



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2024-06-21
Subject: Severance Application E47-24 – Comment to Elgin County – Recommendation Report (Planning Report 2024-16)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E-47-24 – Comments to Elgin County (Planning Report 2024-16);

And that West Elgin Council hereby recommends approval to the Land Division Committee for the County of Elgin for Severance application, File E-47-24, 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 subject lands are 1.63 ha (4.02 ac.) in area with 97.4 m (319.5 ft.) of frontage along Hoskins Line. The property contains four existing buildings, two shops associated with an existing contractor's yard and two buildings with a mini storage business. The applicant is proposing to sever the portion of the lot containing the contractor's yard on a lot with an area of approx. 1.16 ha (2.87 ac.) and frontage of 60.8 m (199.5 ft.). This would leave a retained parcel for the mini storage of 0.466 ha (1.15 ac.) with 36.6 m (120 ft.) of frontage. The parcels each have separate access. Service locations will need to be confirmed and septic system inspected. Application has been filed with the County of Elgin Land Division Committee.

Background:

Below is background information, in a summary chart:

Application	E47-24
Owner	1601938 Ontario Ltd.
Applicant	Frank Vanden Boomen
Legal Description	Part Lot of 6, Concession Gore WD, Pt. 3 RP 11R 4000
Civic Address	22381 & 22358 Hoskins Line
Services	Private on-site septic system & municipal water
Existing Land Area	1.63 ha (4.02 ac.)

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

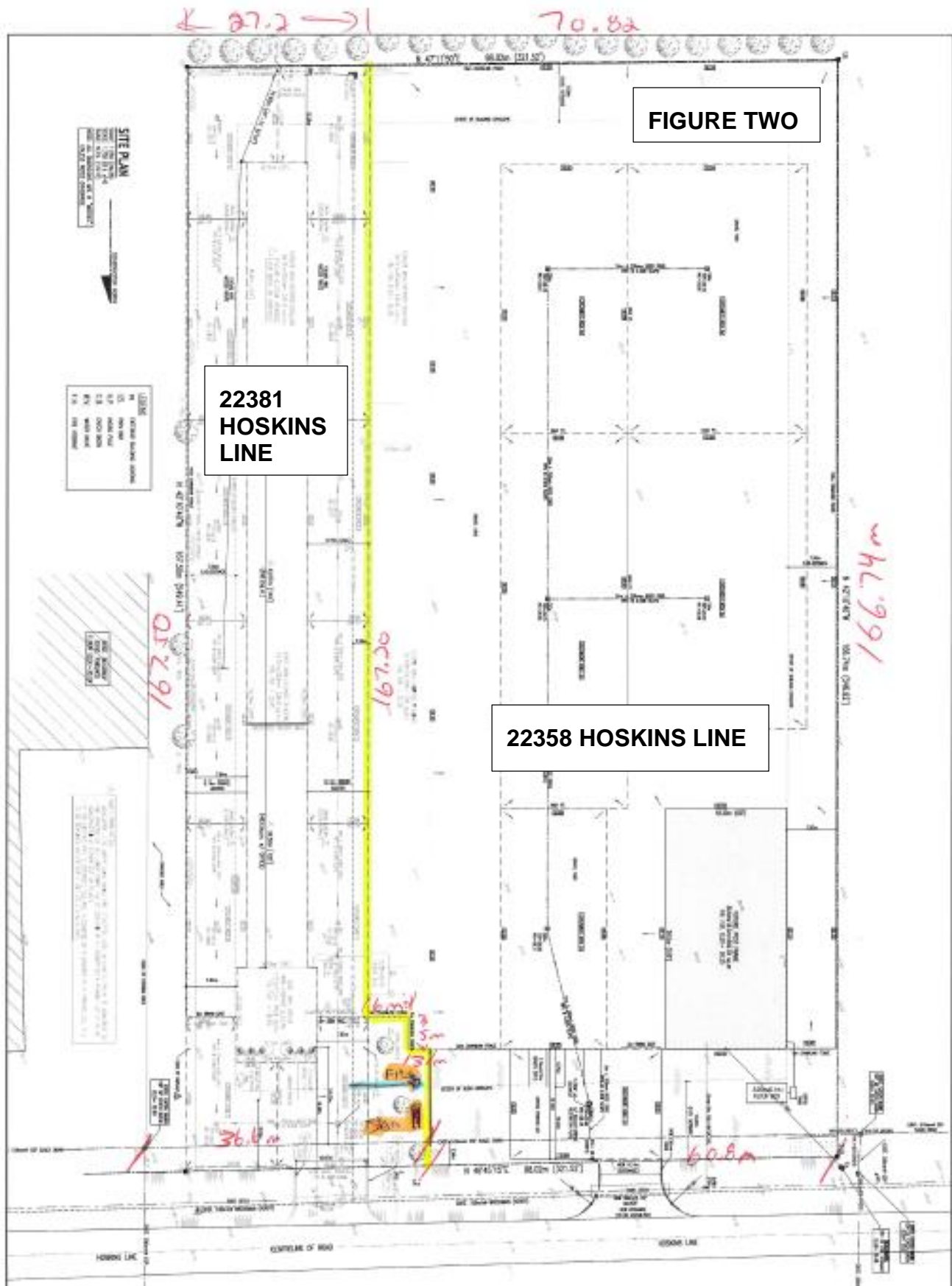
Application	Severed Parcel - 22358			Retained Parcel - 22381		
	Frontage	Depth	Area	Frontage	Depth	Area
E47-24	60.8 m (199.5 ft.)	167.2 m (548.5 ft.)	1.16 ha (2.87 ac)	36.6 m (120 ft.)	167.2 m (548.5 ft.)	0.466 ha (1.15 ac.)

