



MUNICIPALITY OF West Elgin

Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2022-08-24
Subject: Severance Application E59-22 – Comments to County of Elgin (Planning Report 2021-33)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the severance application, File E59-22 – Comments to Elgin County (Planning Report 2022-33);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E59-22, 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 E59-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate lot creation for an existing dwelling which is surplus to the farming operations of the applicant, on Argyle Line.

Background:

Below is background information, in a summary chart:

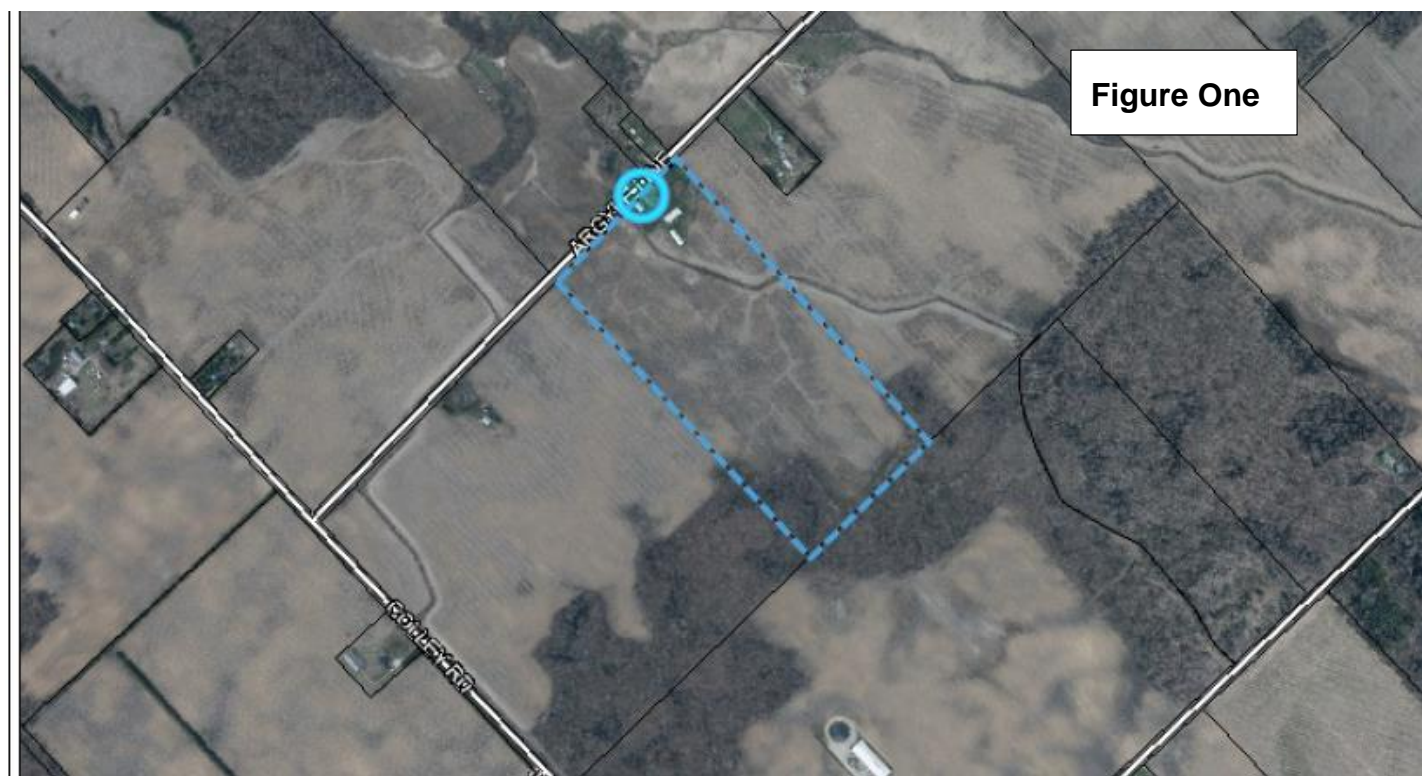
Application	E59-22
Owner/Applicant	Henk & Ans Dieker
Legal Description	Part Lot of 18, Concession 4
Civic Address	24397 Argyle Line
Entrance Access	Argyle Line
Water Supply	Municipal water service
Sewage Supply	Private on-site individual septic system
Existing Land Area	18.41 ha (45.52 ac)

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
E59-22	59.3 m (194.5 ft)	118.1 m (387.5 ft)	0.81 ha (2.0 ac)	227.6 m (746.7 ft)	669.4 m (2,196.2 ft)	17.61 ha (43.52 ac)

The Public Hearing is scheduled for September 28, 2022, at the Elgin County Land Division Committee Meeting.

Figure One below, depicts the applicants existing parcel of land.



The severance sketch, showing E59-22 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. The severance may result in a minimal increase in assessment.

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) and natural hazard (Section 3.1) portions of the property.

This proposal is 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. 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. A portion of the proposed retained parcel is within the Elgin Nature Reserve and a Provincially Significant Wetland as indicated on Schedule 'B' on Map 1 and Woodlands as indicated on Schedule 'B' Map 2 Natural Heritage Features of the OP. Neither of these impact on the requested severance.

