



Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2023-03-29

Subject: Severance Application E 14 – 23 & E 15 – 23 – Comments to Elgin County – 2023-13 Planning Report

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E14-23 and E15-23 – Comments to the County of Elgin (Planning Report 2023-13);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E14-23 and E15-23, subject to the Lower-Tier Municipal conditions in Appendix Two A and B of this report;

And further that West Elgin Council direct 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 Applications E14-23 and E15-23, as Elgin County is the planning approval authority for consents.

The purpose of the consent applications is to facilitate the creation of two lots in the northeast corner of the subject parcel as outlined in Figure Two A and B.

Background:

Below is background information, in a summary chart:

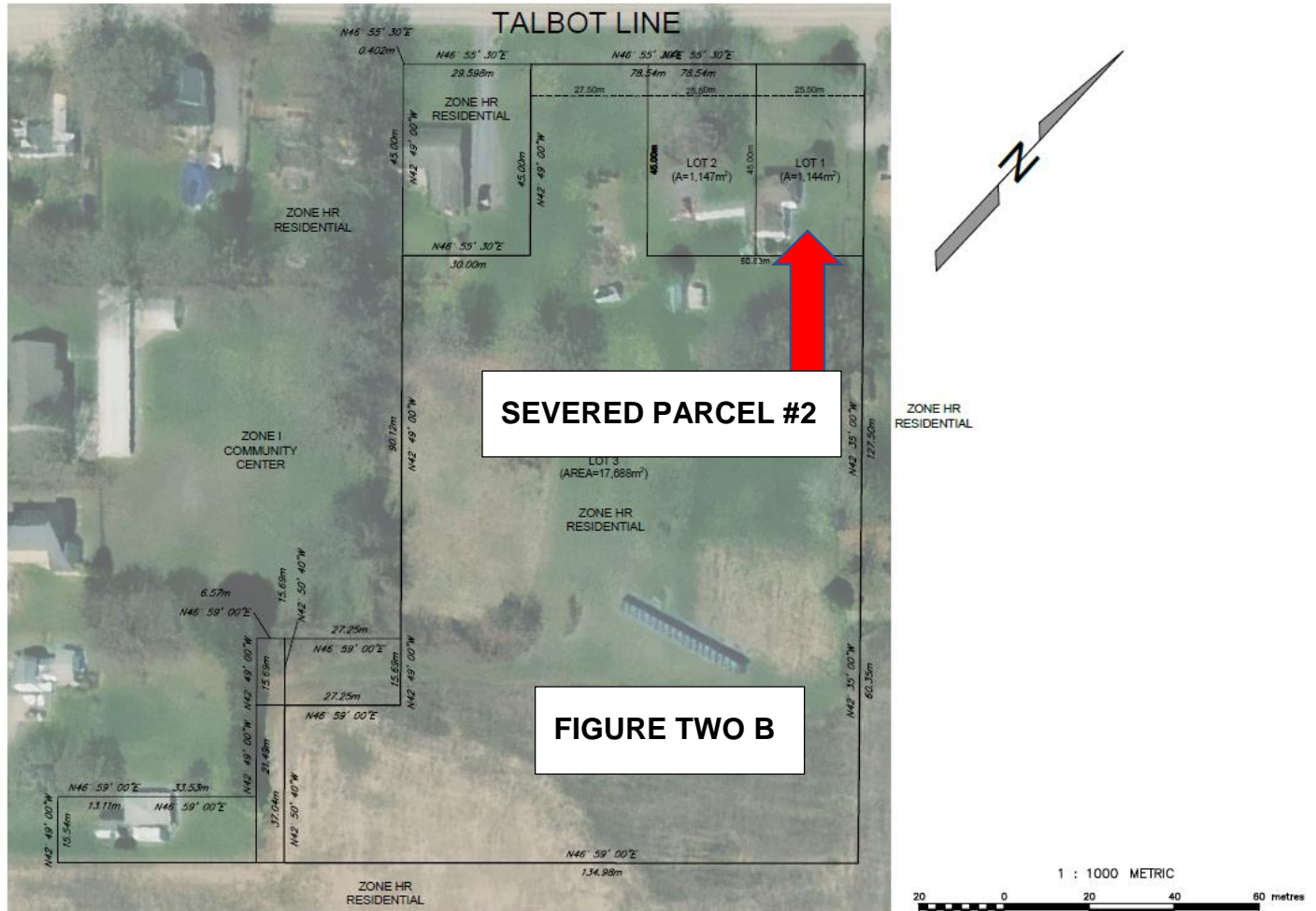
Application	E14-23 & E15-23
Owner/Applicant	Ajimon Ouesph & Jeniya George
Legal Description	Part Lot of 19, Concession 13, Part 6 & 7, RP 11R 661
Civic Address	25361 Talbot Line
Existing Land Area	2 ha (4.93 ac.)
Existing Buildings	Single detached dwelling & outbuildings

Figure One shows the location of the subject property.

