



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2022-09-26
Subject: Severance Application E75-22 – Comments to County of Elgin (Planning Report 2022-37)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application , E75-22 – Comments to Elgin County (Planning Report 2022-37);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the consent application, File E75-22, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that the West Elgin Council directs Administration to provide this report as Municipal Comments to the County of Elgin.

Purpose:

The purpose of this Report is to provide Council with recommendations related to authorizing municipal comments to the County of Elgin regarding County of Elgin Severance Application E75-22, as Elgin County is the planning approval authority for consents.

The purpose of the consent application is to facilitate the severance and conveyance of lands as a lot addition from an abutting farm parcel to an existing commercial lot for additional outdoor display area. See Appendix One – Details.

Background:

Below is background information, in a summary chart:

| | |
|------------------------------|--|
| Application | E75-22 |
| Owners | Ida & Petrus Fleuren |
| Applicant | Paul Randhawa on behalf of Chris Liddy |
| Legal Description | Part Lot of 6, Concession Gore WD |
| Civic Address | 22100 Downie Line |
| Entrance Access | Furnival Rd & Downie Line |
| Existing Land Area | 19.5 ha (48.23 ac.) |
| Proposed Lot Addition | 929 sq. m (10,000 sq. ft.) |
| Retained Lands | 19.42 ha (48 ac.) |

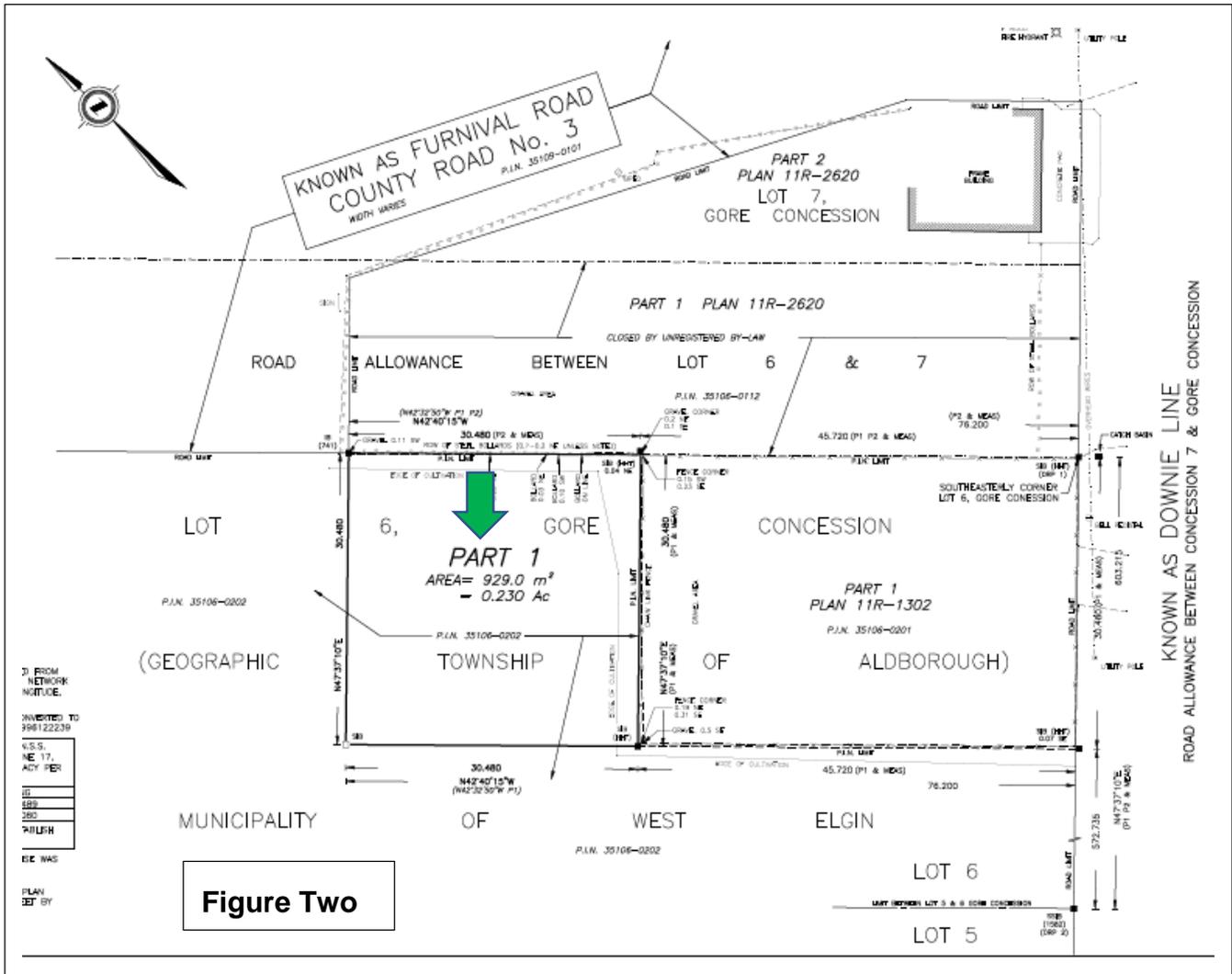
Figure One shows the location of the subject property (outlined in blue), the proposed lot addition lands (outlined in red) and the location of the commercial receiving lot to the east (highlighted by the green arrow).