The agricultural land use policies, under Section 6.2 of the OP, permit a 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;
- A zoning by-law amendment to prohibit a new or additional dwelling on the proposed retained parcel is recommended as a condition of severance;
- There is a livestock operation to the southwest of the subject parcel however it is located some 900 m+ from the proposed dwelling and lot. As a precautionary measure MDS 1 calculations were done and the proposed surplus dwelling lot is well outside the required setback;
- The proposed severed parcel does not include any productive farmland; and
- There are no farm buildings that are deteriorated, derelict or abandoned for consideration of removals.

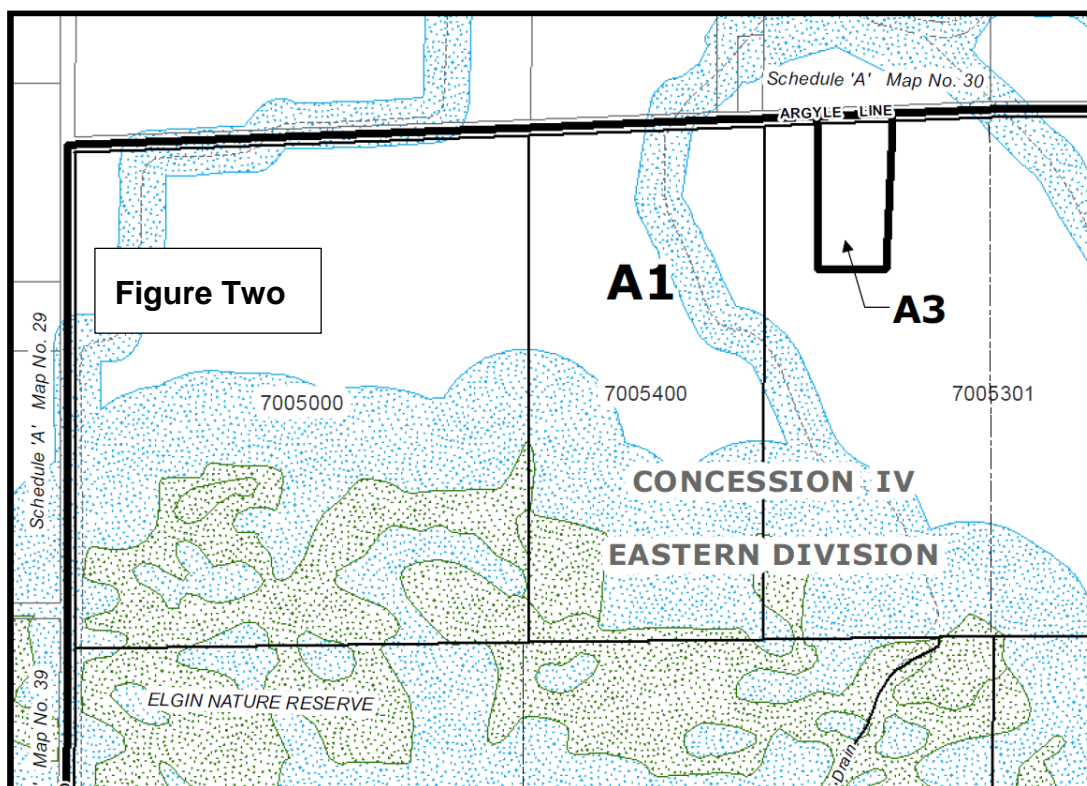
No development is proposed within the natural heritage and natural hazard portions of the property.

Lot creation policies under Section 10.4.1 of the OP, allow 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*.

Therefore, this proposal conforms 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 40 of the ZBL, as depicted in Figure Two below:



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

The proposed severed parcel area is 0.81 ha (2 ac.), with a lot frontage of 59.3 m (176.67 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 Zone (A3) Zone has a minimum lot area of 4,000 sq. m and a minimum lot frontage of 30 m.

The proposed retained parcel would also need to be rezoned to Agricultural (A2) Zone, to permit agricultural uses and prohibit new dwellings.

Provided a Zoning By-law Amendment is obtained for the severed and retained parcels, as a condition of the consent application, the proposal will comply with the Zoning by-law.

Interdepartmental Comments:

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

Drainage:

- The subject lands are within the Garlick Drain municipal drainage area.

Planning Staff notes that this will be addressed as condition of approval for reassessment process.

Utilities:

- No issues of concern, as the proposed severed parcel is connected to municipal water service.

Public Works:

- If any entrance modifications are needed, an entrance permit would be required.

Building Dept:

- A septic system inspection will need to be completed as a condition of the severance.

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, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL (subject to prohibition of future dwellings on the retained parcel); 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.

Prepared by:



Robert Brown, H. Ba, MCIP, RPP
Planner
Municipality of West Elgin

Report Approval Details

Document Title:	Severance Application E59-22 - Comments to Elgin County - 2022-33-Planning.docx
Attachments:	<ul style="list-style-type: none">- Planning Report 2022-033 Appendix One - Survey Sketch.pdf- Planning Report 2022-33 Appendix Two - Comments to the County of Elgin.pdf
Final Approval Date:	Sep 7, 2022

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

Jana Nethercott