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



Application	Severed Parcel			Retained Parcel
	Length	Width	Area	Area
E15-23 Fig. 2 B	25.5 m (83.66 ft.)	45 m (147.64 ft.)	1,147.5 m ² (12,352 ft ²)	1.768 ha (4.37 ac.)



The entire severance sketch, showing E14/15-23 is attached to this report as Appendix One for reference purposes.

Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. The creation of the new lots will result in an increase in assessment and opportunity for the construction of a new dwellings on the vacant parcels. The creation of the new lots is also subject to collection of cash-in-lieu of parkland.

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 approval 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:

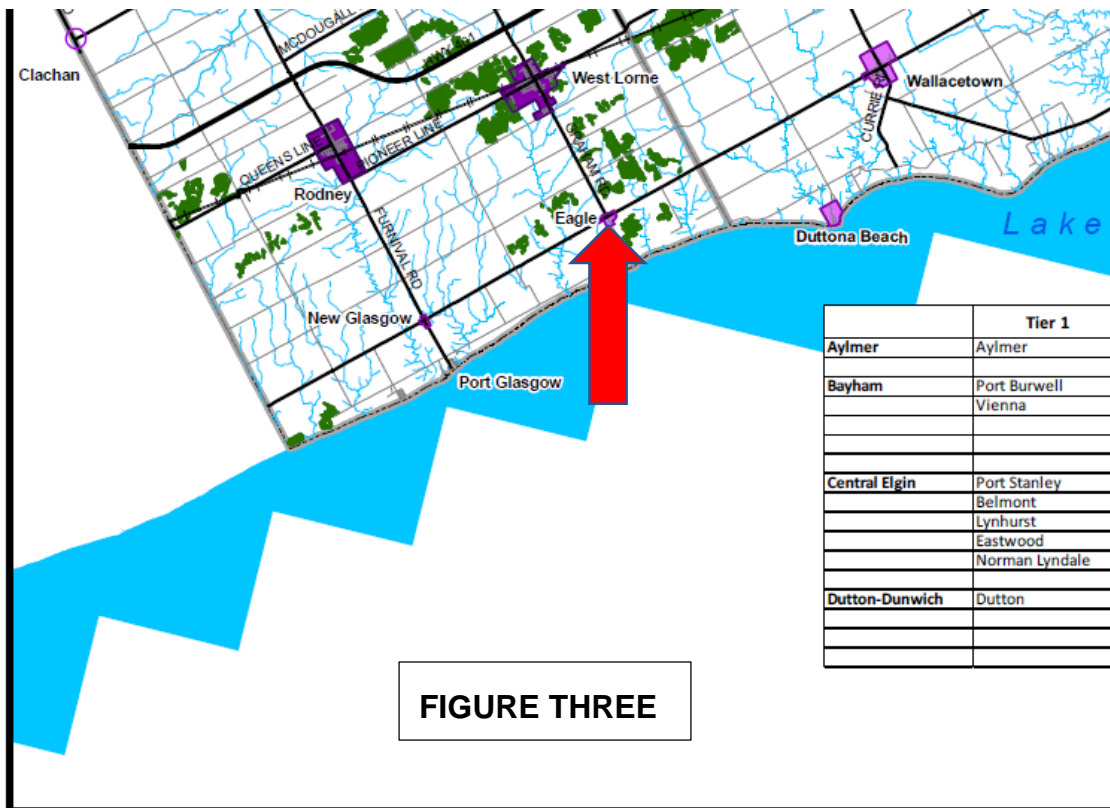
The subject property is location on the south side of Talbot Line within the hamlet of Eagle. Limited lot creation is permitted within this designated area in accordance with Section 1.1 of the PPS.

Partial servicing is available within Eagle, municipal water and private septic systems. The proposal is consistent with the PPS.

CEOP:

The subject lands are within the hamlet of Eagle and classified as a Tier Two settlement area as shown on Schedule 'A' Land Use in Figure Three. Limited development is permitted in these settlement areas on partial services.

