



Staff Report

Report To: Council
From: Heather James, Planner
Date: 2020-03-12
Report: 2020-10
Subject: Severance 20662 Marsh Line

Recommendation:

That West Elgin Council hereby receives the report from Heather James regarding the severance application, File No. E 4/20 for 20662 Marsh Line; and

That West Elgin Council recommends approval to the Land Division Committee of the County of Elgin for the severance application, File No. E 4/20 located at Concession 9, Southeast $\frac{1}{4}$ of Lot C and Southwest $\frac{1}{4}$ of Lot D, 20662 Marsh Line, provided the following conditions are included:

- a) That a Zoning By-law Amendment is in force and effect for the severed and retained parcels;
- b) 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;
- c) That the grain bin located on the severed parcel be removed to the satisfaction of the Municipal Chief Building Official;
- d) That requirements of the Municipal Road Department regarding access and/or drainage have been met;
- e) That taxes have been paid in full;
- f) That two copies of the registered survey have been provided to the Municipality; and,
- f) 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 was submitted to the Municipality of West Elgin by Mark and Beth Schweitzer c/o Mike Miller. The purpose of the application is to permit the severance of a surplus farm dwelling.

The property owners are requesting the severance of a parcel of land, legally described as Concession 9, Southeast $\frac{1}{4}$ of Lot C and Southwest $\frac{1}{4}$ of Lot D, in the geographic Township of Aldborough, and known municipally as 20662 Marsh Line (outlined in red on the attached Key Map). The subject lands are located along the north side of Marsh Line.

Background:

The proposed severed parcel will have an area of 1.166 ha (2.88 ac.), a frontage of 108.0 m (354.33 ft.) along the north side of Marsh Line and a depth of 108.0 m (354.33 ft.). The proposed

severed parcel contains a habitable residential dwelling, two barns, shed and a grain bin and is serviced by private water well and private septic system (identified on the attached Sketches #1 and 2). The grain bin on the proposed severed parcel will be removed as a condition of the severance. The proposed severed parcel has an existing entrance on to Marsh Line.

The proposed retained parcel will have an area of 42.4 ha (104.77 ac.), a frontage of 534.8 m (1,754.59 ft.) along the north side of Marsh Line and a depth of 662.9 m (2,174.87 ft.). The proposed retained parcel is vacant with no services and is used for agricultural use (identified on the attached Sketch #2).

Agricultural and non-farm residential uses surround the subject lands. The Patterson Municipal Drain runs through the lands.

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

Chief Building Official

'A new septic bed has been applied for for the subject property. I will provide my sign off after completion of installation of the bed.'

Comment: This requirement has been addressed as a condition of the severance.

Manager of Utilities Services

'There is no issues with utilities. There is no municipal water line on this property.'

Public Works Superintendent

'There are no concerns with the severance. Should the new owner of the farm parcel require a new entrance, a Road Occupancy Permit would be required.'

Comment: The owner is aware of this comment.

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

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; c) **a residence surplus to a farming operation** as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance; 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).

The PPS defines a residence surplus to a farming operation as an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Comment: The residence is surplus to the needs of the purchasing farmer's farming operation. The new lot is limited in size to accommodate the use and services. A condition to rezone the retained farmland to prohibit construction of new residences is recommended to address the PPS requirement to prohibit new dwellings on the vacant farmland. The proposed severed parcel meets the recommended Minimum Distance Separation I setback.

Development and site alteration is not permitted in a provincially significant wetland (Policy 2.1.4). Development and site alteration on adjacent lands within a provincially significant wetland is not permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, generally through an Environmental Impact Study (E.I.S. (Policy 2.1.8).

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 is within a provincially significant wetland and a significant woodland. No development is proposed as a result of this severance and therefore, the proposed severance will not have an impact on the provincially significant wetland, 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' with a portion of the lands designated Provincially Significant Wetlands on Schedule 'A' Land Use and a portion subject to Provincially Significant Wetlands and Woodlands overlay 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 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 (Policy E1.2.3.4 b).

Comment: The residence to be severed is habitable and is surplus to the purchasing owner's farming operation. The proposed severed parcel meets the recommended MDS I setback. A condition to rezone the retained farmland to prohibit construction of new residences is recommended.