The Public Hearing is scheduled for October 26, 2022, at the Elgin County Land Division Committee Meeting.

Figure Two and the chart below show the details from the survey sketch prepared as part of the application for consent. The lot addition lands are shown as Part 1.

| Application | Severed Parcel | | | Retained Parcel | | |
|-------------|----------------------|----------------------|---|--------------------------|--------------------------|---------------------|
| | Length | Width | Area | Frontage | Depth | Area |
| E75-22 | 30.48 m (100 ft.) | 30.48 m (100 ft.) | 929 m ² (10,000 ft ²) | 249 m +/- (816.3 ft.) | 598 m +/- (1,962 ft.) | 19.4 ha (48 ac.) |



Financial Implications:

Application fees were collected in accordance with the Municipality’s Fees and Charges By-law, as amended time to time. The convey of lands from the farm to the commercial will result in an increase in assessment on the receiving lands and minor decrease on the retained farm parcel.

Policies/Legislation:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Municipality of West Elgin, they must also make decisions that conform to the

County of Elgin Official Plan (CEOP) and Municipality of West Elgin Official Plan (OP) and make decisions that represent good land use planning.

With regard to this proposal involving severances, the Planning Authority is the County of Elgin Land Division Committee, wherein the Municipality provides agency comments to the County of Elgin as part of their decision-making process.

PPS:

Section 2.3.6, Non-Agricultural Uses in Prime Agricultural Areas outlines a number of criteria for permitting limited non-residential use including the following:

1. the land does not comprise a specialty crop area;

Comment: the subject lands are not a specialty crop area.

2. the proposed use complies with the minimum distance separation formulae;

Comment: there are no livestock operations within 500 metres of the proposed lot addition

3. there is an identified need with the planning horizon provide for in policy 1.1.2 for additional land to accommodate the proposed use; and

Comment: the lot addition is for an existing business to expand outdoor display and storage and is very minimal in size and located directly behind an existing Enbridge substation so it will have minimal impact on the retained farm parcel.

4. alternative locations have been evaluated, and

- i. there are no reasonable alternative location which avoid prime agricultural areas; and

Comment: the majority of West Elgin is located on prime agricultural lands so it is very challenging to avoid these lands even in cases of very minor lot additions.

- ii. there are no reasonable alternative location in prime agricultural areas with lower priority agricultural lands.

Comment: Relocating the existing business on lower prior lands is not feasible and could result in the loss of additional lands unnecessarily.

As such, the proposal is consistent with PPS.

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section E1.2.3.2 outlines that a consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. The approval authority shall be satisfied that the boundary adjustment does not affect the viability of the use of the affected lands nor shall it negatively impact the viability of the affected agricultural parcel.

Comment: The lot addition is less than a quarter of an acre, is located in the corner of the parcel already impacted by the previous Enbridge substation lot and will not impact on the use of either the retained farm parcel or receiving lot. The boundary adjustment will also not affect the ongoing viability of the retained farm parcel. As such the proposed lot addition severance conforms with the policies of the County Official Plan.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. Section 10.4.3 outlines that a severance for the purpose of adjusting or correcting lot boundaries or to convey a relatively modest amount of land to an abutting lot shall only be permitted provided:

- a) the conveyance does not lead to the creation of an undersized, irregularly shaped lot(s) unsuited to the purpose for which it is being used or proposed to be used, or contrary to the provisions of the Zoning By-law unless the By-law is otherwise amended or a variance granted.

Comment: a zoning amendment will be necessary to rezone the lot addition lands to match with that of the receiving lot. The conveyance will also result in reducing the lot area of the retained farm parcel which is currently undersized. This too can be addressed in the same amending by-law.