New lot creation is subject to the policies of E1.2.3 and the General Criteria of Section E1.2.3.1. The criteria outlined in items a) through m) have been reviewed and the proposed lot creation complies with or will comply with these policies subject to conditions of approval. As such the proposed lot creation is in conformity with the CEOP.



County of Elgin Official Plan

Schedule 'A' Land Use

Land Use Designations

Settlement Areas

- Tier 1
- Tier 2
- Tier 3

Agricultural

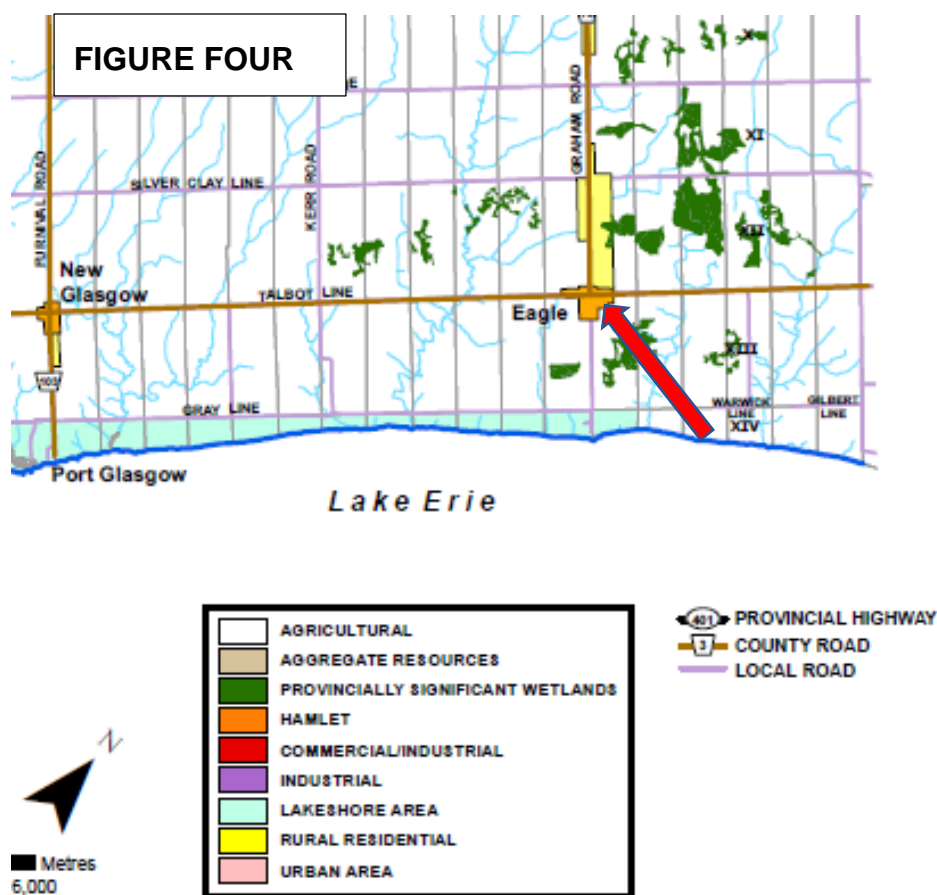
- Agricultural Area

Wetlands

- Provincially Significant Wetlands

OP:

The proposed severed parcels are designated as Hamlet on the Rural Area Land Use and Transportation Plan Schedule 'E' of the OP, as shown on Figure Four, in orange.



