



Staff Report

Report To: Council Meeting

From: Bryan Pearce, Planner

Date: 2021-04-08

Subject: Severance Applications E16-21 to E19-21 – Comments to County of Elgin

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance applications, File E16-21 to E19-21; North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E16-21, subject to the Lower-Tier Municipal conditions in Appendix Two of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E17-21, , subject to the Lower-Tier Municipal conditions in Appendix Three of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E18-21, subject to the Lower-Tier Municipal conditions in Appendix Four of this report;

And that West Elgin Council hereby recommends approval of the Land Division Committee of the County of Elgin for the severance application, File E19-21, subject to the Lower-Tier Municipal conditions in Appendix Five 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 Applications E16-21, E17-21, E18-21 and E19-21, as Elgin County is the planning approval authority for severances.

Four severance applications were submitted to the County of Elgin by Gary Merritt, Solicitor, as the Agent on behalf of the Owners, Parezanovic Farms Inc. The purpose of the applications is to facilitate the creation of four new residential lots within the rural residential area, just north of the community of Rodney, through applications E16-21 to E19-21 respectively.

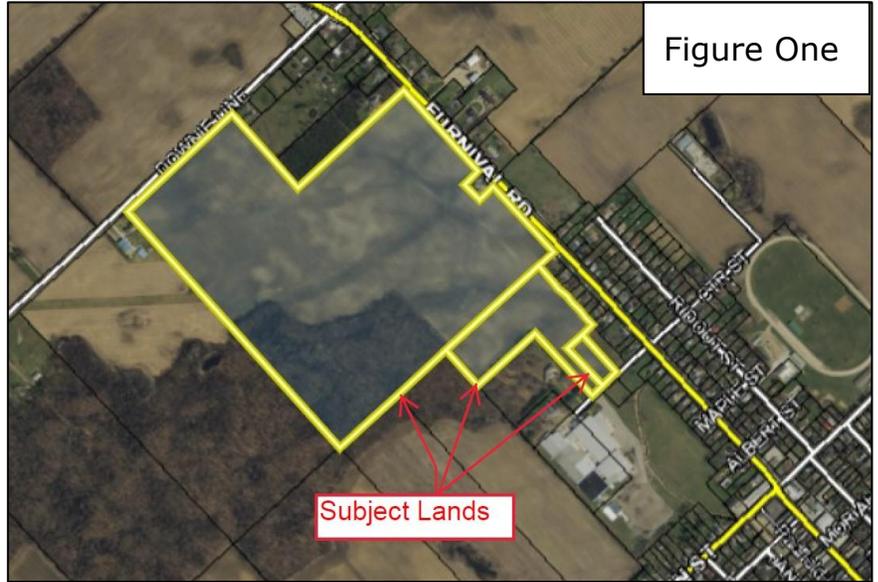
Background:

The property owners are requesting the four severances of a parcel of land, legal described as North Part Lot 6, Concession 7; Part Lots 2 and 11, Plan 202; south of Downie Line and west of Furnival Road, as shown in Figure One on the next page.

Residential and Agricultural uses surround the subject lands, since it just north of the settlement area of Rodney, as further depicted in Figure One below.

The subject lands have a covered Municipal Drain, known as McKenzie Drain and South Branch of the McKenzie Drain. It is noted that the proposed severed parcel for E17-21 would be impacted from the Municipal Drain and is further detailed later in this report.

The proposed severed parcels would be required to connect to the municipal water that front the subject lands off of Furnival Road; and provide for private on-site septic system at time of development of a dwelling.



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

| Application | Severed Parcel | | | Retained Parcel | | |
|---------------|----------------------|--------------------|--------------------------|-----------------|-----------|------------------------|
| | Frontage | Depth | Area | Frontage | Depth | Area |
| E16-21 | 34.138 m (112 ft) | 60.96m (200 ft) | 2081.05 sqm (0.51 ac) | Irregular | Irregular | 36.81 ha (90.97ac) |
| E17-21 | 34.138 m (112 ft) | 60.96m (200 ft) | 2081.05 sqm (0.51 ac) | Irregular | Irregular | 36.61 ha (90.46 ac) |
| E18-21 | 34.138 m (112 ft) | 60.96m (200 ft) | 2081.05 sqm (0.51 ac) | Irregular | Irregular | 36.40 ha (89.95 ac) |
| E19-21 | 34.138 m (112 ft) | 60.96m (200 ft) | 2081.05 sqm (0.51 ac) | Irregular | Irregular | 36.20 ha (89.44 ac) |

This is further depicted in the key map and severance sketches attached to this report, as Appendix One.

