



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2022-09-30
Subject: Severance Application E78-22 – Comments to County of Elgin (Planning Report 2022-39)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding the consent application File E78-22 – Comments to County of Elgin (Planning Report 2022-039);

And that West Elgin Council hereby recommends approval to the Land Division Committee of the County of Elgin for severance application, File E78-22, 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 E78-22, as Elgin County is the planning approval authority for severances.

The purpose of the application is to facilitate the severance of the vacant portion of the lands located along the east side of the subject property and with the Rodney Settlement area for sale and future development. See Appendix One – Detail.

Background:

Below is background information from the application, in a summary chart:

Application	E78-22
Owner	The Rodney Cemetery Company
Applicant	Dan McKillop
Legal Description	Pt. Lot 5, Concession 8, Pt. Lot 30, Plan 202 & Part 2 – 4, RP 11R 5577
Civic Address	21991 Queens Line
Entrance Access	Queens Line
Water Supply	Severed Parcel – Municipal water available Retained Parcel – no services required
Sewage Supply	Severed Parcel – Municipal sanitary sewage service available Retained Parcel – no services required
Existing Land Area	6.57 ha (16.23 ac)
Buildings and/or Structures	Severed Parcel – vacant Retained Parcel – one outbuilding

The chart below details the dimensions and land area of the application:

Application	Severed Parcel			Retained Lands		
	Frontage	Depth	Area	Frontage	Depth	Area
E78-22	58.143 m (190.75 ft.)	287.42 m (943 ft.)	2.83 ha (7.0 ac)	134.33 m (440.7 ft.)	287.42 m (943 ft.)	3.73 ha (9.23 ac)

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

Figure One below outlines the subject property. The retained lands, outlined in blue while the severed lands are marked in red.