Development and site alteration is not permitted in Provincially Significant Wetlands 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 D1.2.7).

Development and site alteration is 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 Provincially Significant Wetland, 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 with a portion of the lands designated Provincially Significant Wetlands on Schedule 'E' Rural Area Land Use & Transportation Plan and a portion of the lands subject to Provincially Significant Wetland (Eagle Wetland) and Woodlands on Schedule 'B' Maps 1 and 2 Natural Heritage Feature in the Municipality of West Elgin Official Plan. 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 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) Minimizing 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 (Policy 6.2.9).

Comment: The proposed severance demonstrates that the residence is surplus to the purchasing owner's farming operation. There are no livestock operations affecting the proposal. A new septic tile bed is required for the proposed severed parcel and will be addressed through the included septic review condition. The proposed severed parcel meets the Minimum Distance Separation I formula.

Development or site alteration shall not be permitted in provincially or locally significant wetlands. On adjacent lands, development or site alteration shall not be permitted 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 120 metres (Policy 3.3.3).

Comment: The South Rodney Woodlot Provincially Significant Wetland is located on a portion of the proposed retained parcel. No development is proposed; therefore, an E.I.S. is not required.

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. 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 General Agricultural (A1) with a portion of the proposed retained parcel subject to the South Rodney Woodlot Provincially Significant Wetland and subject to Lower Thames Valley Conservation Authority Regulated Area on Map 45 of the Municipality of West Elgin Zoning By-law No. 2015-36.

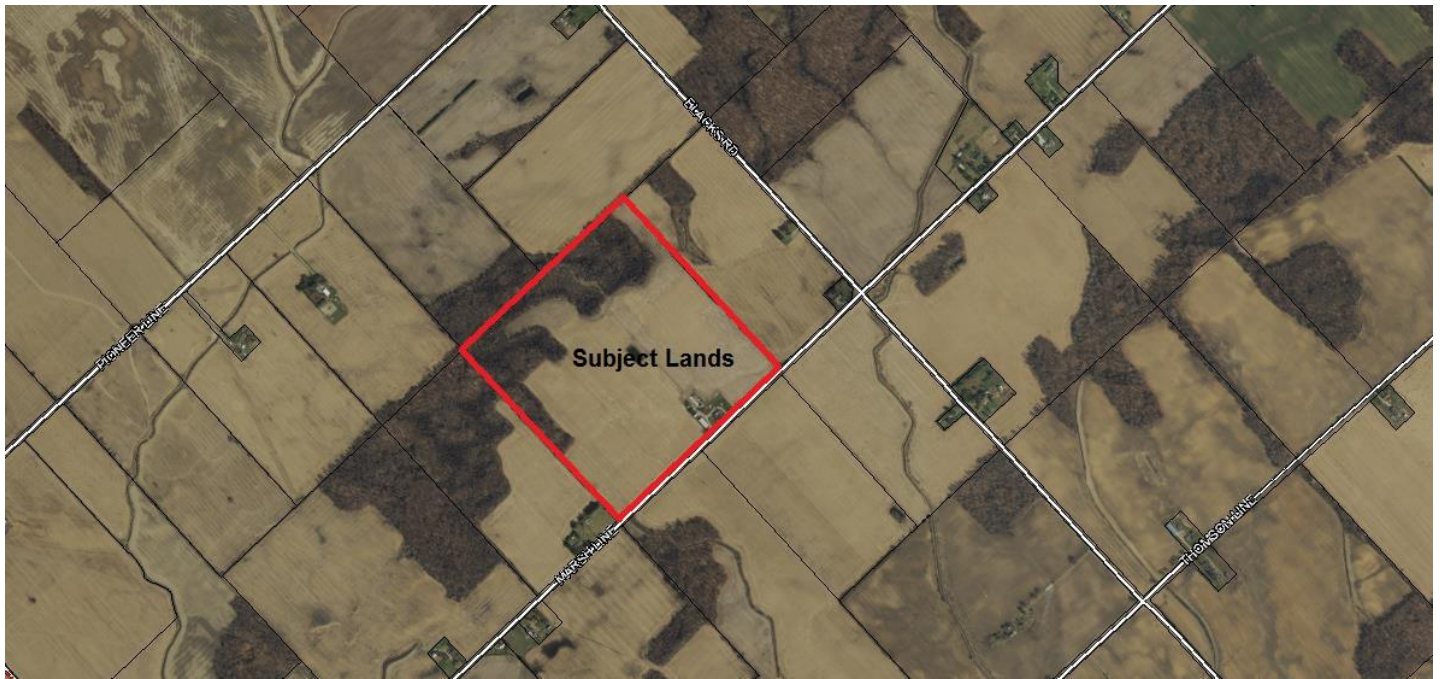
The severed parcel is proposed to be rezoned from Agricultural (A1) Zone to Restricted Agricultural (A3) Zone. The A3 Zone will permit agri-tourism, animal clinic, animal hospital, bed and breakfast establishment, dog kennel day care, day care centre, secondary farm occupation, restricted agricultural use and single unit dwelling.