Financial Implications:

None. Application fees were collected in accordance with the Municipality’s Fees and Charges By-law, as amended time to time.

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:

This proposal appears to be consistent with the PPS, as the lands are within the rural residential area which permit residential development on partial services.

CEOP:

The subject lands are designated as Agricultural, as shown on Schedule 'A' Land Use of the CEOP.

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 will be partially serviced, will not affect drainage patterns in the area, and entrance access to the lands can be obtained through Furnival Road.

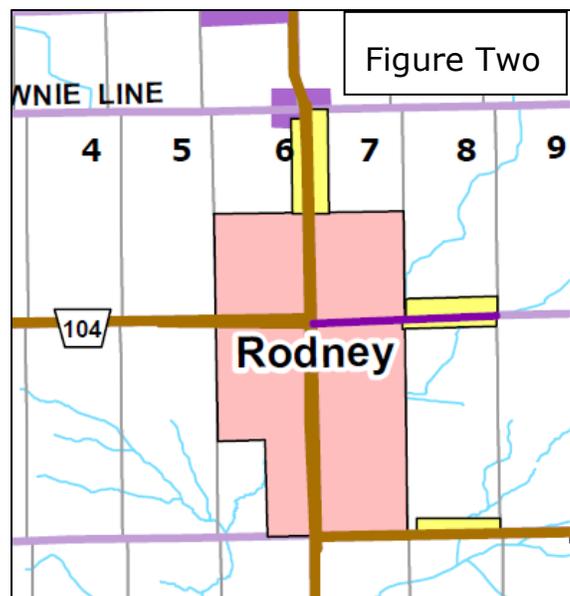
New lot creation in the Agricultural areas policies of the CEOP contained under Section E1.2.3.4, allows for new lot creation if permitted with the local Official Plan.

Therefore, this proposal appears to conform to the CEOP.

OP:

The subject lands are designated as Rural Residential and Urban, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP, as shown on Figure Two, with the yellow colour being the Rural Residential designation and the peach colour being the Urban designation, with the property location north of Rodney on the west side of Furnival Road. The Urban designation is further designated Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP

The rural residential land use policies, under Section 6.4 OP, permit single detached dwellings on larger-style lots due to partial services, fronts onto Furnival Road, an open and maintained County Road and complies with Minimum Distance Separation Formula (MDS I) for order impact, as there are no livestock facilities within the immediate surrounding area.



Lot creation polices under Section 10.4.1 of the OP, allows 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*.

Section 10.4.2 of the OP, further restricts lot creations through the consent process to a maximum of four, as this proposal has maximized.

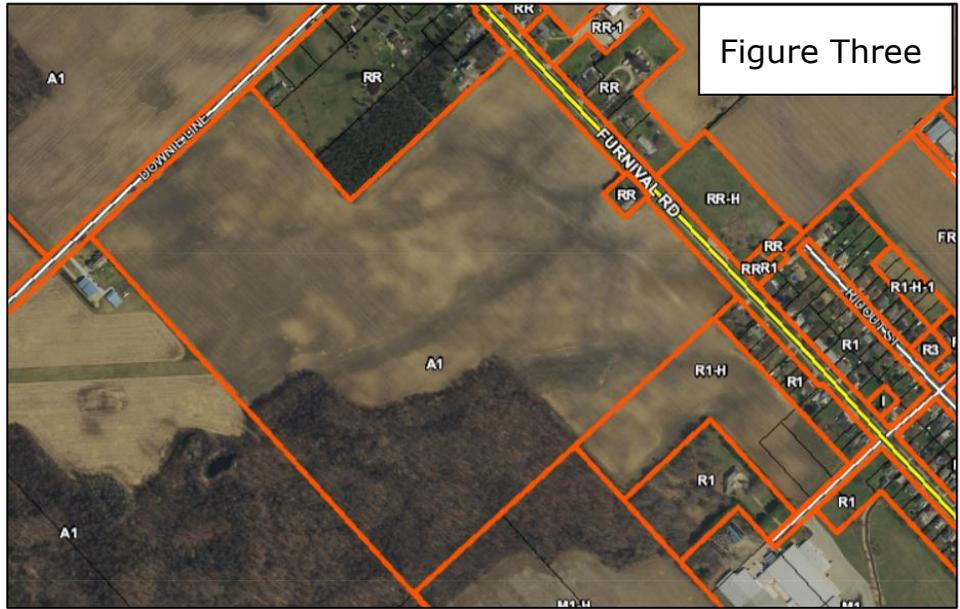
Therefore, this proposal appears to conform to the OP.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 37 of the ZBL and Residential First Density Holding (R1-H) on Schedule B, Map 1 of the ZBL, as depicted in Figure Three to the right.

