



## Staff Report

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**Report To:** Council Meeting  
**From:** Bryan Pearce, Planner  
**Date:** 2021-09-09  
**Subject:** Severance Application E67-21 – Comments to County of Elgin (Planning Report 2021-26)

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### **Recommendation:**

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E67-21 – Comments to County of Elgin (Planning Report 2021-26);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E67-21, subject to the Lower-Tier Municipal conditions in Appendix Two 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 E67-21, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the lot creation of a surplus farm dwelling that is part of a farm consolidation within our agricultural area, on Marsh Line.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	E67-21
<b>Owner</b>	John Lamb
<b>Applicant</b>	Ed Dewild
<b>Legal Description</b>	Part Lot B, Concession 10
<b>Civic Address</b>	20183 Marsh Line
<b>Entrance Access</b>	Marsh Line
<b>Water Supply</b>	Privately owned and operated individual well
<b>Sewage Supply</b>	Private on-site individual septic system
<b>Existing Land Area</b>	14.00 ha (34.60 ac)

Below is the detailed dimensions and land areas of the application, in a chart:

Application	Severed Parcel			Retained Parcel		
	Frontage	Depth	Area	Frontage	Depth	Area
<b>E67-21</b>	77.26 m (253.48 ft)	104.74 m (343.64 ft)	8,093 sqm (2.00 ac)	160 m (524.93 ft)	590 m (1,935.70 ft)	13.2 ha (32.62 ac)

The Public Hearing is scheduled for September 22, 2021 at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the existing parcel of the Lamb Lands.



The severance sketch, showing E67-21 is attached to this report as Appendix One for reference purposes.

### **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:**

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 created by the severance, in accordance with Section 2.3.4.1(c) of the PPS. New land uses, including the creation of lots and new or expanding livestock facilities shall comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS. The severed parcel is limited in area to accommodate the existing infrastructure associated with the existing dwelling; and the Applicant notes that there are no livestock barns within 750 metres of the subject lands, as concurred by Planning Staff, but MDS-1 is exempt on the surrounding lands as per Guideline 9 of the MDS Guidelines, as there is no specific policies contained in the OP requiring this aspect and there are no existing livestock facilities on the retained parcel.

No development is proposed within the natural heritage (Section 2.3) and natural hazard (Section 3.1) portions of the property.

This proposal appears to be consistent with the PPS.

### **CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. A portion of the proposed retained parcel is within Woodlands 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. In this instance the purchasing farmer's intent is to merge the retained parcel with the lands to the west, thereby achieving the same purpose. The residence to be severed is habitable and is surplus to the owner's farming operations. The proposed severed parcel meets the MDS I setbacks as there are no barns capable of housing livestock. The residence is connected to the municipal water and private individual on-site septic system.

No development is proposed within the natural heritage (Section D1.2) and natural hazard (Section D3.1) portions of the property.

Therefore, this proposal appears to conform to the CEOP.

**OP:**

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP.

The agricultural land use policies, under Section 6.2 of the OP, permit farm dwelling on the farm operation.

Section 6.2.9 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 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.

Administration advises that:

- The proposed severance demonstrates that the residence is surplus to the owners' farming operation and the dwelling has been in existence greater than ten years and is structurally sound and suitable for human occupation;
- The remnant parcel would be consolidated with the vacant property to the west, also owned by the purchasing farmer, so no new development potential is being considered;
- There are no livestock operations affecting the proposal, with respect to MDS I;
- The proposed severed parcel is minimizing the loss of the productive farmlands to the best of its abilities with existing site features; and
- There are no farm buildings that area deteriorated, derelict or abandoned for consideration of removals.

No development is proposed within the natural heritage and natural hazard portions of the property.

Lot creation polices under Section 10.4.1 of the OP, allows for severance (consent) application 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*.



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 53 of the ZBL, as depicted in Figure Two to the right.

Permitted uses within the General Agricultural (A1) Zone include single unit dwelling. The minimum lot area and lot frontage requirements of the General Agricultural (A1) Zone are 20.2 hectares and 300 metres respectively.

The proposed severed parcel area is approximately 8,093 square metres (2.00 acres), with a lot frontage of 77.26 metres (253.48 feet); and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural (A3) Zone, as a condition of approval. The Restricted Agricultural (A3) Zone has a minimum lot area of 4000 square metres and a minimum lot frontage of 30 metres respectively.

The proposed retained parcel would stay in the General Agricultural (A1) Zone, since it is to be amalgamated with the property to the west, also owned by the purchasing farmer.

Therefore, it would appear that the proposal would comply with the ZBL, provided a Zoning By-law Amendment was obtained for the severed parcel, that can be addressed through a condition of the consent application.

### **Interdepartmental Comments:**

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

#### **Drainage:**

Drainage Department noted the following:

- The subject lands are within the Kruppe Drain, Schweitzer Drain, and Hampton Drain municipal drainage areas.



Figure Two

Planning Staff notes that this can be addressed as condition of approval for reassessment processes.

**Utilities:**

Utilities Department noted the following:

- No issues of concern, as no municipal water and sewer fronts this subject lands.

**Public Works:**

Public Works Department noted the following:

- If the applicant wishes to put a new entrance in for farm access, an entrance permit would be required. Alternatively, entrance access may be obtained from the existing entrance access farmlands to the west.

Planning Staff notes that the intent is to obtain entrance access from the lands to the west, since the retained parcel would be merged with the lands to the west.

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

**Summary:**

Therefore, it is Planning Staff's opinion that the proposed surplus farm dwelling lot creation consent, 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 consent 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 application.

Respectfully Submitted,

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

## Report Approval Details

Document Title:	Severance Application E67-21 - Comments to Elgin County - 2021-26-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix One - Planning Report 2021-26 - Consent Sketch E67-21.pdf</li><li>- Appendix Two - Planning Report 2021-26 - Severance Application E67-21 Conditions.pdf</li></ul>
Final Approval Date:	Sep 2, 2021

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

Jana Nethercott