



MUNICIPALITY OF **West Elgin**

Staff Report

Report To: Council Meeting
From: Heather James, Planner and Bryan Pearce, Planner
Date: 2021-03-11
Subject: Severance Report 22003 Queens Line

Recommendation:

That West Elgin Council hereby receives the report from Heather James and Bryan Pearce regarding the severance application, File E 12/21 and E 13/21, 22003 Queens Line; and,

That West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 12/21, provided the following conditions are included:

- a) That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.76 hectares (6.5 acres), different from that contained in the Application and Notice.
- b) That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's 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.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality.
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
 - vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.

- viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
- ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied
- x. That the conditions of Application E 13/21 be fulfilled, in conjunction with Application E 12/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

And Further that West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E 13/21, provided the following:

- a) That prior to a decision being made by the Land Division Committee of the County of Elgin:
 - i. That the severed parcel be revised from 20 metres to 19.7 metres of lot frontage.
 - ii. That it is acknowledged that the retained parcel's area is approximately 2.64 hectares (6.2 acres), different from that contained in the Application and Notice.
- b) That the following conditions of approval be incorporated into the County's recommended decision on the application:
 - i. That the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.
 - ii. That the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.
 - iii. That the Applicant's 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.
 - iv. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality
 - v. That the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality.
 - vi. That the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcel, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - vii. That the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.
 - viii. That the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.
 - ix. That the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. That prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied

- x. That the conditions of Application E12/21 be fulfilled, in conjunction with Application E13/21.
- xi. That all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

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 Applications E 12/21 and E 13/21, as Elgin County is the planning approval authority for severances.

Two severance applications were submitted to the County of Elgin by Dan McKillop as the Agent on behalf of the Owners James Price and Robert Miller. The purpose of the applications is to facilitate the creation of two new residential lots within the community of Rodney, through applications E 12/21 and E 13/21 respectively.

Background:

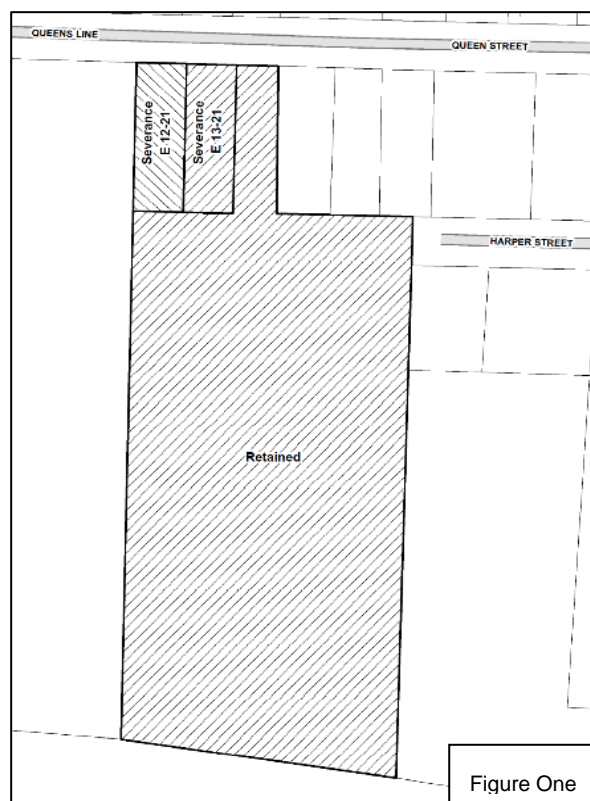
The property owners are requesting the two severances of a parcel of land, legally described as Lot 30, Plan 202 Except 1 and 2 RP11R-1826, Part 1 of RP 11R-5577, and known municipally as 22003 Queen Street, as shown in Figure One.

The subject lands are located along the south side of Queen Street (Elgin County Road 104), approximately 0.5 kilometre west of Furnival Road (Elgin County Road 103) within the community of Rodney.

Residential and Agricultural uses surround the subject lands, as it is on the western urban fringe of the community of Rodney.

