



Staff Report

Report To: Council Meeting
From: Bryan Pearce, Planner
Date: 2021-09-09
Subject: Severance Application E68-21 – Comments to County of Elgin (Planning Report 2021-27)

Recommendation:

That West Elgin Council hereby receives the report from Bryan Pearce regarding the severance application, File E68-21 – Comments to County of Elgin (Planning Report 2021-27);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for the severance application, File E68-21, 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 E68-21, 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 Johnston Line.

Background:

Below is background information, in a summary chart:

Application	E68-21
Owner	Pioneer Hay Sales Ltd
Applicant	Dan McKillop
Legal Description	West Part Lot 9, Concession 2
Civic Address	21934 Johnston Line
Entrance Access	Johnston Line
Water Supply	Privately owned and operated individual well
Sewage Supply	Private on-site individual septic system
Existing Land Area	26.8 ha (66.2 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
E68-21	19.65 m (64.47 ft)	218.94 m (718.31 ft)	6,082.3 sqm (1.5 ac)	526 m (1,725 ft)	453 m (1,486 ft)	26.2 ha (64.7 ac)

The Applicant has acknowledged in their application that they will need two easements, as detailed below and depicted in the severance (consent) sketch. It is noted that no Planning Act consent applications for easements have been applied for, but an easement can be created for terms outside of Planning Act approval (21 years).

The first easement is for the existing privately owned and operated individual well and associated private waterline. The existing water well is approximately 100 metres (328 feet) southeast of the existing house in the middle of the field that is planted in crops. The extent of the easement would be from approximately 6 metres (20 feet) around the existing water well to the proposed severed parcel, being approximately 90 metres (295 feet) by approximately 6 metres (20 feet) wide. This would save the Owner the cost of relocating the well onto the severed parcel; if there is a water vein to tap into; and is an already established water supply source. Planning Staff acknowledges that crop damage could occur within the easement lands should infrastructure issues arise, water consumption quality issues could also arise with agricultural practices, and infrastructure damage could with agricultural practices.

The second easement is for the existing private underground hydro line between Hydro Ones distribution lines of overhead hydro on the north side of Johnston Line to the existing dwelling. The extent of the easement would be from the front lot line to the proposed severed parcel, being approximately 140 metres (459 feet) by approximately 6 metres (20 feet) wide. This would save the Owner the cost of relocating the hydro onto the severed parcel and aligns with the existing Hydro One pole. Planning Staff acknowledge that crop damage could occur within the easement lands should infrastructure issues arise, and infrastructure damage could with agricultural practices with the current site location.

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 Pioneer Hay Sales Lands.



The severance sketch, showing E68-21 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 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) portion 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. 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) portion 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 rezoned to prohibit a dwelling;
- 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 portion 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 7 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 6,082.3 square metres (1.5 acres), with a lot frontage of 19.65 metres (64.47 feet);

and would need to be rezoned to implement the proposed lot creation, by rezoning it to the Restricted Agricultural Special Provision X (A3-X) 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 Special Provision would be required to reduce the minimum lot frontage from 30 metres to 19.6 metres, in order to minimize agricultural land loss.

The proposed retained parcel would need to be rezoned to the Agricultural (A2) Zone, in order to prohibit a single unit dwelling on the lands, as a condition of approval.

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 Purcell Drain municipal drainage area.



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.

Building:

Building Department noted the following:

- A permit is required for a new septic system on the subject lands.

Planning Staff notes that this can be addressed as condition of approval for the installation of the new septic system.

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 E68-21 - Comments to Elgin County - 2021-27-Planning.docx
Attachments:	<ul style="list-style-type: none">- Appendix One - Planning Report 2021-27 - Consent Sketch E68-21.pdf- Appendix Two - Planning Report 2021-27 - Severance Application E68-21 Conditions.pdf
Final Approval Date:	Sep 2, 2021

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

Jana Nethercott