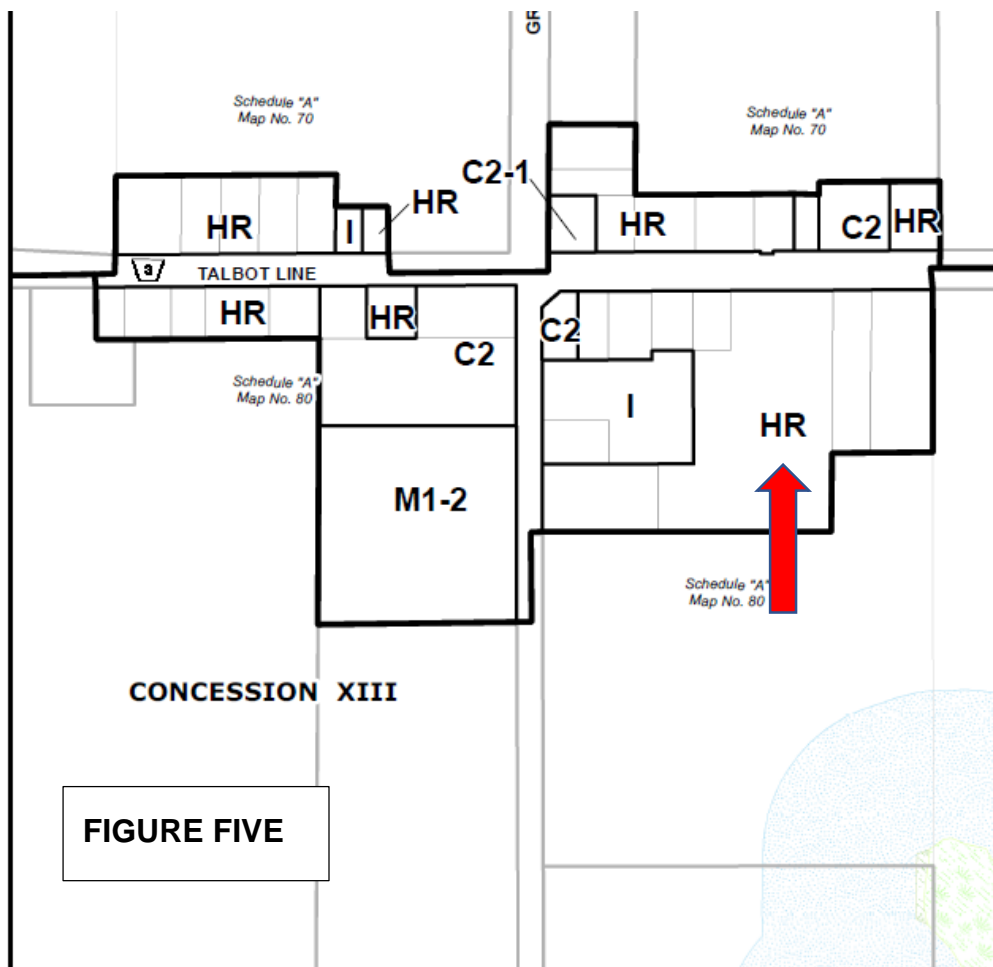
The Hamlet designation limits use to residential uses or specifically single detached dwellings. Lot creation policies for the Hamlet designation (Section 6.3.4) permit development on partial services. As a condition of the consent the applicant will be required to demonstrate that the lands are capable of supporting the proposed private septic systems. Lot creation is also subject to Section 10.4.1 of the OP which allows for severance (consent) applications. The proposed severance applications meet the policy of Section 10.4.1.

There is a small livestock facility located to the east of the subject lands. However, because the subject lands are located within what is considered a settlement area compliance with the Minimum Distance Separation guidelines developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) are not applied. Therefore, this proposal conforms to the Official Plan.

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

The subject lands are located in the Hamlet Residential (HR) Zone. (See Figure Five) The proposed lots, along with the retained parcel will meet the minimum lot area and frontage

requirements for partially serviced lands. If the existing dwelling is to remain lot line setbacks will need to be confirmed or the dwelling removed. Any accessory buildings that would remain on vacant lands will also need to be relocated to the lot with the dwelling or removed. Therefore, the proposal would comply with the ZBL.



Municipality of WEST ELGIN

Schedule "E"

SCALE 1:4,000
0 25 50 100 150 200 Metres
Municipality of West Elgin Zoning By-Law

Eagle

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:

- New water connections will be required for two of the three lots.

Public Works:

- New access will be required. Talbot Line is a County Road as such permits will be required through the County.

Building Dept:

- Accessory buildings to remain on any new vacant parcel will need to be removed. Setback confirmation will be needed for the existing dwelling.

No other comments or concerns were received from Administration.

Summary:

It is the Planner's opinion that the proposed lot creation consent, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL, subject to the recommended minor variance; 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.

Respectfully submitted by:



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

Report Approval Details

Document Title:	Severance Application E14 - 2023, E15 - 2023 - Comments to Elgin County - 2023-13 - Planning Report.docx
Attachments:	<ul style="list-style-type: none">- Appendix One - Site Sketch - Ouseph.pdf- Planning Report 2023-13- Appendix Two A - West Elgin Conditions E14-15-23.pdf- Planning Report 2023-13- Appendix Two B - West Elgin Conditions E14-15-23.pdf
Final Approval Date:	Mar 29, 2023

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

Jana Nethercott