



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2025-05-28
Subject: Severance Application E30-25 – Comment to Elgin County –
Recommendation Report - Planning Report 2025-12

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding severance application File E30-25 – Comments to Elgin County (Planning Report 2025-12)

And that West Elgin Council hereby recommended approval to the Land Division Committee of the County of Elgin for severance application, File E30-25, 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 E30-25, 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 22165 Talbot Line. (Figure One)

Background:

Below is background information, in a summary chart:

Application	E30-25
Owners/Applicants	Bruce & Carrie Toth
Legal Description	Part of Lot 6, Concession 13
Civic Address	22165 Talbot Line
Entrance Access	Talbot Line
Services	Municipal water & private septic system
Existing Land Area	39.98 ha (98.79 ac.)

Below is an outline of the dimensions for the severed and retained parcels:

Application	Severed Parcel (RED)			Retained Parcel (BLUE)		
	Frontage	Depth	Area	Frontage	Depth	Area
E30-25	40.92 m (134.25 ft.)	75.5 m (247.7ft.)	0.32 ha (0.79 ac)	265 m (869.4 ft.)	1,452 m (4,763 ft.)	39.66 ha (98 ac.)



The Public Hearing is scheduled for June 25, 2025, at the Elgin County Land Division Committee Meeting.

Financial Implications:

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 Planning Statement (PPS) and do 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 (2024):

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 ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance, in accordance with Section 4.3.3.1(c) of the PPS.

Comment: The surplus dwelling lot does not include any actively farmed lands.

New land use in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae, in accordance with Section 4.3.2.3 of the PPS.

Comment: There are no significant livestock facilities within close proximity to the proposed lot.

The property does contain a number of wooded areas. None of the wooded areas are included in the proposed surplus dwelling lot and will remain as part of the retained farm parcel. The interaction between the proposed lot and wooded areas will not change as a result of the severance. 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. Portions of the proposed retained parcel contain wooded areas and are within the Woodlands overlay 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 applicants'

farming operations. The residence is serviced by municipal water and a private individual on-site septic system.

Therefore, this proposal conforms to the CEOP.

WEOP (2024):

The subject lands are designated as Agricultural, as shown on General Land Use Schedule '4' of the West Elgin Official Plan. The property does contain wooded areas as shown on Natural Heritage Features, Schedule '2'.

Section 7.1.7.2 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 unit 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) The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and minimizes 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, 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 are no livestock buildings proposed to remain on the retained lands;
- The proposed severed parcel does not include productive farmland and will contain the house and one of the existing outbuildings; and
- There was livestock on the property in the past however it clearly has not been in use for many years and is only used for storage purposes.

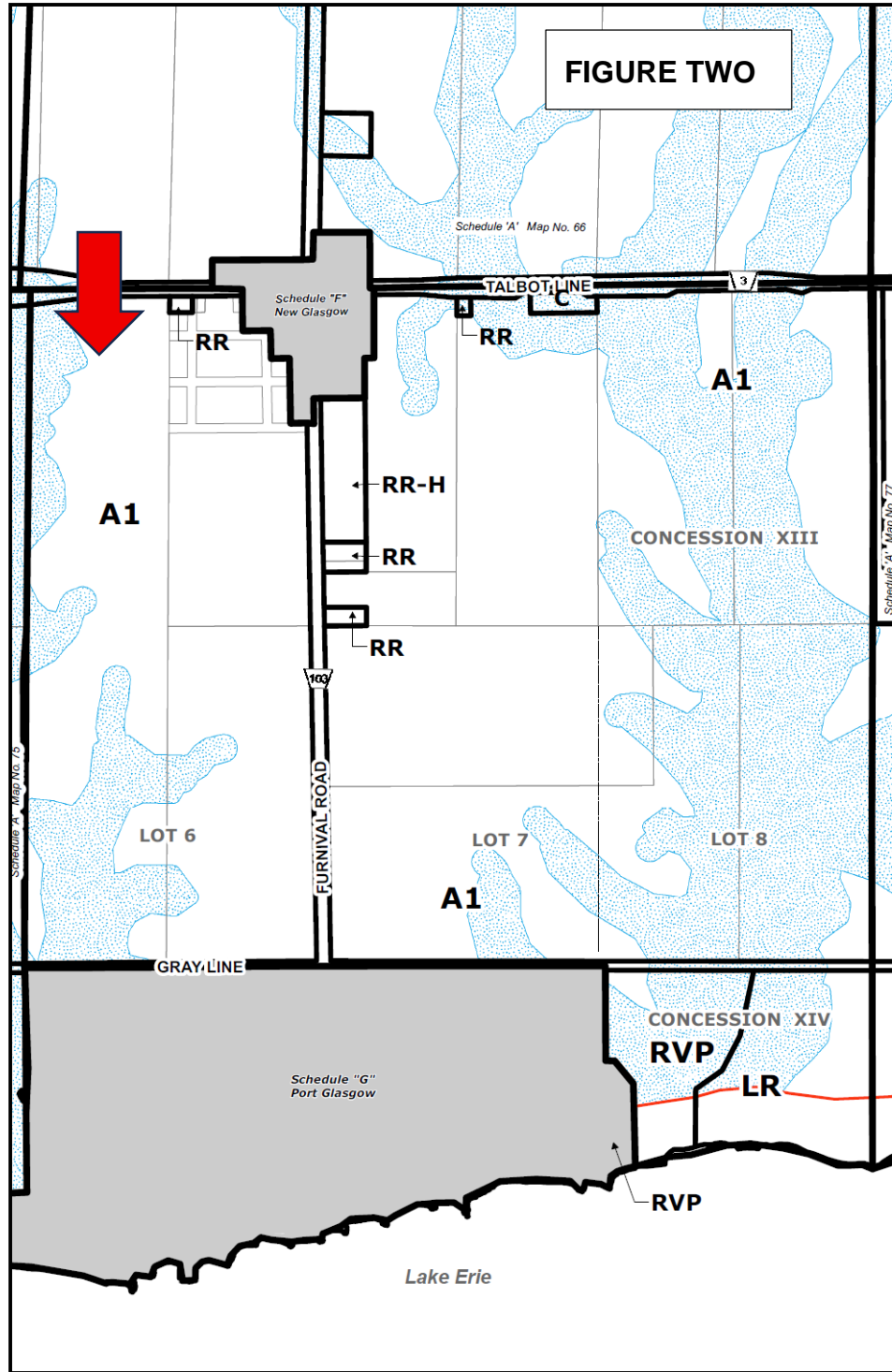
Section 11.21.4 Agricultural Consent Policies of the West Elgin Official Plan, allow for the consent process to be utilized for the severance of dwellings considered surplus as the result of farm consolidation, in accordance with Policy 7.1.7.2 and is in compliance with the criteria of Section 51(24) 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) Zone on Schedule A, Map 76 of the ZBL, as depicted in Figure Two. 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 0.32 ha (0.79 ac.), with a lot frontage of 40.92 m (134.25 ft.); 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 would also need to be rezoned to Agricultural (A2) Zone, which will continue to permit agricultural uses but prohibit new or additional dwelling units.

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. 76

Interdepartmental Comments:

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

Drainage:

- The subject lands are not impacted by any municipal drains. No drainage reapportionment is required.

Infrastructure/Utilities:

- A new 911 address will be assigned to the retained parcel.
- The severed lot is serviced with municipal water and the connection is located on the lot being severed.

Building Dept:

- A septic system inspection and assessment will need to be provided to the satisfaction of the municipality.

No other comments or concerns were received from Administration.

Summary:

Based on the foregoing information it is Planning Staff's opinion that the proposed consent to create a lot for an existing dwelling, surplus to the needs of the prospective purchaser's farming operation, is consistent with the PPS, conforms to both the County of Elgin and Municipality of West Elgin Official Plans and will comply 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. (Appendix One)

The County of Elgin, as the Planning Approval Authority, will also review the application for consistency and conformity with PPS, CEOP, WEOP and ZBL and obtain comments from other applicable agencies. The Land Division Committee will hold a mandatory public meeting at which members of the public may provide comment, as part of the decision-making process 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 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 E30-25 - Comment to Elgin County - Recommendation Report - 2025-12-Planning.docx
Attachments:	- Planning Report 2025-12 Appendix One - Comments to the County of Elgin.pdf
Final Approval Date:	Jun 5, 2025

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

Robin Greenall