The retained parcel is proposed to be rezoned from Agricultural (A1) Zone to Agricultural (A2) Zone. The A2 zone prohibits new residential use and new residential buildings and permits agricultural use, agri-tourism use, farm winery, hunting reserve, production of oil and natural gas and wildlife preserve.

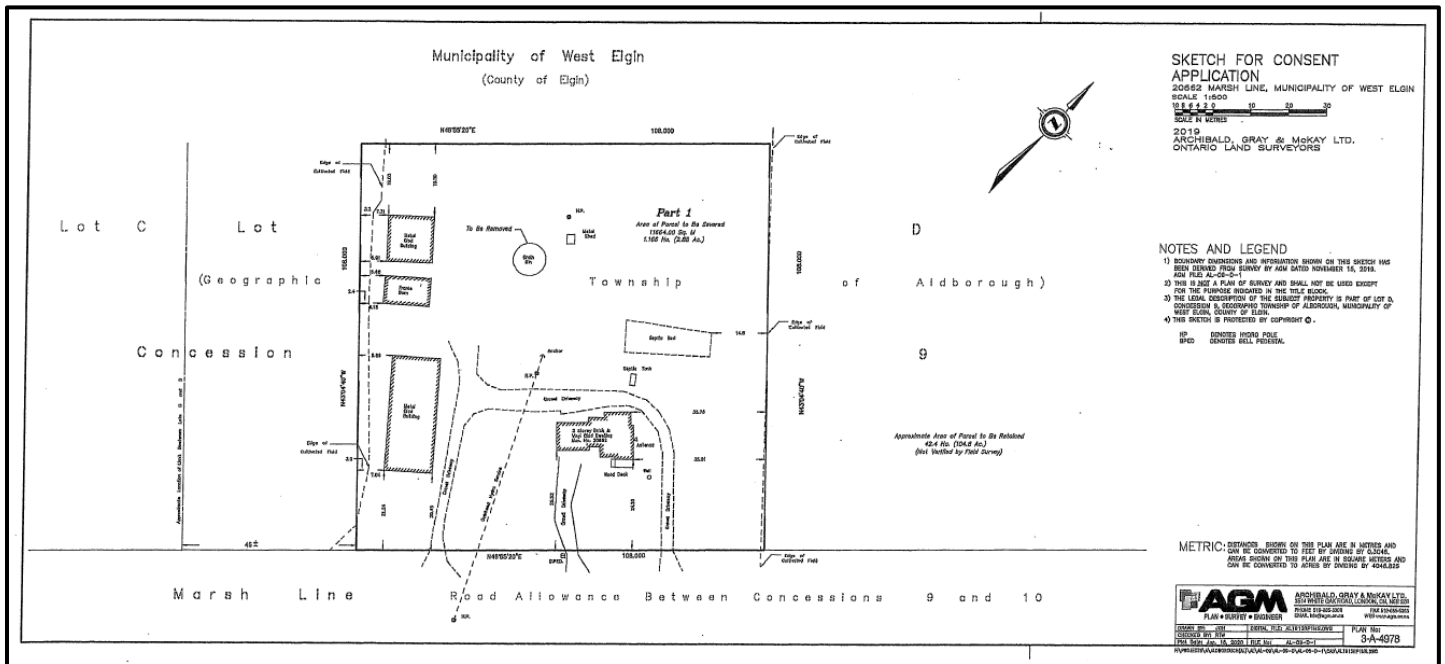
Related Documents:

None.

