



Report to County Council

From: Paul Hicks, Acting Manager of Planning

Date: April 9, 2024

Subject: Municipality of Bayham Official Plan Amendment No. 36, Part of Lot 10, Concession 3, Municipality of Bayham, 55032 Vienna Line

Recommendation(s):

THAT the Council of the Corporation of the County of Elgin approves Official Plan Amendment No. 36 to the Official Plan of the Municipality of Bayham;

AND THAT staff be directed to provide notice of this decision in accordance with the requirements of the Planning Act.

Introduction:

The Council of the Municipality of Bayham has adopted an amendment to their official plan, known as Official Plan Amendment Number 36 (OPA No. 36) and they have subsequently forwarded the amendment to the County of Elgin for approval (see attached). In accordance with Section 17 of the Planning Act, the Council of the County of Elgin, as “Approval Authority,” is required to make a decision on the adopted amendment in which Council may approve, modify, or refuse to approve the amendment. If Elgin County fails to make a decision within 120 days after the amendment is received, any person or public body may appeal to the Ontario Land Tribunal.

This report is intended to provide County Council with the information required to make a decision on the adopted amendment.

Background and Discussion:

This official plan amendment provides a site-specific exemption to Section 2.1.7.1 of the Bayham Official Plan which requires that, “where a farm parcel with more than one existing dwelling is being consolidated into a farm operation, only one dwelling may be severed from that farm parcel, and no more than one severance of a surplus dwelling shall be allowed from an original farm parcel regardless of changes in boundary or ownership.” In other words, where a farmer has purchased and a farm parcel with multiple dwellings on it, they are only permitted to sever one dwelling from the parcel under the auspices of a ‘surplus farm dwelling severance’ (i.e. the ability to sever a farm

dwelling that is surplus to the needs of a farming operation as a result of a farmer purchasing an additional farm parcel).

In this case, it is understood that the subject lands were previously merged as a result of a farm consolidation of three parcels, each with a dwelling on them. Two of the three residences were previously severed in 2003, and the applicant is now seeking to sever the third residence. As such, an amendment to the Municipality’s Official Plan is required to permit the applicant to move forward with a severance application.

The subject OPA proceeded through the standard application process as well as a technical circulation to statutory review agencies. A public meeting required under the Planning Act was subsequently held prior to Municipal Council’s adoption of OPA No. 36 in March of 2024.

County staff have had the opportunity to review the proposal and associated materials against the requirements of the Planning Act, the Provincial Policy Statement, the County Official Plan, and are satisfied that the proposal meets all relevant requirements. With respect to the Municipality of Bayham Official Plan, the subject OPA is a site-specific exemption to a restriction on agricultural severances that does not exist in either county or provincial policy, and to that end, the OPA is considered by County Staff to be a local matter / discretion on the part of the Bayham Council. Further, County Staff would note that the circumstances with respect to this OPA (i.e. a contiguous farm consolidation that added three residences to a farming operation) are somewhat unique, and were likely not contemplated by the local OP.

Financial Implications:

There are no identified direct financial implications to the County with respect to the approval of the proposal.

Alignment with Strategic Priorities:

Serving Elgin	Growing Elgin	Investing in Elgin
<ul style="list-style-type: none"> <input type="checkbox"/> Ensuring alignment of current programs and services with community need. <input type="checkbox"/> Exploring different ways of addressing community need. <input checked="" type="checkbox"/> Engaging with our community and other stakeholders. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth. <input type="checkbox"/> Fostering a healthy environment. <input checked="" type="checkbox"/> Enhancing quality of place. 	<ul style="list-style-type: none"> <input type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future. <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively.

Local Municipal Partner Impact:

This amendment will directly impact the Municipality of Bayham.

Communication Requirements:

The Notice of Decision will be sent to the applicant, Municipality of Bayham and those prescribed under the Planning Act.

Conclusion:

Based on the above analysis it is recommended that County Council approve OPA No. 36 to the Official Plan of the Municipality of Bayham as the amendment is:

- Consistent with the Provincial Policy Statement;
- Conforms to the County of Elgin Official Plan, and the intent of the Municipality of Bayham Official Plan; and,
- Constitutes good planning and is in the public interest;

All of which is Respectfully Submitted

Approved for Submission

Paul Hicks
Acting Manager of Planning

Blaine Parkin
Chief Administrative Officer/Clerk