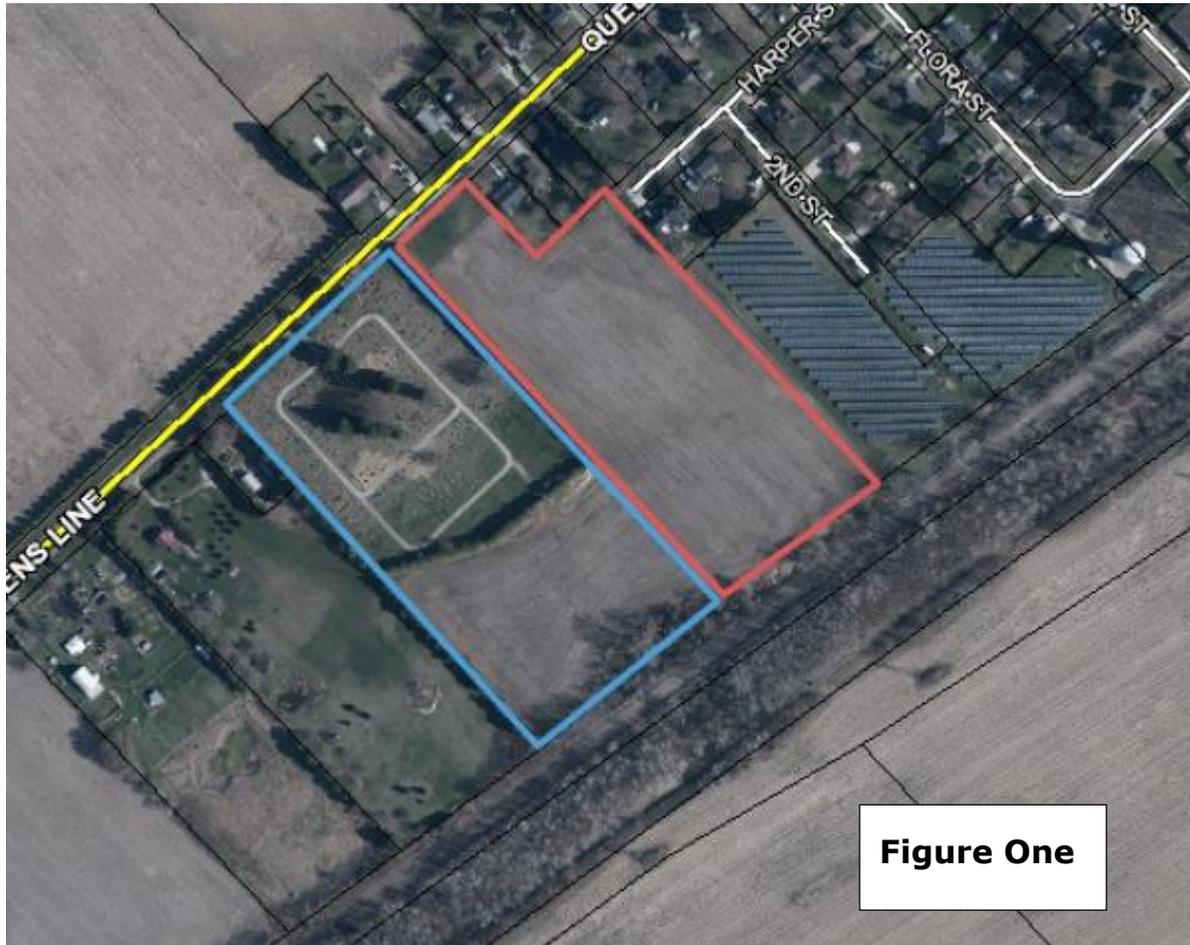


Figure One

Financial Implications:

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from time to time. Typically, cash-in-lieu of parkland is required due to the creation of a new lot in a settlement area however since the lands are being severed from the larger property for the purpose of future development the park land fees can be collected at that 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 approval 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:

The severed portion of the subject property is location within the Rodney Settlement area. Lot creation is permitted within the Settlement Areas in accordance with Section 1.1 of the PPS.

As part of the pre-consultation proposed it was recommended that the applicant ensure that the limits of the cemetery were clear and that there be confirmation that no part of the severed parcel was utilized as part of the cemetery. Documentation of this confirmation from the applicable provincial authority is attached as Appendix Three.

The proposal is consistent with the PPS.

CEOP:

The severed portion of the subject lands are designated Tier I Settlement Areas while the retained lands remain as an existing use within the Agricultural Area on Schedule 'A' Land Use (Figure Two) in the CEOP. The lot creation policies of the CEOP contained under Section E1.2.3.1, have several applicable criteria to the initial severance of the vacant lands. Those have been reviewed and are addressed through the conditions of approval. Once a comprehensive development plan is provided a plan of subdivision will be necessary further detailing requirements of the eventual build out. This proposal conforms with the CEOP.