The proposed severed parcels have a covered Municipal Drain, known as Voros Drain, runs through the lands.

The proposed severed parcels would be required to connect to the municipal water and municipal sewer services that front the subject lands off Queen Street, since the lands are within the urban area of Rodney.



The detailed dimensions of the proposed severance applications are as follows:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
B12-2021	20.0 m (65.62 ft)	61.0 m (200.1 ft)	0.12 ha (0.3 ac)	39.1 m (128.3 ft)	281 m (921 ft)	2.76 ha (6.5 ac)
B13-2021	20.0 m (65.62 ft.)	61.0 m (200.1 ft)	0.12 ha (0.3 ac)	19.4 m (63.7 ft)	281 m (921 ft)	2.64 ha (6.2 ac)

This is further depicted in the severance sketches attached this report. Please see Appendix One for E 12/21 and Appendix Two for E 13/21.

Financial Implications:

None.

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 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:

This proposal appears to be consistent with the PPS, as the lands are within the settlement area which permit residential development and would be on full municipal services.

CEOP:

The subject lands are designated as Tier 1 Settlement Area, as shown on Schedule 'A' Land Use of the CEOP.

Settlements areas allow for a residential, commercial and employment areas that are further detailed within the local OP. Policies under Section C1.1 state that objective is to maintain and enhance the character and identity of existing residential areas and efficient use of infrastructure, noting that proposed severed parcels are of consistent size and shape of near by residential lots and would be developed on full municipal services.

New lot creation policies of the CEOP contained under Section E1.2.3.1, has 13 criteria listed and would appear to be achieved with this proposal, being that the proposal would be fully serviced, will not affect drainage patterns in the area, entrance access to the lands can be obtained through Queen Street.

Therefore, this proposal appears to conform to CEOP.

OP:

The subject lands are designated as Residential, as shown on Schedule 'C' Rural Area Land Use & Transportation Plan in the OP.

Residential land use policies under Section 5.2 of the OP allow new development through the infilling and rounding out of existing development. This proposal would extend the built boundary of Rodney urban area, be fully serviced and front on an existing open and maintained municipal road, supportable through the consent process, as further detailed in the consent new lot creation policies under Section 10.4.1 of the OP.

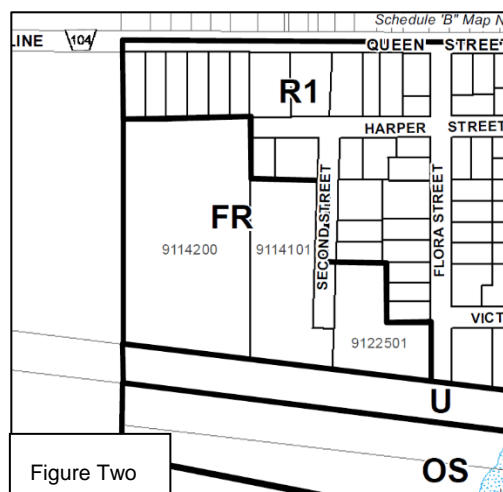
Therefore, this proposal appears to conform to OP.

Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):

The subject lands are zoned Residential First Density (R1) and Future Residential (FR) on Schedule B, Map 3 of the ZBL. The proposed severed parcels would be within the Residential First Density (R1) Zone, whereas the retained parcel would be zoned Residential First Density (R1) along Queen Street and Future Residential (FR) for the remainder of the lands, as depicted in Figure Two to the right.

Permitted uses within the Residential First Density (R1) include single detached dwellings and home occupations. The minimum lot area and lot frontage requirements of the Residential First Density (R1) are 600 square metres and 15 metres respectively.

Permitted used within the Future Residential (FR) include agricultural use except for buildings and structures for the keeping or raising of livestock and forestry use. The minimum lot area and lot frontage requirements of the Future Residential (FR) are as they are on the date the lot was created.



Given the proposed lot area and lot frontage of the retained parcel would be altered with the two proposed lot creations, the retained parcel is required to obtain relief to the ZBL, to recognize it as approximately 2.6 hectares and 20 metres, respectively. This would need to be detailed through the Applicant's Ontario Land Surveyor and would be part of the submission requirements to obtain relief to the ZBL. Planning Staff suggests that this could be achieved through a minor variance application to the Municipality accordingly.

Therefore, it would appear that the proposal would comply with the ZBL, provided relief was obtained for the retained parcel, that can be addressed through a condition of the consent applications.

Interdepartmental Comments

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

Operations and Community Services.

No concerns. Noted that:

- County of Elgin will be reconstructing Queens Line in 2021, including curb and gutter and updates of the Municipal Drain. County of Elgin should obtain comments from County of Elgin Transportation Department in this regard.

Building

No concerns.

Drainage

Noted the following:

- It appears the Voros Drain runs right through the subject lands.
- That will be a major issue for developing the severed parcels.
- The Voros Drain is currently under Engineers Report, as it needs to be upgraded for the reconstruction of Queen Street. Rerouting the drain to accommodate these severances would be necessary and the engineer would have to be notified sooner than later to work out the possibilities and the extra costs involved, and who will pay for these costs, if it is even feasible.

Planning Staff notes that this can be addressed as conditions of approval for realignment and reassessment processes.

Utilities

Noted the following:

- Municipal watermain is available for connection within the Queen Street Road Allowance.
- Municipal sewer is available for connection within the Queen Street Road Allowance.

The Applicant's will be required to install waterline curb stops and sewer laterals (public works) to the property line after the two proposed lots are created and at time of development of the dwelling through the building permit process. Therefore, Administration would require the Applicant to engage a qualified Consultant to provide a quotation of the public works, to be vetted to the satisfaction the Municipality. The Applicant would then apply for Municipal Servicing Connections, paying the connection fees, the associated capital infrastructure charges, and the said quotation, as part of the condition of consent for the proposed future lot. Once the lots are registered, at the time of building permit for the construction of the dwelling, the landowner would be required to install the public works and any fee differences that may have resulted between the timing of lot creation and constructing a dwelling, to the satisfaction of the Municipality, to obtain the serving permits.

Planning Staff notes that this can be addressed as conditions of approval for payment of the costs associated with providing municipal water and sewer connections.

At the time of submission of this report, no other comments of concerns were received from municipal staff.

Additional Comments:

In order to consider the future development lands of the retained parcel through a future planning processes, Administration recommends that the lot frontage of the retained parcel be increased to 20 metres, thereby reducing the two severed parcels frontage to 19.7 metres each, respectively. This can be addressed as a condition of support of the proposal to County of Elgin prior to their decision-making.

It is acknowledged through the review process that the land area associated with the retained parcels appears to be inaccurate on the Applications and associated Notice and should be 2.76 hectares (6.5 acres) and 2.64 hectares (6.2 acres) respectively. This can be addressed as a condition of support of the proposal to County of Elgin prior to their decision-making.

Administration recommends that as a condition of approval of the consents that the Applicant meet all the requirements, financial and otherwise of the Municipality, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the applicant provides a description of the lands to be severed which can be registered in the Land Registry Office, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant's 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.

Further, Administration recommends that as a condition of approval of the consents that the Applicant shall make payment of cash-in-lieu of applicable parkland dedication pursuant to Section 51.1 of the Planning Act, to the satisfaction and clearance of the Municipality. To-date, this would be in accordance with the payment in-lieu of parkland fee of five hundred dollars (\$500) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears the conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality to obtain relief to the Zoning By-law to recognize the proposed new lot area and lot frontage of the retained parcel and having such relief to the zoning by-law come into full force and effect pursuant to the *Planning Act*, to the satisfaction and clearance of the Municipality. This is further detailed above in the review of the ZBL.

Further, Administration recommends that as a condition of approval of the consents that the Voros Municipal Drain be improved pursuant to the *Drainage Act*, through realignment, to promote the orderly development of the severed parcels, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant have a drainage reapportionment completed pursuant to the *Drainage Act*, to the satisfaction and clearance of the Municipality.

Further, Administration recommends that as a condition of approval of the consents that the Applicant apply for municipal water connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. It is noted that the severed parcels would be required to put a curb stop into the front lot line service the new lot at the time of development with the new registered lot. This is detailed in the report above under utilities.

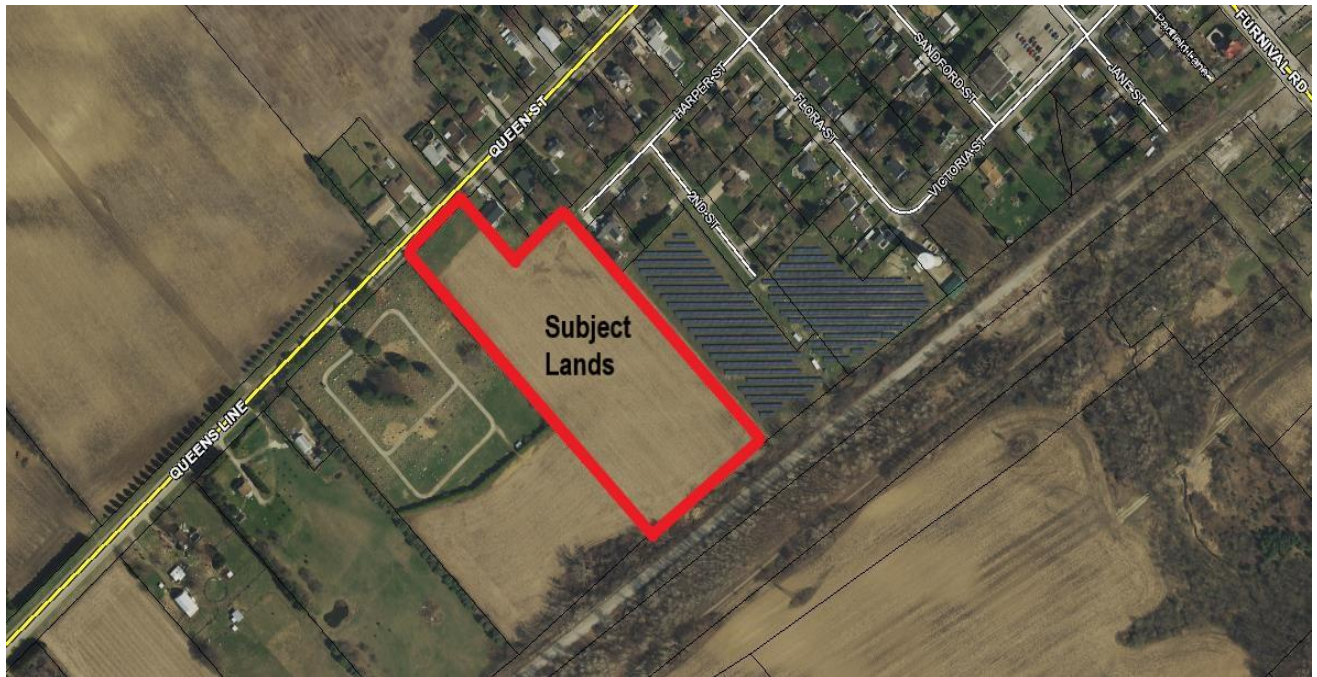
Further, Administration recommends that as a condition of approval of the consents that the Applicant apply for a municipal sewer connection, at the Applicant's sole cost and expense, to the satisfaction and clearance of the Municipality. It is noted that the severed parcels would be required to put laterals into the front lot line to service the new lot at the time of development with the new registered lot. This is detailed in the report above under utilities.

Further, Administration recommends that as a condition of approval of the consents that prior to the final approval of the County, the County is advised in writing by the Municipality how the above-noted conditions have been satisfied. This will require the Applicant to submit to the Municipality a request for clearance letter, providing documentation on how the above noted conditions have been fulfilled, for the Municipality to provide it to the County of Elgin, as approval authority.

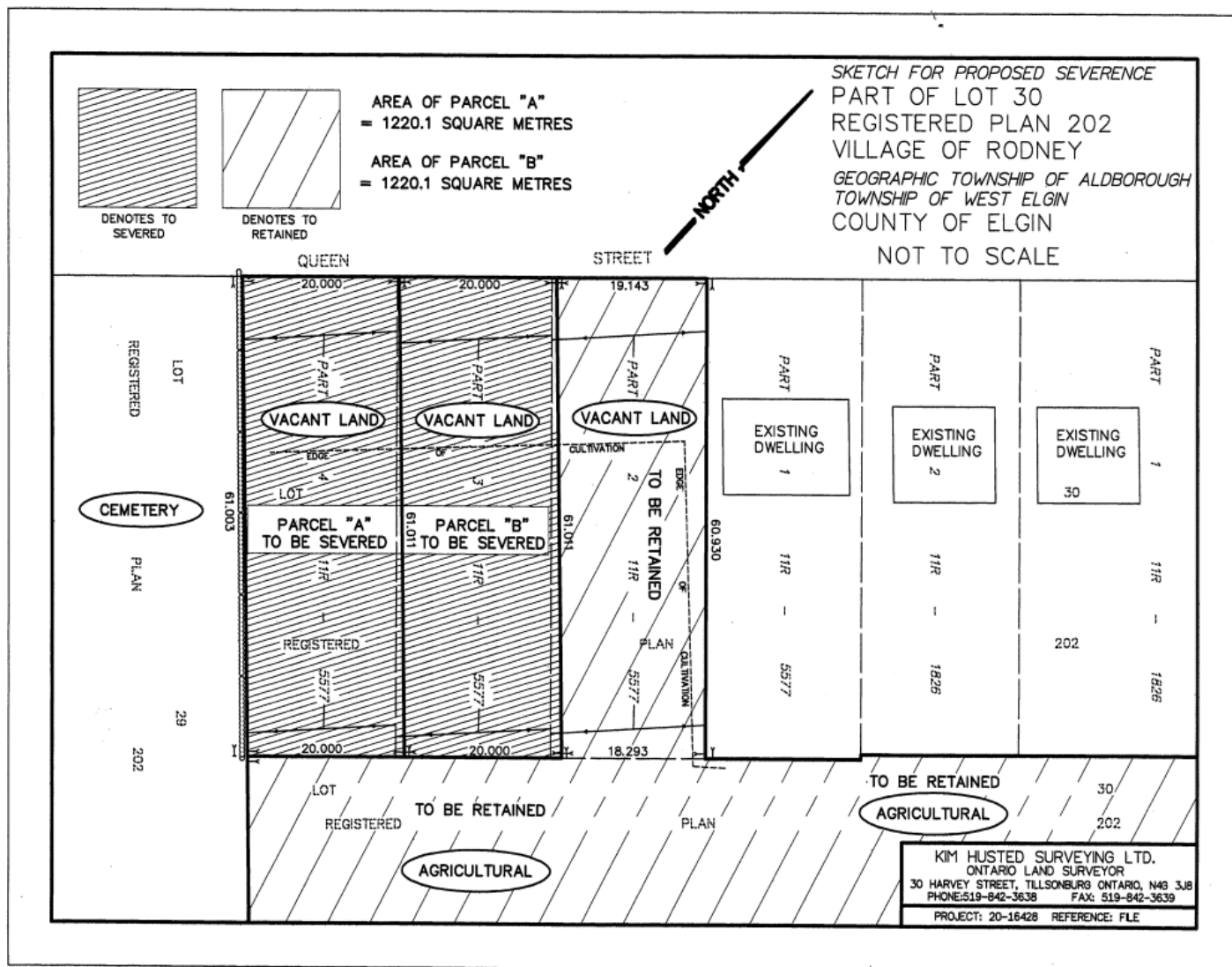
Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for consent (severance) applications E12-2021 and E13-2021, so that are considered and completed in conjunction with one another.