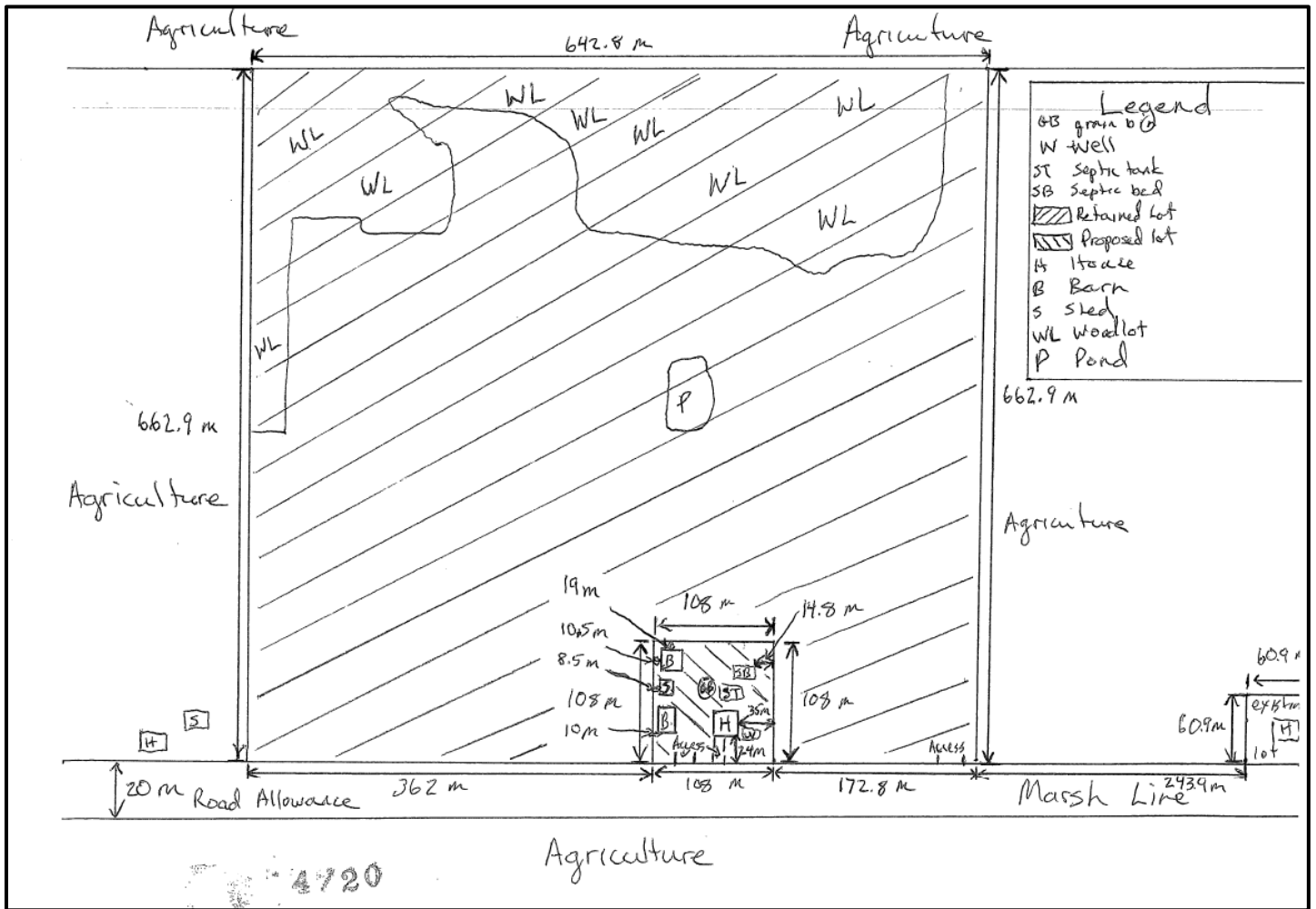
Key Map



Sketch #1



Sketch #2



Report Approval Details

Document Title:	Severance 20662 Marsh Line.docx
Attachments:	
Final Approval Date:	Mar 9, 2020

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

Jana Nethercott