



## MUNICIPALITY OF **West Elgin**

### Staff Report

---

**Report To:** Council Meeting  
**From:** Heather James, Planner  
**Date:** 2020-10-08  
**Subject:** Severance Report 12098 Blacks Road

---

#### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James regarding the severance application, File No. E 20/20 for 12098 Blacks Road; and,

That West Elgin Council recommend approval to the Land Division Committee of the County of Elgin for the severance application, File No. E 20/20 located at Concession 8, Part of Lot 1, 12098 Blacks Road, provided the following conditions are included:

- a) That a zoning by-law amendment is in force and effect for the subject lands;
- b) That the owner has the necessary review on the private water well;
- c) That the owner has the necessary review and assessment conducted on the existing sewage disposal system to confirm its adequacy and/or necessary replacement to the satisfaction of the Municipality;
- d) That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- e) That drainage reapportionments have occurred;
- f) That taxes have been paid in full;
- g) That two copies of the registered survey have been provided to the Municipality; and,
- h) That the solicitor provides an undertaking that a copy of the registered deed for the severed parcel once the transaction has occurred will be provided to the Municipality

#### **Purpose:**

An application for a proposed severance and easement was submitted to the Municipality of West Elgin by The Andersons Canada Limited (c/o Dave Wellington), agent being IBI Group (c/o John Ariens). The purpose of the application is to permit the severance of an agricultural commercial parcel with a blanket easement. A planning justification report was submitted by IBI Group for the planning application.

The property owner is requesting the severance of a parcel of land, legally described as Concession 8, Part of Lot 1, in the geographic Township of Aldborough, and known municipally as 12098 Blacks Road (outlined on the attached Key Map). The subject lands are located on the east side of Blacks Road.

**Background:**

The proposed severed parcel (identified as Parcel B on the attached Sketch) will have an area of 6.229 ha (15.39 ac.), a frontage of 279.85 m (918.14 ft.) along the east side of Blacks Road and an irregular depth of 305.995 m (1,003.92 ft.) and is used for agricultural industrial use. The proposed severed parcel contains one (1) fertilizer barn, one (1) metal shed, one (1) metal barn, ten (10) tanks and one (1) weigh scale and is serviced by private water well and private septic system. The proposed severed parcel has no entrance on to Blacks Road and will be using the entrance located on the proposed retained parcel (identified as Parcel A on the attached Sketch). Blanket reciprocal easements are also proposed across both the proposed severed parcel and proposed retained parcel #1. The blanket easements will permit vehicle and pedestrian access, parking and manoeuvring and usage of all utilities such as hydro, private water well, private septic system, drainage, etc. across both parcels.

The proposed retained parcel #1 (identified as Parcel A on the attached Sketch) will have an area of 4.94 ha (12.21 ac.), a frontage of 117.38 m (385.1 ft.) along the east side of Blacks Road and an irregular depth of 305.995 m (1,003.92 ft.). The proposed retained parcel #1 contains six (6) steel silos and four (4) concrete silos used for grain storage, two (2) buildings associated with grain storage, two (2) weight scales and with no services and is used for agricultural commercial/industrial use. The proposed retained parcel #1 has an existing entrance on to Blacks Road.

The proposed retained parcel #2 (identified as Parcel C on the attached Sketch) will have an area of 15.374 ha (37.99 ac.), a frontage of 501.3 m (1,644.69 ft.) and a depth of 305.995 m (1,003.92 ft.). The proposed retained parcel #2 is vacant with no services and is used for agricultural (cash crop) use. The proposed retained parcel #2 has no entrance.

Agricultural and non-farm residential uses surround the subject lands. A woodlot is in the southern portion of the lands.

The severance application was circulated to municipal staff for comment. One comment was received from municipal staff:

**Drainage Superintendent**

*'Drainage reapportionment of several drains is required.'*

**Comment:** Drainage reapportionment has been included as a condition of severance.

At the time of submission of this report, no other comments of concern had been received from municipal staff.

**Financial Implications:**

None.

**Policies/Legislation:****Provincial Policy Statement (PPS):**

Under Section 3(5) of the *Planning Act*, the Municipality "shall be consistent with" matters of provincial interest as set out in the Provincial Policy Statements (PPS).

Lot creation in prime agricultural areas are permitted for: a) agricultural uses; b) **agriculture-related uses**, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services ; c) a residence surplus to a farming operation as a result of farm consolidation; and d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way (Policy 2.3.4.1). New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae (Policy 2.3.3.3).

**Comment:** The uses of the proposed severed parcel and the proposed retained parcel #1 meet the criteria of agricultural-related uses as defined by the PPS. The size of the parcels will be kept to a minimum to accommodate existing operations and to provide appropriate water and sewage services. The proposed retained parcel #2 is still an adequate farm parcel size for the type of agricultural use common in the area (cash crop farming). The proposed severed parcel and retained parcels meet the minimum distance separation formulae.

Development and site alteration is not permitted in a significant woodland or on adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, generally through an E.I.S. (Policy 2.1.5).

**Comment:** A portion of the proposed retained parcel #2 is a significant woodland. No development is proposed because of this severance and therefore, the proposed severance will not have an impact on the significant woodland and adjacent lands and therefore an E.I.S. is not required.

**Conclusion:** The proposed severance application is consistent with the PPS.

#### **County of Elgin Official Plan:**

The subject lands are designated Agricultural Area, as shown on Schedule 'A' Land Use with a portion subject to Woodlands overlay, as shown on Appendix #1 Natural Heritage Features and Areas in the County of Elgin Official Plan. The creation of new lots is permitted provided the local Official Plan supports their creation and if the lot is to be created is required for an agricultural-related use as outlined in Section C2.6 of this Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services (Policy E1.2.3.4 c).

**Comment:** The proposed severed parcel and proposed retained parcel #1 currently contain agricultural-related uses which meet the criteria of Section C2.6, have been created to a minimum size to accommodate the use and appropriate sewage and water services. The proposed retained parcel #2 is still an adequate farm parcel size for the type of agricultural use common in the area (cash crop farming).

Development and site alteration are not permitted within a significant woodland or on adjacent lands (120 metres) unless an E.I.S. has been completed, demonstrating there will be no negative impact to the natural heritage features (Policy D1.2.6).

**Comment:** No development is proposed in the significant woodlands and adjacent lands and therefore, an E.I.S. is not required.

**Conclusion:** The proposed severance application conforms to the County of Elgin Official Plan.

### **Municipality of West Elgin Official Plan:**

The subject lands are designated as Agricultural as shown on Schedule 'E' Rural Area Land Use & Transportation Plan and a portion of the lands subject to Woodlands on Schedule 'B' Map 2 Natural Heritage Features in the Municipality of West Elgin Official Plan. The severing of agricultural lands where the parcels will be less than 40 hectares may be permitted subject to the following criteria:

- a) The need to discourage the unwarranted fragmentation of farmland;
- b) The lots to be created are of a size appropriate for the type of agricultural activity common in the area;
- c) Whether the resulting parcels would constitute viable farm units;
- d) The severed and retained parcel are large enough to maintain flexibility for future changes in the type or size of agricultural operations;
- e) Whether the size of the parcels would have a detrimental impact on agricultural productivity, operating efficiencies, or future farming operations;
- f) The boundaries of the parcels being created and their effect on the intended use of the lands for agricultural purposes;
- g) Previous lots created out of the parcels including land dedications or expropriations; and,
- h) The inadvertent merging of the parcels because of the introduction of subdivision control in 1970 (Policy 6.2.7).

**Comment:** The proposed severance will permit creation of lots for agricultural-related uses, while retaining an agricultural parcel. The proposed severance meets the criteria of Section 6.2.7.

Development or site alteration shall only be permitted in Woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated there will be no negative impact on the natural heritage feature or on its ecological function. Adjacent lands are generally considered to be a minimum of 50 metres (Policy 3.3.7).

**Comment:** The significant woodland is located on a portion of the proposed retained parcel #2. No development is proposed; therefore an E.I.S. is not required.

**Conclusion:** The proposed severance application will conform to the Municipality of West Elgin Official Plan.

### **Municipality of West Elgin Comprehensive Zoning By-law 2015-36**

The subject lands are zoned Farm Industrial (M2) with a portion of the proposed retained parcel #2 subject to Lower Thames Valley Conservation Authority Regulated Area on Map 45 of the Municipality of West Elgin Zoning By-law No. 2015-36. The M2 Zone permits a wide range of industrial and commercial uses that are supportive of agricultural uses. Some of these uses include abattoirs, agricultural sales establishments, feed mills, grain handling facilities, farm equipment sales and service, livestock sales and marketing yard, and general industrial uses for farm equipment, machinery, and products.

**Comment:** The existing use of the subject lands are permitted in the M2 zone and will continue with no change.

The agent has also applied for a zoning by-law amendment as there are side yard setbacks for existing buildings that will not be met because of the severance. In particular, the agent is requesting a site-specific zoning by-law amendment for all parcels which would have the effect of eliminating any setbacks from the new lot lines dividing these lands. In the report, the agent states they have

used a similar approach when developing large multi ownership commercial big box plazas and campus style business parks. In effect, interior lot lines (side and rear) within the M2 Zone are deemed not to apply for zoning setback purposes. This will be discussed in greater detail at the public meeting and in the planning report for the proposed zoning by-law amendment.

**Related Documents:**

Municipality of West Elgin Zoning By-law Amendment Application File No. D14 06-2020.

## Key Map



**Report Approval Details**

Document Title:	Severance Report 12098 Blacks Road - 2020-23-Planning.docx
Attachments:	- WE - 12098 Black's Road (Coloured).pdf
Final Approval Date:	Oct 6, 2020

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

Jana Nethercott