



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2022-09-23
Subject: Severance Application E76-22 – Comments to County of Elgin (Planning Report 2022-38)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding consent application File E76-22 – Comments to the County of Elgin (Planning Report 2022-38)

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application E76-22, 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 E76-22, as Elgin County is the planning approval authority for consents.

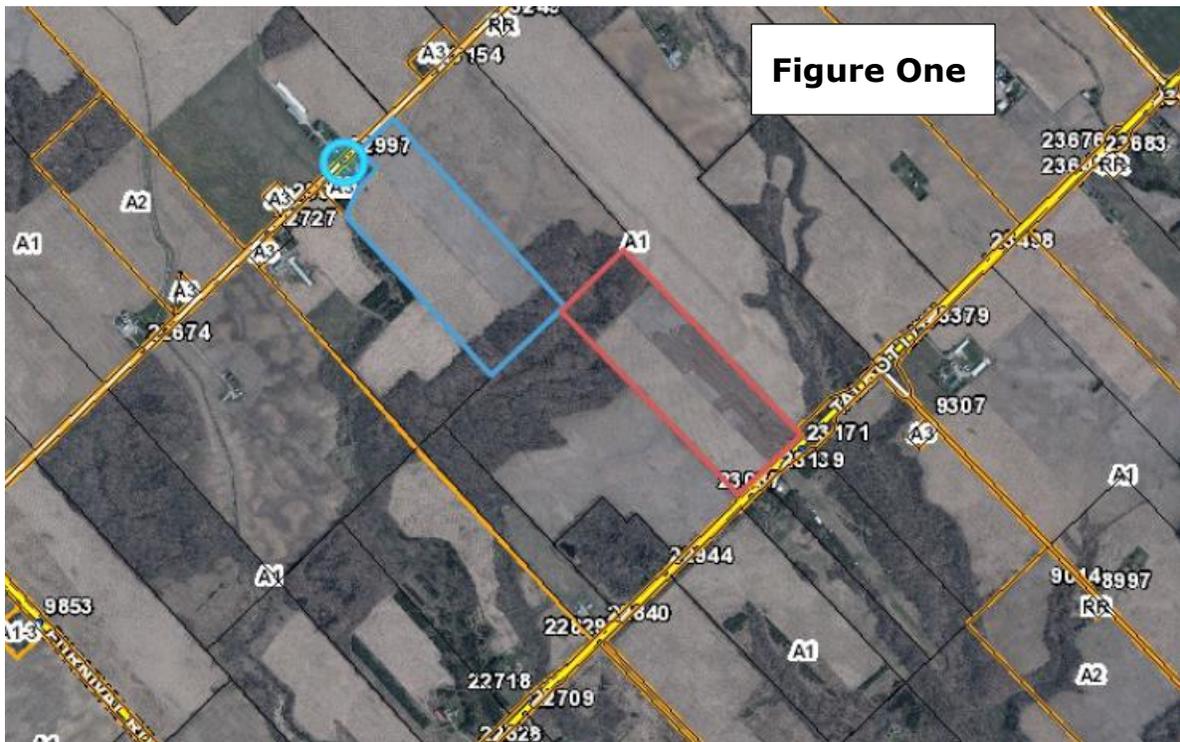
The purpose of the consent application is to facilitate the re-establishment of two existing farm lots which inadvertently merged as the result of being abutting lands held under the same ownership.

Background:

Below is background information, in a summary chart:

| | |
|---------------------------|---|
| Application | E76-22 |
| Owner/Applicant | Tom & Nancy Mohan |
| Legal Description | Part Lot of 9 & 10, Concession 12 |
| Civic Address | 22997 Silver Clay Line |
| Entrance Access | Silver Clay Line and Talbot Line |
| Existing Land Area | 42.84 ha (105.85 ac.) |
| Proposed | 20.83 ha (51.47 ac.) & 22.01 ha (54.39 ac.) |

Figure One shows the location of the subject property. The blue outline being the retained parcel and the red outline the severed parcel.



The Public Hearing is scheduled for October 26, 2022, at the Elgin County Land Division Committee Meeting.

A survey sketch was not prepared since the proposed consent is simply re-establishing the existing lot pattern. The measurements in the chart below are based on the current aerial mapping and considered appropriate for the proposed consent.

| Application | Severed Parcel | | | Retained Parcel | | |
|-------------|-------------------------|------------------------|----------------------------|------------------------|------------------------|----------------------------|
| | Frontage | Depth | Area | Frontage | Depth | Area |
| E76-22 | 265 m+/- (869.42 ft) | 786 m+/- (2,579 ft) | 20.83 ha+/- (51.47 ac.) | 140 m+/- (459.3 ft) | 731 m+/- (2,398 ft) | 22.01 ha+/- (22.01 ac.) |

Financial Implications:

Application fees were collected in accordance with the Municipality’s Fees and Charges By-law, as amended from time to time. The proposed re-establishment of the existing farm lots will not result in any change 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:

There are no issues of Provincial significance raised by the proposed consent to re-establish the two farm lots. The merging of the lands was inadvertent and only caused as a result of the unusual offset between the rear lot lines of the parcels. The lands are separated by a natural heritage feature and have been farmed separately and will continue to be farmed separately. A forced consolidation of the lands would result in unnecessary impact to the natural heritage feature and would not improve the efficient operation of the farming operation or impact on the current or future viability of the parcels. The connection between the two parcels is minimal and very unusual in nature and should be taken into consideration.

