



## Staff Report

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**Report To: Council Meeting**

**From: Robert Brown, Planner**

**Date: 2023-05-29**

**Subject: Severance Application E37-23 – Comment to Elgin County –  
Recommendation Report – Planning Report 2023-26**

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### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E-24-23 – Comments to Elgin County (Planning Report 2023-26);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for Severance application, File E-37-23, subject to the Lower-Tier Municipality conditions in Appendix One 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 E37-23, 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 applicant at 26338 Queens Line (Figure One). A draft outline of the proposed lot is attached as Figure Two.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E37-23
<b>Owner</b>	Jen-Veld Farms Inc.
<b>Applicant</b>	Eric Jensen & Lisa Veldman
<b>Legal Description</b>	Part Lot of 23, Concession 7 ED
<b>Civic Address</b>	26338 Queens Line
<b>Entrance Access</b>	Queens Line
<b>Services</b>	Private on-site septic system & water well
<b>Existing Land Area</b>	9.5 ha (23.5 ac.)

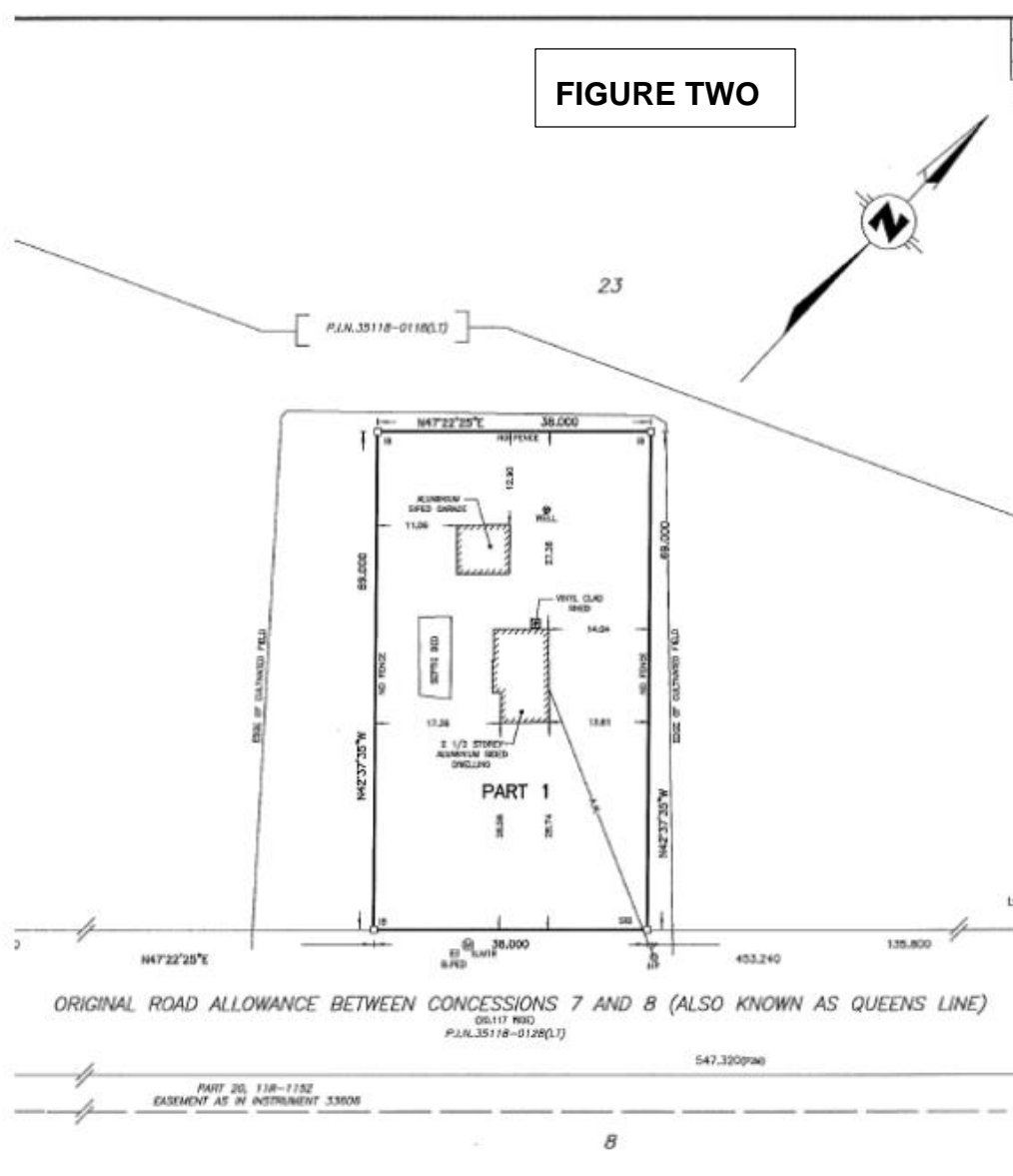
Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E37-23</b>	38 m (124.6 ft.)	89 m (291.9 ft.)	0.262 ha (0.65 ac)	258 m (846 ft.)	irregular	9.25 ha (22.85 ac.)

The Public Hearing is scheduled for June 28, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.





### **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.

Comment: The proposed lot does not include any actively farmed land.

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. There are livestock facilities within approximately 230 m of the proposed lot. However, severance of the existing dwelling does not create any additional impact on the livestock operation as the required setback would be calculated from the location of the nearest dwelling regardless of it being on the farm or a severed lot.

The property is located north of a natural heritage feature which is located on the south side of Queens Line. The dwelling and outbuilding are existing and have been located here for many years. The creation of the lot does not create any additional impacts on the natural heritage feature. 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. As indicated the subject parcel is across the road from a Provincially Significant Wetland 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 owners' farming operations. The residence is serviced by a municipal water and private individual on-site septic system.