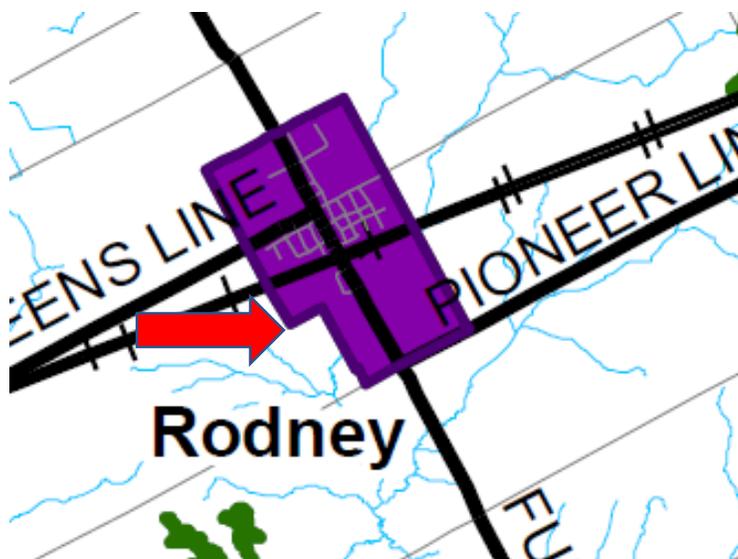


Figure Two

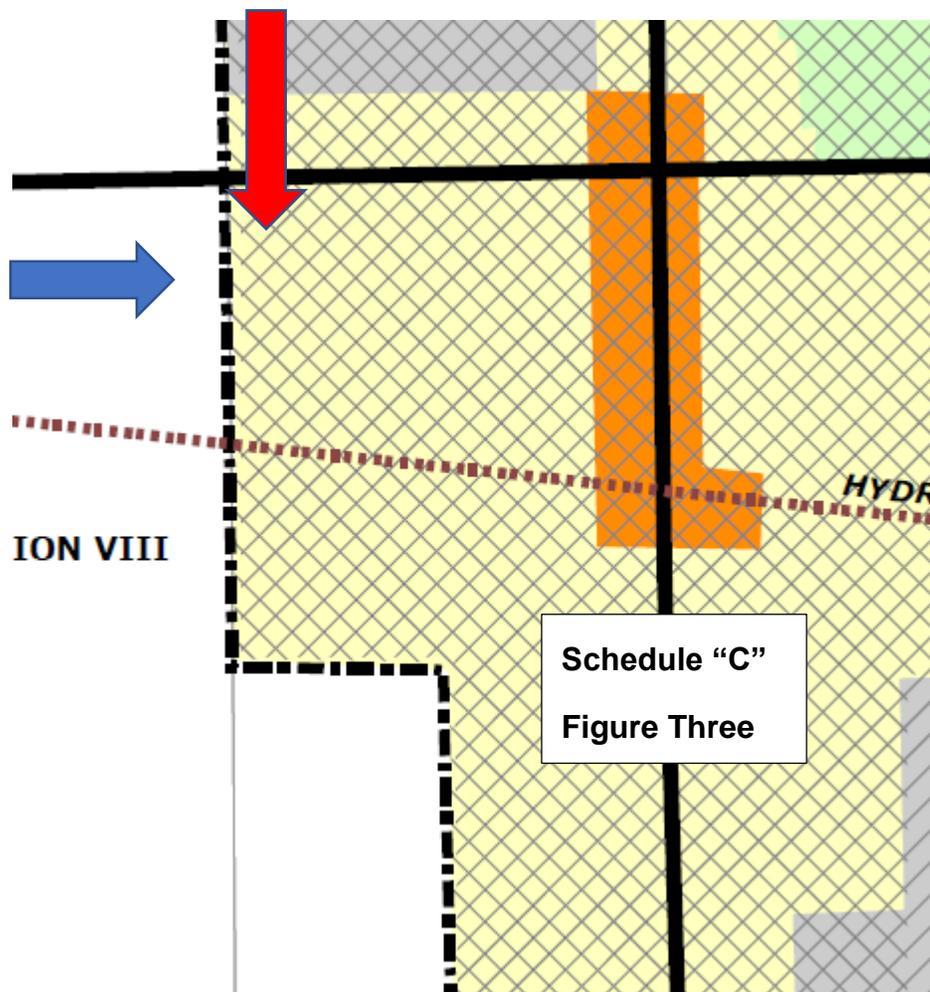
OP:

The proposed severed parcel is designated as Residential on the Village of Rodney Land Use and Transportation Plan Schedule 'C' of the OP, as shown on Figure Three, in yellow. The retained lands are within the Agricultural designation.

The Residential designation permits a variety of residential uses, with single detached dwellings being the predominant dwelling type.

Lot creation polices under Section 10.4.1 of the OP, allow for severance (consent) applications. The proposed severance application meets the policy of Section 10.4.1.