The Public Hearing is scheduled for July 24, 2024, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the subject parcel of land.



Figure Two below shows the proposed lot configuration.



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 change 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 industrial areas is permitted subject to the relevant requirements of PPS and subject to the regulations of the planning authority.

Comment: The proposed lot does not raise any significant issues related to PPS. The application of minimum distance separation (MDS) requirements are generally recommended for all lot creation however industrial uses present far less compatibility issues than residential. MDS is also not typically applied to lands within a settlement area designation type such as industrial. It is noted that there is an existing livestock operation (horses) located approximately 260 m northwest of the existing westerly lot line of the subject property

The proposal is consistent with the PPS.

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. The County Official Plan does note that there are different local designations on some lands outside the settlement areas. These designations are recognized by the County. Lot creation by consent is a permitted undertaking and subject to the policies outlined in Section E1.2.3.1

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;

Comment: both parcels have existing access to Hoskins Line.

- b) does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;

Comment: n/a

- c) will not cause a traffic hazard;

Comment: There is no proposed change in use or the level of traffic that would result in a traffic hazard.

- d) has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;

Comment: Both parcels met the minimum lot frontage and lot area requirements.

- d) notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;

Comment: n/a

- e) can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;

Comment: Both parcels are serviced with municipal water and private septic systems. A review and inspection of the systems will be required as a condition of the proposed severance. Confirmation of water service connection locations is also recommended as a condition.

- f) will not have a negative impact on the drainage patterns in the area;

Comment: There is no proposed change to the drainage of either parcel. Both existing development on the subject lands were also subject to site plan approval at the time of development and have exiting stormwater management systems in place.

- g) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;

Comment: There is no impact.

- h) will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;

Comment: There are no natural heritage features impacted by the proposed severance.

- i) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;

Comment: The proposed severance simply separates the two existing uses on individual lots.

- j) will not have an adverse effect on natural hazard processes such as flooding and erosion;

Comment: There are no natural hazards affecting the site.

- k) conform with the local Official Plan; and,

Comment: The lands are designated Industrial and are consistent with the relevant policies.

- l) will conform to Section 51 (24) of the Planning Act, as amended.

Comment: The proposed lot creation is in conformity with the criteria of the Planning Act

Therefore, this proposal conforms to the CEOP.

OP:

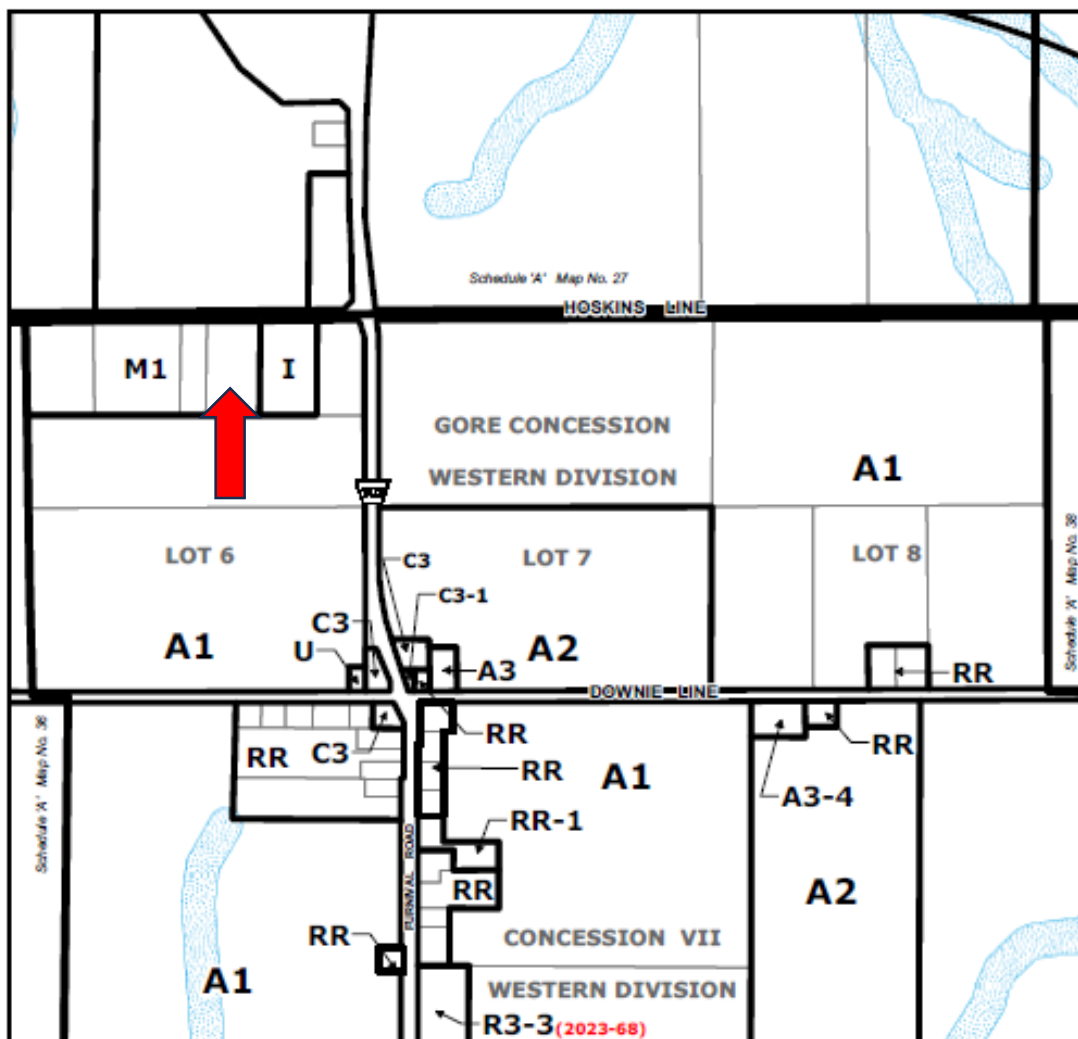
The subject lands are designated as Industrial, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. Both lots are used and will continue to be used for their existing purpose as a mini storage and contractor's yard respectively.

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 Industrial (M1) Zone on Schedule A, Map 37 of the ZBL, as depicted in Figure Three below. The blue dot pattern on the mapping represents LTVCA regulated area. Permitted uses within the General Industrial (M1) Zone includes both mini storage and contractor's yard or shop. The minimum lot area and lot frontage requirements of the General Industrial (M1) Zone are 2,000 sq. m (0.2 ha) and 30 m respectively.

The proposed severed parcel (contractor's yard) area is 1.16 ha (2.87ac.), with a lot frontage of 60.8 m (199.5 feet). The retained parcel (mini storage) area is 0.466 ha (1.15 ac.), with a frontage of 36.6 m (120 ft.). There are no setback issues along the proposed dividing line. As such 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 the reassessment process will be addressed as a condition of approval.

Public Works:

- No concerns

Building Dept:

- A septic system inspection will need to be completed as a condition of the severance on both the retained and severed parcel.

No other comments or concerns were received from Administration.

Summary:

It is Planning Staff’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 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.

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<input type="checkbox"/> To improve West Elgin’s infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input checked="" type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

Respectfully submitted by,



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

Report Approval Details

Document Title:	Severance Application E47-23 - Comment to Elgin County - Recommendation Report - 2024-16-Planning.docx
Attachments:	- Planning Report 2024-16 Appendix One - Comments to the County of Elgin.pdf
Final Approval Date:	Jun 25, 2024

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

Terri Towstiuć