- b) The lands being conveyed are registered in the same name and title as the lands to which they are being added; and

Comment: this is included as condition of the lot addition consent approval;

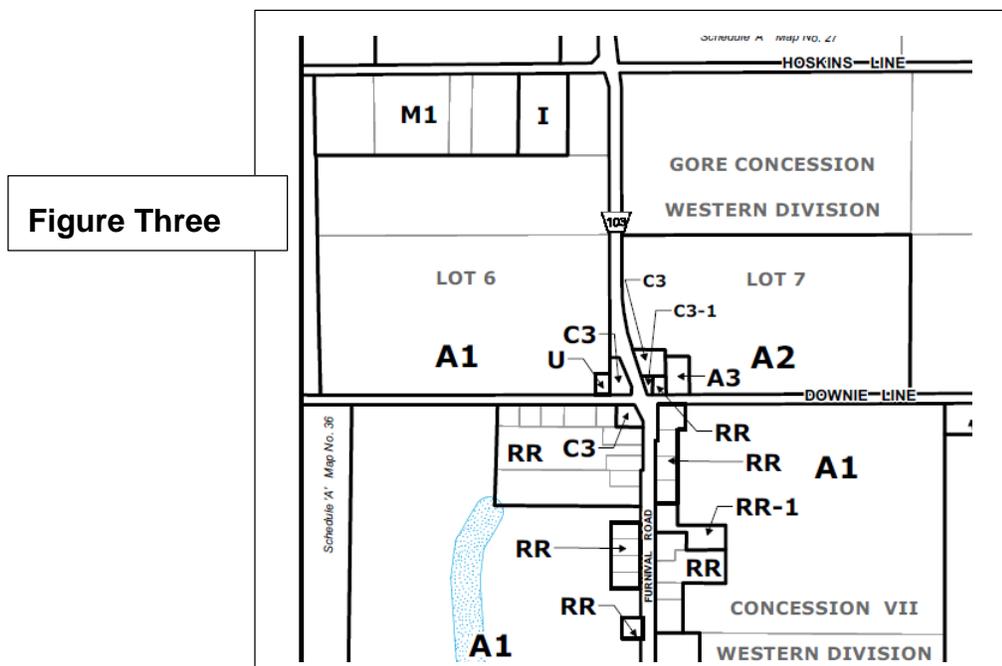
- c) It is stipulated in the granting of the severance that any subsequent conveyance or transaction will require a future severance.

Comment: this too is included as a condition of approval.

Therefore, this proposal conforms to the OP.

Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The lot addition land and retained parcel are zoned Agriculture (A1) while the receiving lot is zoned Highway Commercial (C3) on Map 37 of the ZBL as depicted in Figure Three.



The lot addition lands will need to be rezoned to match the zoning on the receiving lot. As part of the same zoning amendment the further under sizing of the retained farm parcel (minimum lot area is 20.2 ha (50.ac.)) will be addressed. With this as a condition of approval, the application will conform with the West Elgin Zoning By-law.

Interdepartmental Comments:

The severance application was circulated to municipal staff for comment. The following comments were received:

Drainage:

- The lot addition will trigger drainage reapportionment for the subject lands.

Staff were also in agreement that zoning would need to be undertaken as outlined earlier in the report. Site Plan approval was also a consideration however since the lands are only proposed as outdoor storage area for now site plan would not be necessary. Should additional buildings be proposed on the newly configured lot in the future then site plan approval will be required at that time. No other comments or concerns were received from Administration.

Summary:

The proposed lot addition is consistent with the PPS, conforms to both the CEOP and West Elgin OP, will comply with the ZBL once the required amendment is completed as a condition of approval; and that Council recommends to the County of Elgin that the consent be approved, subject to the lower-tier municipal conditions listed in this report.

The County of Elgin, as the Planning Approval Authority, will have to review the application accordingly against the planning documents (PPS, CEOP, OP and ZBL) and obtain comments from the other agencies and members of the public through the public consultation process, as part of their decision-making on the planning application.

Prepared by:

A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal flourish extending to the right.

Robert Brown, H. Ba, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

| | |
|----------------------|---|
| Document Title: | Severance Application E75-22 - Comments to Elgin County - 2022-37-Planning.docx |
| Attachments: | - Planning Report 2022-37 Appendix One - Detail.pdf - Planning Report 2022-37 Appendix Two - Comments to the County of Elgin.pdf |
| Final Approval Date: | October 6, 2022 |

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott