a 0.75 hectare parcel from a 40.5 hectare parcel. The purpose of the severance is to dispose of a surplus farm dwelling.

The property is designated “Rural Area” in the Brooke-Alvinston Official Plan with a “Significant Woodlot” located at rear, unaffected portions of the lot. The corresponding Zoning in the Township’s Zoning By-law is “Agriculture (A1)” and “Environmental Protection – Woodlot (EP-WD)”.

The Zoning By-Law requires a minimum area of 38ha (94ac) for a retained farm parcel and a new residential parcel must be between 0.4 and 1.0 Ha (1 and 2.47ac). The retained farm lot at approximately 98 acres would meet the Zoning By-Law’s 38 ha (94ac) minimum farm lot size.

Attending the meeting was the applicant Ken Simpson. Also attending was John Simpson.

The Planner read his report and the Chief Building Official presented her report. The Deputy-Secretary-Treasurer read the submission received from the Township of Brooke-Alvinston stating they have no objection to the application subject to the three conditions set out in the Planner’s report as well as the standard Brooke-Alvinston conditions.

Minielly/Burns: That Application B-002/08 be approved with conditions.

Carried.

The Chair advised of appeal procedures.

Conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*

4. That the applicant enter into an agreement with the Township of Brooke-Alvinston for the apportionment of drainage assessments on the involved properties.
5. That the applicant is responsible for the cost to the Township of Brooke-Alvinston of providing and installing an access culvert on the severed (and/or retained) portion.
6. That the retained farm parcel be rezoned to prohibit a dwelling.
7. That the lot size be increased to 2 acres.
8. That the grain bins be removed.
9. That the applicant satisfies the County of Lambton Private Sewage Coordinator with the following:
 - a) that the system be demonstrated to this department by site diagram and be partially uncovered to confirm the component location, size and condition;
 - b) that a site inspection be conducted, when the system has been partially uncovered, to confirm location and components of the septic system and ensure that it is wholly contained within the newly created parcel.
 - c) that a "Notice of Advisory" be registered on title reflecting the served/contingency area on the newly created parcel. It is to be incorporated into the survey, registered on title and included in all agreements of purchase or sale or lease of this property. The "Notice of Advisory" pertains to the site plan that will be completed to the satisfaction of the Private Sewage System Coordinator. The survey must demonstrate a 50 square metre contingency area that is located in native, undisturbed soils and "reserved" for any future septic system.

Application B-003 & B-004/08 Peaceful Acres Limited c/o Ken & Dianne Richards
West ½ Part Lot 11 & East ½ Part Lot 11, Con 2
Township of Dawn-Euphemia

An application has been made with the intent to sever and adjust the boundary of two adjacent properties.

The Official Plan for the Township of Dawn-Euphemia designates the lands “Agriculture” and “Hazard Lands” and they are zoned “Agricultural-1” and “Environmental Protection - Hazard” zones in the Township Zoning By-law 25 of 2002.

Attending the meeting was the applicants Ken and Dianne Richards.

The Planner read his report and the Deputy-Secretary-Treasurer read the submission received from the Township of Dawn-Euphemia stating they have no objection to the application subject to the conditions set out in the Planner’s report.

Foubister/Minielly: That Application B-003 & B-004/08 be approved with conditions.

Carried.

The Chair advised of appeal procedures.

Conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Section 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse. If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.***
4. That the applicant enters into an agreement with the Township of Dawn-Euphemia for the apportionment of drainage assessments on the involved properties.
5. That, if either the severed portion or the two retained portions does not have an access culvert after the consent, then the applicant is responsible for the cost of the Township of Dawn-Euphemia providing such access.

6. A minor variance be obtained for the new agricultural parcel located to the south of the Drummond Drain.

Application B-005/08

Mike Demers
Part Lot 7, Con 1 SER
Township of Warwick

An application has been made for a lot addition severance. This severance would adjust and increase the size of an existing lot fronting on Egremont Road.

The lands are designated “Agricultural Area” in the Township of Warwick Official Plan with “Significant Woodlot” and “Hazard And Environmental Protection” designations at rear, unaffected portions. The corresponding Zoning By-Law designates the lands as “Agriculture (A1)”, with a significant woodlot and “Environmental Protection – Woodlot (EP-WD)” and “Environmental Protection- Hazard” on rear portions of the lot.

The Township’s Official Plan and Zoning By-Law require a minimum area of 38ha (94ac) for a retained farm parcel and 0.8 Ha (2 acres) for a new residential parcel. The retained farm lot at approximately 98 acres would meet the Zoning By-Law’s 38 ha (94ac) minimum farm lot size. The lot addition brings the residential lot to just over the minimum residential lot area requirement.

Attending the meeting was the applicant Mike Demers. Also attending were neighbours Scott and Rhonda Oulds.

The Planner read his report and the Deputy-Secretary-Treasurer read the submission received from the Township of Warwick stating they have no objection to the application.

Minielly/Burns: That Application B-005/08 be approved with conditions.

Carried.

The Chair advised of appeal procedures.

Conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.

2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Section 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*
4. That the applicant enters into an agreement with the Township of Warwick for the apportionment of drainage assessments on the involved properties.
5. That, if either the severed portion or the two retained portions does not have an access culvert after the consent, then the applicant is responsible for the cost of the Township of Warwick providing such access.

Adjournment

The Chair declared the meeting adjourned.

Time: 11:25 a.m.

Bev MacDougall
Chair

Terrie Dewsbury
Deputy-Secretary-Treasurer