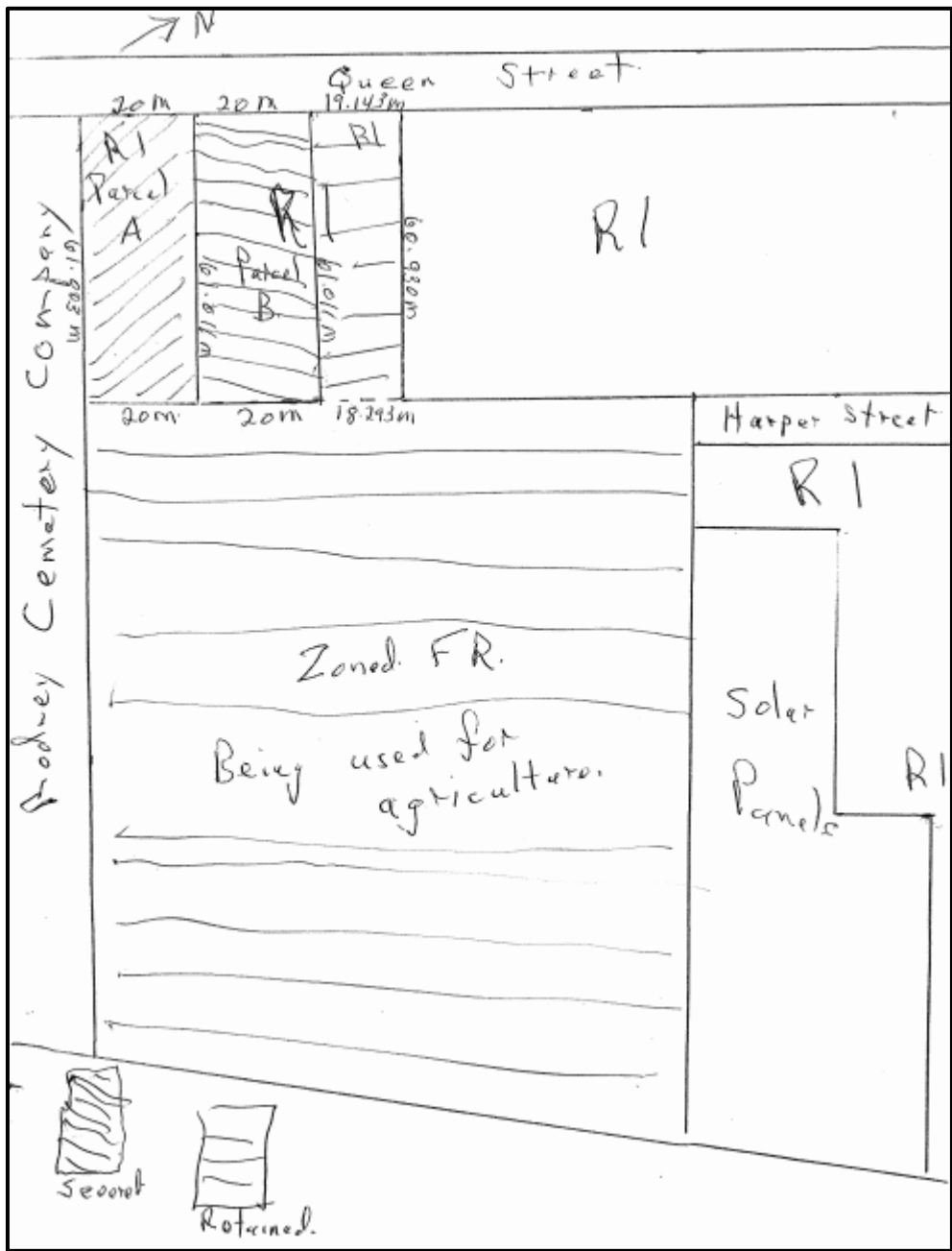
Further, Administration recommends that as a condition of approval of the consents that all conditions noted above shall be fulfilled within one year of the Notice of Decision, so that the County of Elgin is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the *Planning Act*.

Key Map



Sketches





Report Approval Details

Document Title:	Severance Report 22003 Queens Line - 2021-13-Planning.docx
Attachments:	
Final Approval Date:	Mar 9, 2021

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

Jana Nethercott