



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2023-04-26
Subject: Severance Application E24-23 – Recommendation Report
(Planning Report 2023-19)

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 2023-019);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E24-23, subject to the Lower-Tier Municipality 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 E24-23, 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 25785 McMurchy Line. A draft outline of the proposed lot is attached as Appendix One.

Background:

Below is background information, in a summary chart:

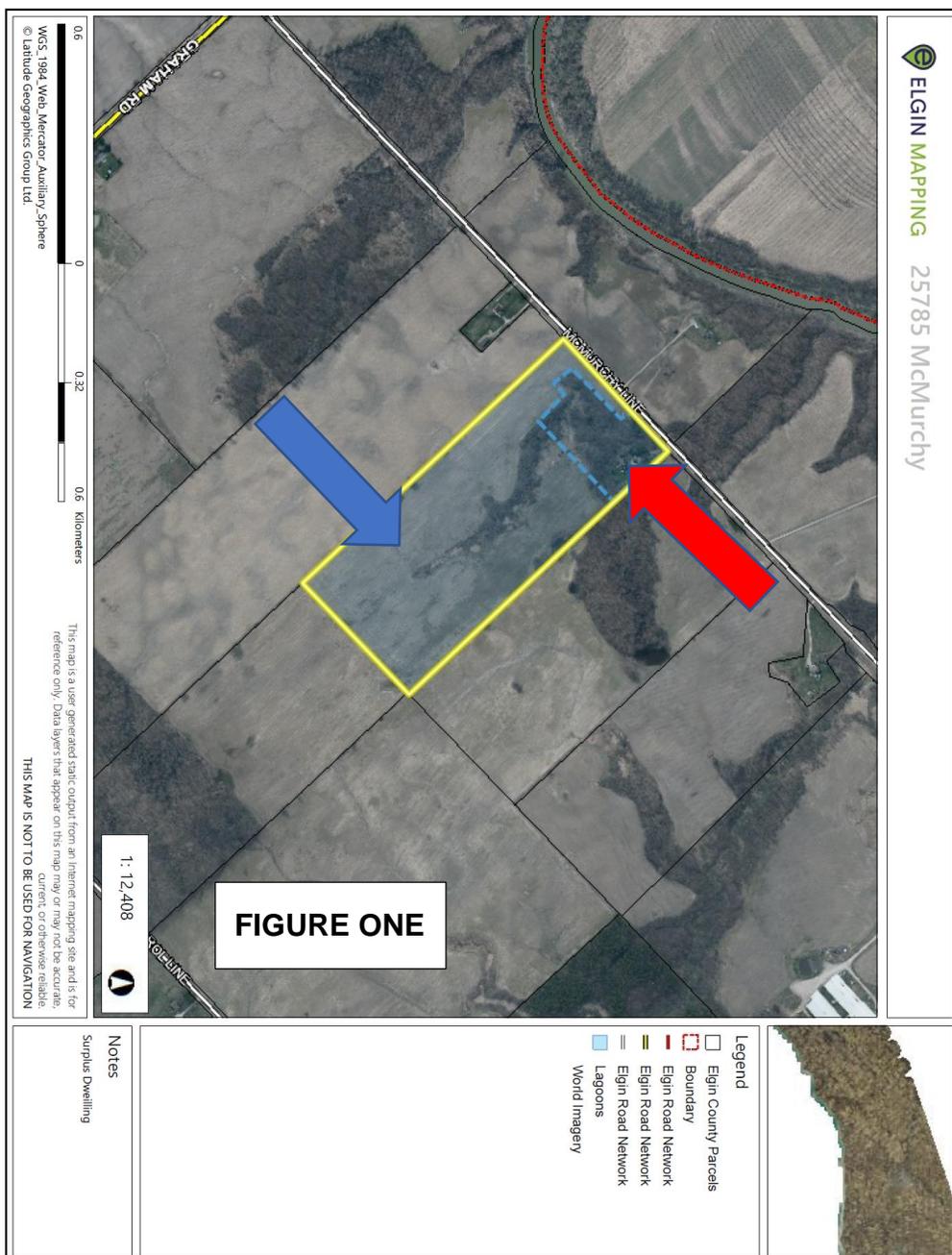
Application	E24-23
Owner	Anne Marie Johnson
Applicant/Purchaser	Adam McCallum
Legal Description	Part Lot of 23, Concession A ED
Civic Address	25785 McMurchy Line
Entrance Access	McMurchy Line
Services	Private on-site well & septic system
Existing Land Area	20.55 ha (50.78 ac.)

