



Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2023-03-20

Subject: Severance Application E19-2023 – Comments to Elgin County – 2023-14 – Planning Report

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application, File E19-23 – Comments to Elgin County (Planning Report 2023-14);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E19-23, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And further that 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 E19-23, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the prospective purchaser at 13941 Colley Road.

Background:

Below is background information, in a summary chart:

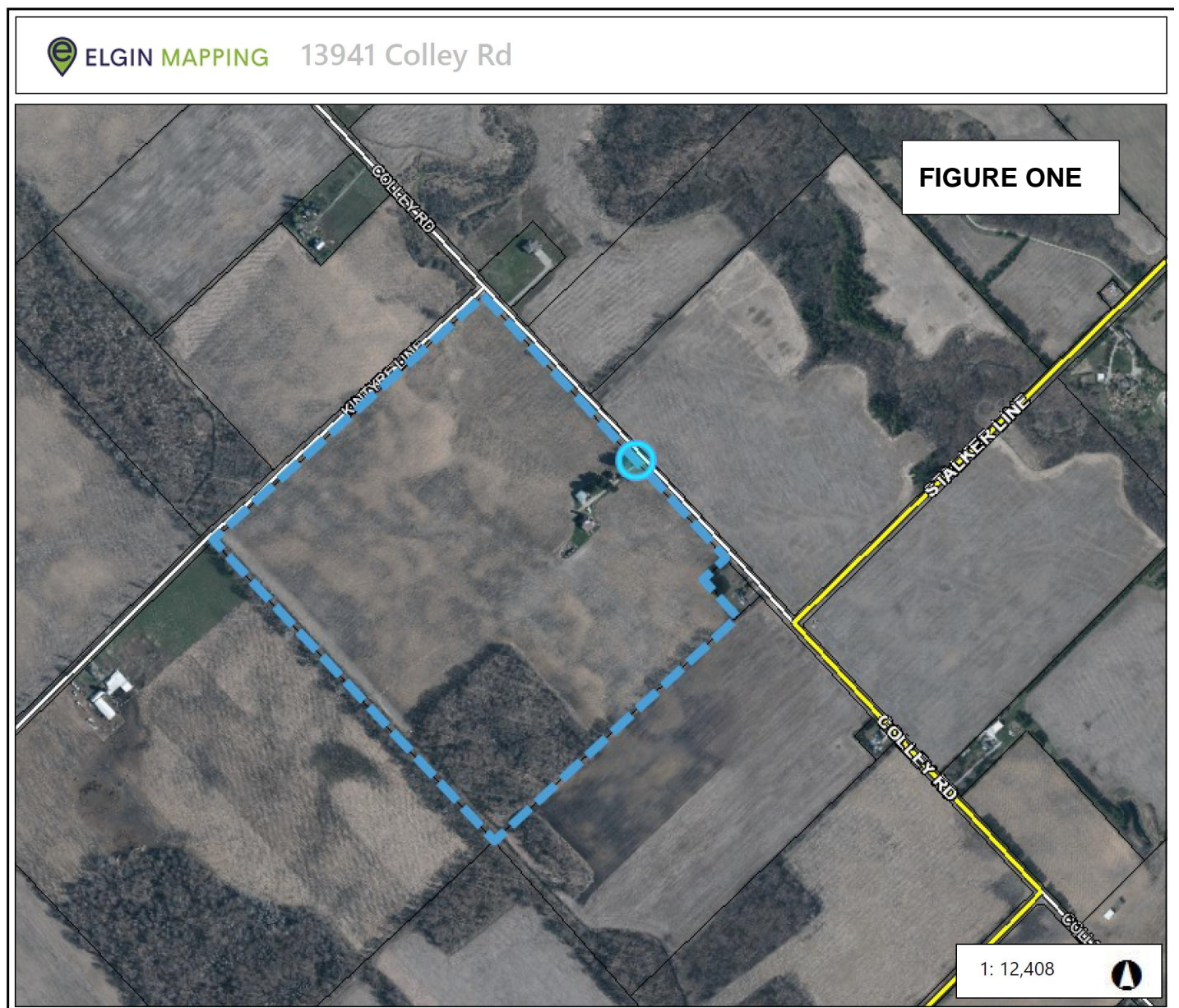
Application	E19-23
Owner	Stacey Carland Johnston
Applicant/Purchaser	Owen Cardwell Robert Johnston
Legal Description	Part Lot of 15, Concession 5 WD
Civic Address	13941 Colley Road
Entrance Access	Colley Road
Water Supply	Private on-site well
Sewage Supply	Private on-site individual septic system
Existing Land Area	40.06 ha (99 ac.)

Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
E19-23	55 m (180.4 ft.)	145 m (475.7 ft.)	0.8 ha (1.97 ac)	602 m (1,975 ft.)	613 m (2,011 ft.)	41 ha (101.3 ac.)

The Public Hearing is scheduled for April 26, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



The severance sketch, showing E19-23 is attached to this report as Appendix One for reference purposes.

Financial Implications:

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. The severance may result in a minimal increase in assessment.

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:

Lot creation in agricultural areas is permitted for a residence surplus to a farming operation because of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The current lot footprint is very irregular in shape. The proposed lot does include some actively farmed land however it squares off the lot to be severed and will improve the long-term efficient operation of the remaining farmland. The removal is also offset by the removal of an existing barn, the area around which can be returned to productive use. There are livestock facilities within 800 m of the proposed lot. However, severance of the existing dwelling will not impact on the livestock operations.

The property does contain a small amount of wooded area in the southwest corner of the retained parcel however the proposed surplus dwelling lot is not located within the natural heritage (Section 2.3) portions of the property and will not impact on its ongoing function. As such, the proposal is consistent with the PPS.

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. A portion of the proposed retained parcel is within Woodlands and Provincially Significant Wetlands as indicated on Appendix #1 Natural Heritage Features and Areas in the CEOP.

Section E1.2.3.4 b) of the CEOP permits the creation of new lots provided the local Official Plan supports their creation and if the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by

the consent to sever. The residence to be severed is habitable and is surplus to the prospective purchaser's farming operations. The residence is serviced by a private water well and private individual on-site septic system.

No development is proposed within the natural heritage feature (Section D1.2). Therefore, this proposal conforms to the CEOP.

OP:

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. A portion of the proposed retained parcel contains a wooded area as indicated on Schedule 'B' on Map 2. That same portion of the property is also included as part of the Ferndell Wetland Complex. These areas are not impacted by the requested severance.

Section 6.2.9 policies of the OP, state that the creation of a lot for the purposes of disposing of a dwelling considered surplus as a result of farm consolidation, being the acquisition of additional farm parcels to be operated as one farm operation, shall be considered in accordance with the following:

- a) The dwelling considered surplus has been in existence for at least 10 years;
- b) The dwelling is structurally sound and suitable, or potentially made suitable, for human occupancy;
- c) No new or additional dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law;
- d) Compliance with MDS I with respect to any livestock building, structure, or manure storage facility on the remnant parcel;
- e) Minimizing the loss of productive farmland; and
- f) Deteriorated derelict abandoned farm buildings (including farm buildings and structures with limited future use potential) are demolished and the lands rehabilitated.

Administration advises that:

- The applicant has demonstrated that the residence is surplus to the prospective purchaser's farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is required as a condition of severance;
- There is a livestock operation within 800 m of the proposed lot however there is not impact to the proposed lot or neighbouring livestock operation;
- The proposed severed parcel does include a small amount of productive farmland but only what is necessary to square off the irregular yard configuration; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal. However, the applicant is proposing to remove a large older barn and silo that would end up encroaching on the proposed lot lines of the severed parcel.

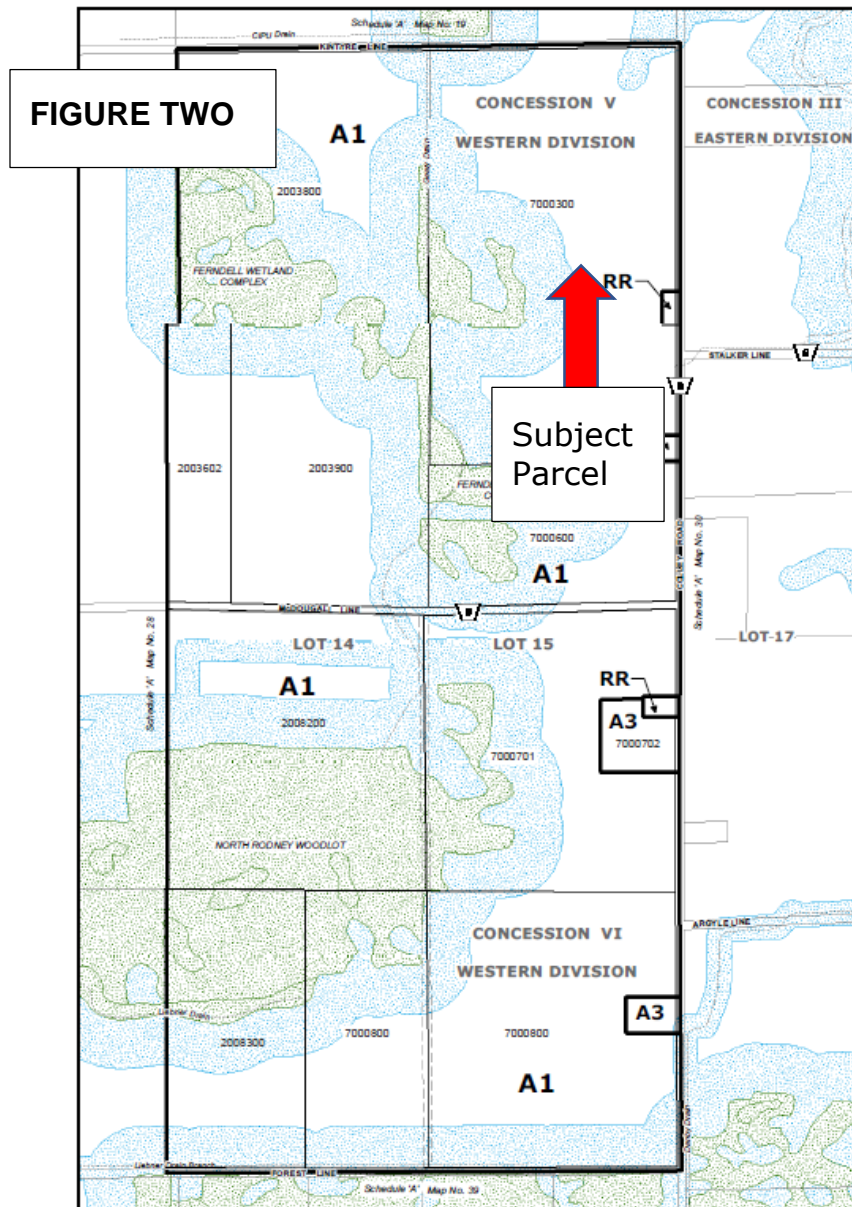
No development is proposed within the natural heritage feature on the property.

Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is

in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 29 of the ZBL, as depicted in Figure Two below:



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000

0 50 100 200 300 400 500 Metres

Municipality of West Elgin Zoning By-Law

Map No. 29

Permitted uses within the General Agricultural (A1) Zone include single unit dwellings. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 m respectively.

The proposed severed parcel area is 0.8 ha (1.97 ac.), with a lot frontage of 55 m (180.44 ft.); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to continue to permit agricultural uses but prohibit new dwellings.

Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning by-law.

Interdepartmental Comments:

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

Drainage:

- The subject lands will require drainage reapportionment.

This is addressed as a condition of approval.

Utilities:

- No issues of concern.

Public Works:

- There is existing access to both the severed and retained parcels.

Building Dept:

- A septic system inspection and well test will be required as conditions of the severance approval.

No other comments or concerns were received from Administration.

Summary:

The proposed surplus farm dwelling lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); As such, Council can recommend 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.

Respectfully submitted 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 E19-2023 - Comments to Elgin County - 2023-14 - Planning Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix 1 - Johnston Survey SK.pdf- Planning Report 2023-14 Appendix Two - Conditions of Approval for County of Elgin.pdf
Final Approval Date:	Mar 29, 2023

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

Jana Nethercott