CEOP:

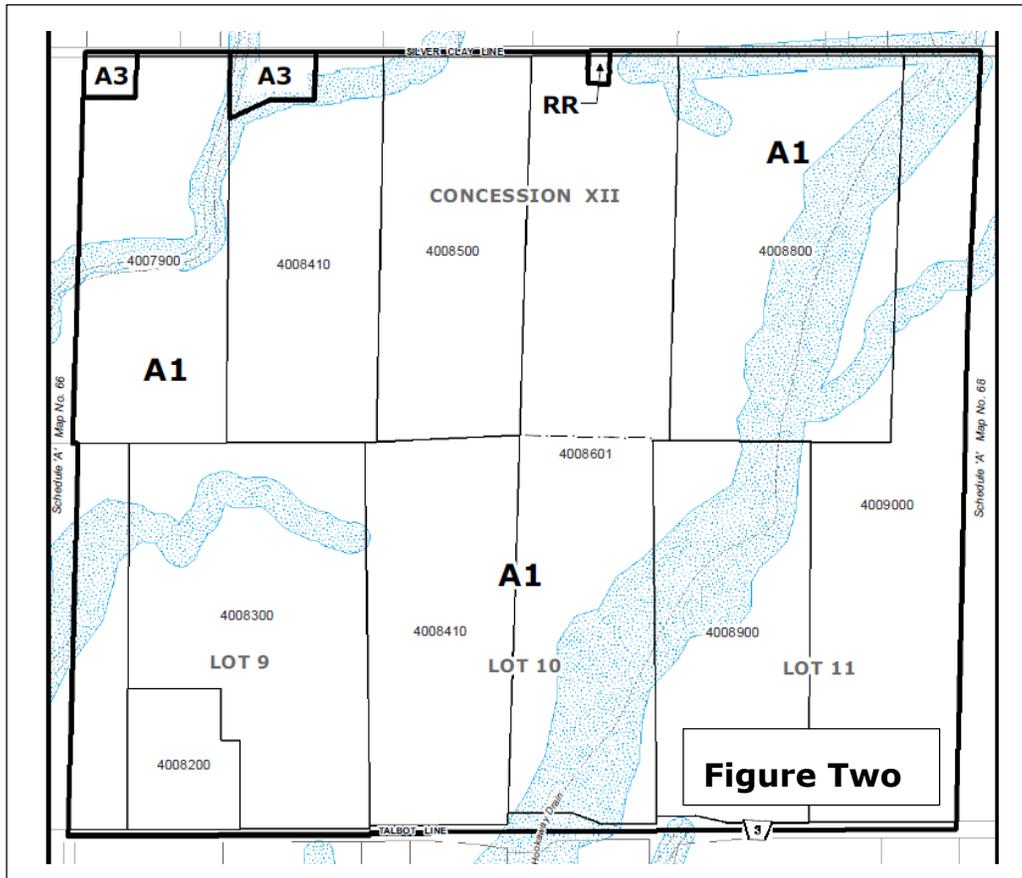
The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. Section E1.2.3.4 does permit the creation of lots in the agricultural area if the lot to be severed and lot to be retained are about 40 hectares; or as established in the local planning documents. The West Elgin OP follows a similar criteria however smaller parcels can be considered.

OP:

The subject lands are designated as Agricultural Area, as shown on Rural Area Land Use and Transportation Schedule 'E' of the OP. Section 6.2.7 does permit the creation of new farm lots with a minimum size of 40 hectares for both the severed and retained however, Section 6.2.7 h) permits the proposed re-establishment of the existing lots as proposed since they inadvertently merged as a result of changes in the Planning Act dating back to the 1970's. Therefore, this proposal conforms to the OP.

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

The subject lands are zoned Agricultural (A1) as shown on Schedule A of the ZBL and depicted on Map 67 (Figure 2). Despite the minimum lot area requirement outlined in the OP, the Zoning By-law lot area minimum in the A1 is 20.2 ha (50 ac.). Both the severed and retained lands meet the minimum lot area requirement of the ZBL. The minimum lot frontage is noted at 300 m (984 ft.). The frontage of the severed and retained lands is currently considered as legal non-conforming. The re-establishment of the parcels as separate lots is not considered to impact on this and as such both the severed and retained parcels are in compliance with the West Elgin Comprehensive Zoning By-law.



Interdepartmental Comments:

The severance application was circulated to municipal staff for comment. Since the proposal is for the re-establishment of the existing separate farm lots there is no change to servicing needs, access to the farms and there is no need for drainage re-apportionment. As such, there was no comments or concerns from Administration.

Summary:

It is the Planner's opinion that the proposed lot re-establishment, is consistent with the PPS, conforms to the CEOP and conforms to the OP, complies with the ZBL; 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 E76-22 - Comments to Elgin County - 2022-38-Planning.docx |
| Attachments: | - Planning Report 2022-38 Appendix One - Detail.pdf - Planning Report 2022-38 Appendix Two - Comments to the County of Elgin.pdf |
| Final Approval Date: | October 6, 2022 |

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

Jana Nethercott