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

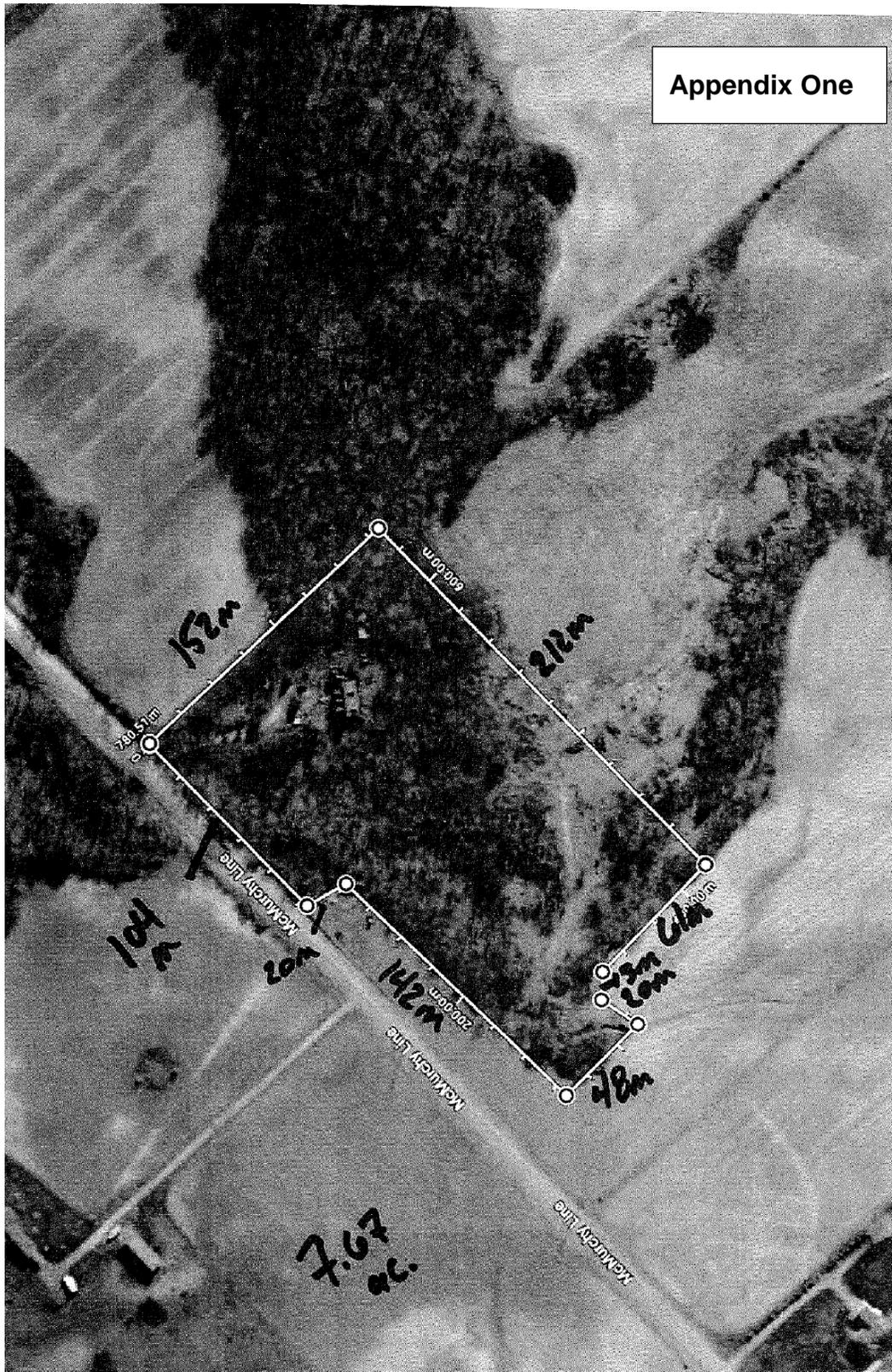
Application	Severed Parcel (RED)			Retained Parcel (BLUE)		
	Frontage	Depth	Area	Frontage	Depth	Area
E24-23	104 m (341.2 ft.)	159 m (521.6 ft.)	3.1 ha (7.67 ac)	191 m (626.6 ft.)	686 m (2,250 ft.)	17.45 ha (43.11 ac.)