All existing development is outside the natural heritage feature on the south side of Queens Line. and no new 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.

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 approximately 230 m of the proposed lot however there is not impact to the proposed lot or neighbouring livestock operation;
- The proposed severed parcel excludes productive farmland using only the area currently occupied by the house and outbuildings; and
- There are no older farm buildings which are deteriorated, derelict or abandoned for consideration of removal.

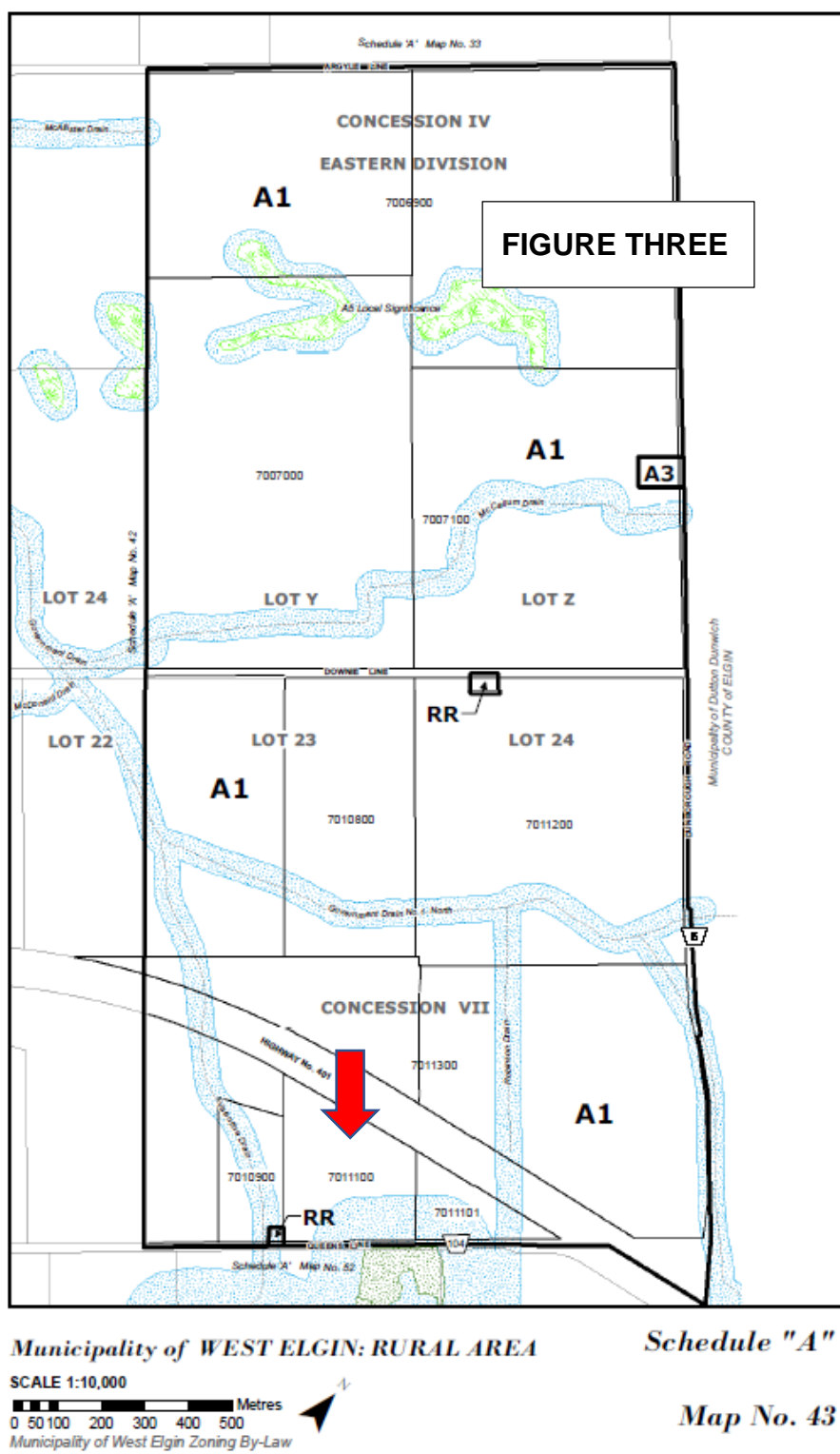
Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms 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 43 of the ZBL, as depicted in Figure Three below. The blue hatch pattern on the mapping represents LTVCA regulated area. 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 0.262 ha (0.65 ac.), with a lot frontage of 38 m (124.6 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Rural Residential (RR) Zone, as a condition of approval. The Rural Residential Zone (RR) Zone has a minimum lot area of 2,000 sq. m and a minimum lot frontage of 30 m. The proposed retained parcel will 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 applications were circulated to municipal staff for comment. The following comments were received:

**Drainage:**

- The subject lands are within a municipal drainage area and will require reapportionment.

Planning Staff notes that this will be addressed as condition of approval for reassessment process.

**Public Works:**

- If any entrance modifications are needed, an entrance permit would be required.

**Building Dept:**

- A septic system inspection and water well test will need to be completed as a condition of the severance.

A satisfactory water well test was completed and included with the application. The septic system was also inspected and the report will be assessed and reviewed by the Building Department.

No other comments or concerns were received from Administration.

**Summary:**

Therefore, it is Planning Staff's opinion that 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); 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. (Appendix One)

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 E37-23 - Comments to Elgin County - Recommendation Report - 2023-26-Planning.docx
Attachments:	- Planning Report 2023-26 Appendix One - Comments to the County of Elgin.pdf
Final Approval Date:	Jun 1, 2023

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

Heather Bouw