Permitted uses within the General Agricultural (A1) Zone include:

- accessory living quarters for seasonal farm help
- agricultural use
- agri-tourism use
- bed and breakfast establishment
- cabin
- converted dwelling
- dog kennel
- existing cemetery
- farm winery
- home occupation



- hunting preserve
- landing strip
- riding school
- production of oil and natural gas
- single unit dwelling
- secondary farm occupation
- wildlife preserve

The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

Permitted uses within the Residential First Density Holding (R1-H) include home occupation and single unit dwelling. The minimum lot area and interior lot frontage requirements of the Residential First Density Holding (R1-H) Zone are 600 square metres and 15 metres respectively.

Given the proposed four residential lots to be severed (each at 0.51 acres in land area) would need to be rezoned to the Rural Residential (RR) Zone, as the minimum lot area and lot frontage requirements are 2000 square metres (0.49 ac) and 30 metres respectively.

The proposed retained parcel would need to relief the lot frontage requirements for the General Agricultural (A1) Zone; and consideration could be given to put a portion of the retained parcel into Rural Residential Holding (RR-H) Zone for the portion of the lands within the Rural Residential designation of the OP. The Residential First Density Holding (R1-H) Zone would remain, as this portion of the retained parcel is associated with the urban residential lands of Rodney.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment and relief to the Zoning By-law was obtained, that can be addressed through a condition of the consent applications.

Interdepartmental Comments:

The severance applications were circulated to municipal staff for comment. The following comments were received:

Drainage:

Drainage Department noted the following:

- The South Branch of the McKenzie Drain transverses the subject lands; and
- Development of the severed parcel for E17-21 (Part 10 on the sketch on Appendix One) would be severely impacted due to municipal drain setback requirements.

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

Utilities:

Utilities Department noted the following:

- Municipal watermain is available for connection on the west side of Furnival Road Allowance.
- Municipal sewer is not fronting onto the severed parcels, as the sewers are in Rodney.

The Applicant will be required to install waterline curb stops to the property after the four 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 of the Municipality. The Applicant would then apply for Municipal Water Connections, paying the following water connection fees, associated capital infrastructure charges and the said quotation, as part of the conditions of consents for the proposed four lots. 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 servicing permits.

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

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

Additional Comments:

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 to the Municipality, to provide a copy of the registered deed for the severed parcel once the transaction has occurred 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 seven hundred and fifty (\$750) per lot, as contained within the Municipality's Fees and Charges By-law, but will be reviewed at the time when the proponent clears conditions of the consents.

Further, Administration recommends that as a condition of approval of the consents that the Applicant successfully apply to the Municipality for a Zoning By-law Amendment and to obtain relief to the Zoning By-law for the severed parcel and 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 South Branch of the McKenzie 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. This is further detailed above in the Drainage Department comments.

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 have a septic system assessment be completed by a qualified individual, on the proposed severed parcel to ensure that the lands are suitable for a privately owned and operated septic system, 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. This is detailed above in the Utilities Department comments.

Further, Administration recommends that as a condition of approval of the consents that prior 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 the approval authority.

Further, Administration recommends that as a condition of approval of the consents that conditions be tied together for the consent (severance) applications E16-21 to E19-21, so that they 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*.

Summary:

Therefore, it is Planning Staff's opinion that the proposed four lot creation consents, would appear to be consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to relief); and that Council recommends to the County of Elgin that the four consents be approved, subject to the lower-tier municipal conditions listed in this report.

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 applications.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

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|----------------------|---|
| Document Title: | Severance Applications E16-21 to E19-21 - Comments to Elgin County - 2021-15-Planning.docx |
| Attachments: | <ul style="list-style-type: none">• Appendix One – Key Map and Severance (Consent) Sketch• Appendix Two – Severance Application E16-21• Appendix Three – Severance Application E17-21• Appendix Four – Severance Application E18-21• Appendix Five – Severance Application E19-21 |
| Final Approval Date: | Apr 4, 2021 |

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

Jana Nethercott