The Public Hearing is scheduled for May 24, 2023, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



Appendix One



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 is larger than most surplus dwelling lots however, it does not include any actively farmed land and is trying to include the majority of wooded area to preserve it as is. The prospective purchaser does not need or want to include the wooded area or most of the ravine. The owner utilizes the wooded area for firewood and replants any trees used for that purpose in order to sustain the area.

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 950 m of the proposed lot. However, severance of the existing dwelling will not impact on the livestock operations.

The property does contain a wooded area where the existing dwelling and outbuildings are located. The majority of this area is included as the proposed severed parcel. The remaining area will stay with the farm and is generally located in or along the ravine and not actively farmed. 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 small portion of the proposed severed and retained parcel are within Woodlands 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 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. Although the property does contain a wooded area only a small portion of the lands are shown as wooded area as indicated on Schedule 'B' on Map 2. The intent of including the bulk of the wooded area with the proposed lot is in part an effort to continue to preserve and protect this area.

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 950 m of the proposed lot however there is no impact to the proposed lot or neighbouring livestock operation;
- The proposed severed parcel attempts to exclude productive farmland and only include the treed area and the existing built area within the wooded area; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removal.

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

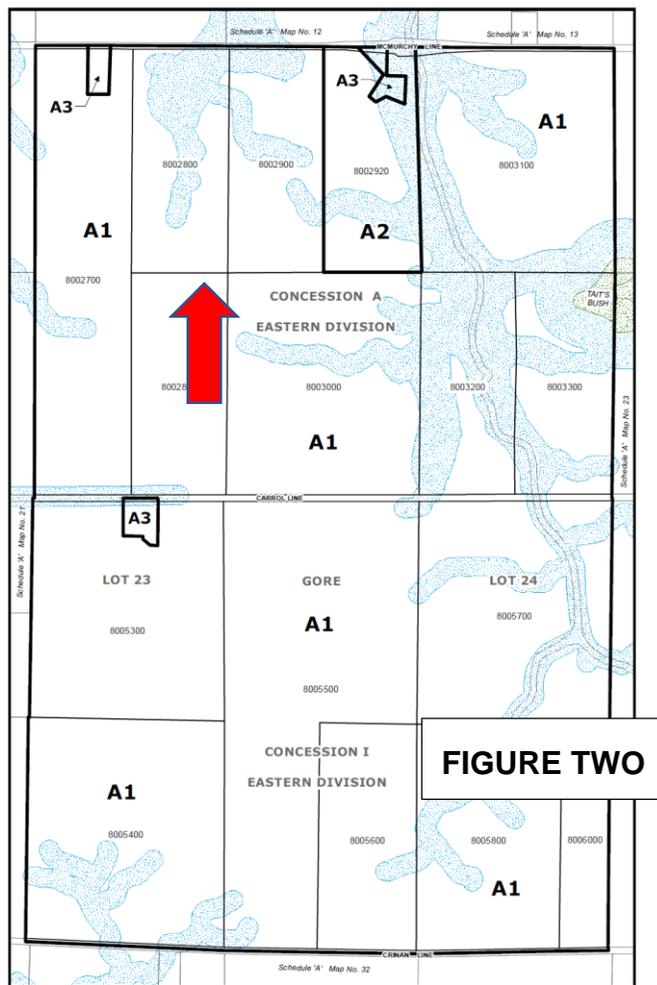
Lot creation policies under Section 10.4.1 of the OP, allow for severance (consent) applications to be the method utilized since no infrastructure is warranted with this proposed development and is in compliance with the criteria of Section 51(24) of the *Planning Act*. Therefore, this proposal conforms 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 22 of the ZBL, as depicted in Figure Two 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 3.1 ha (7.67 ac.), with a lot frontage of 104 m (341.2 feet); 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 permit agricultural uses and 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.



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. 22

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 has been 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 B)

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

Report Approval Details

Document Title:	Severance Application E24-23 - Comments to Elgin County - Recommendation Report - 2023-19-Planning.docx
Attachments:	- Appendix One - Lot Outline.pdf - Planning Report 2023-019 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	May 4, 2023

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

Heather Bouw