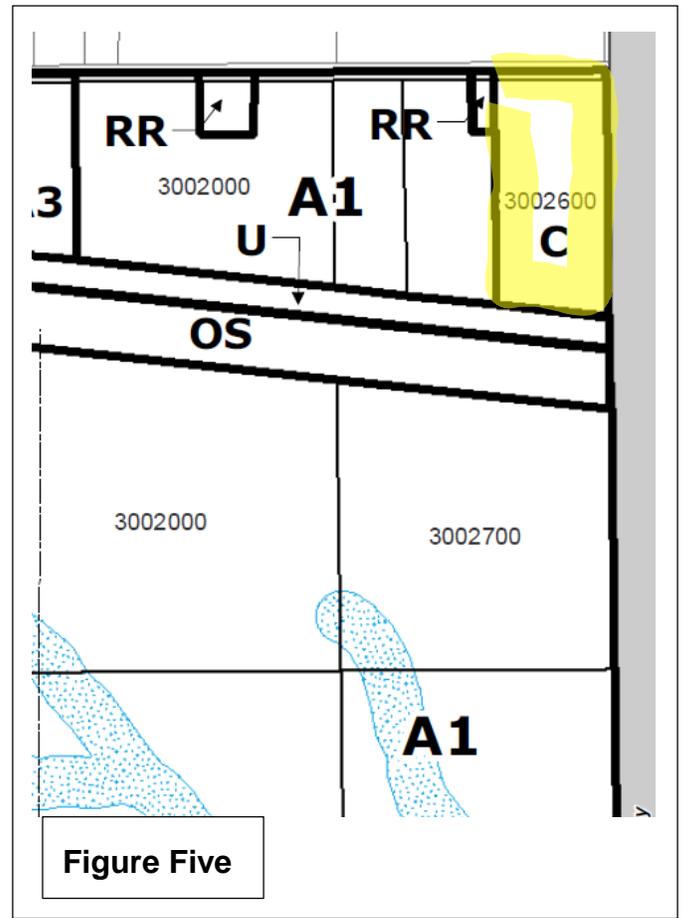
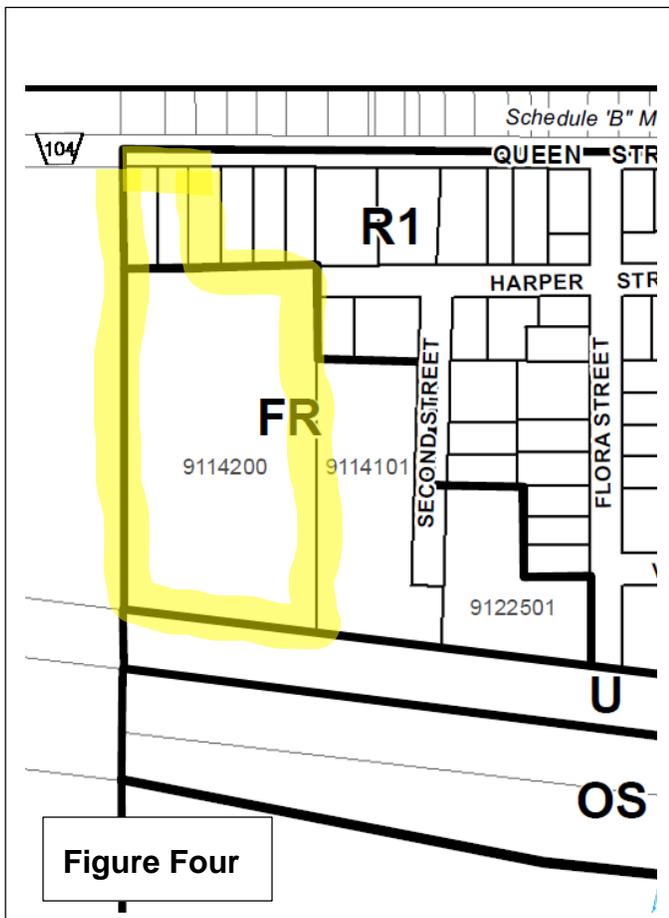
Therefore, this proposal conforms to the OP.



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

The proposed severed parcel is within two separate zones Future Residential Zone (FR) and Residential First Density (R1) on Schedule B, Map 3 (Figure Four) of the ZBL. The proposed retained parcel is zoned Cemetery (C) on Schedule A, Map 46 Figure Five) of the ZBL.

The FR Zone will only permit the continuation of the existing use. Once a development plan is prepared a zoning amendment would be necessary to permit eventual development of the lands for residential use. The portion of the severed parcel within the R1 zone does permit development of a single detached dwelling however this would impact the development of the larger parcel and is not the intent of the prospective purchaser. The severance does not require any change or adjustment of the current zoning on the affected lands. Therefore, the proposal would comply with the ZBL.



Interdepartmental Comments:

The severance application was circulated to municipal staff for comment. As the lands are planned for future development there are no concerns with the initial step to sever the parcel away from the retained cemetery. More detailed review and comment will be forthcoming once the final development plans are completed for submission.

Summary:

It is the Planner's opinion that the proposed lot creation consent, 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 E78-22 - Comments to Elgin County - 2022-39-Planning.docx
Attachments:	<ul style="list-style-type: none">- Planning Report 2022-39 Appendix One - Detail.pdf- Planning Report 2022-39 Appendix Two - Comments to the County of Elgin.pdf - BAO correspondence – Appendix Three
Final Approval Date:	October 6, 2022

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

Jana Nethercott