



## Staff Report

---

**Report To:** Council Meeting

**From:** Robert Brown, Planner

**Date:** 2023-04-26

**Subject:** Zoning By-law Amendment Application D14 6-2023 Recommendation Report (Planning Report 2023-20)

---

### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning By-law Amendment Application D-14 6-2023 – 21179 Clachan Road Recommendation Report (Planning Report 2023-20).

That West Elgin Council approve the rezoning of 21179 Clachan Road from General Agricultural (A1) Zone to Agricultural (A2) Zone and Restricted Agricultural Special Regulation 6 (A3-6) Zone, in accordance with the attached draft by-law, and

Further that West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the May 25, 2023, Council Agenda.

### **Purpose:**

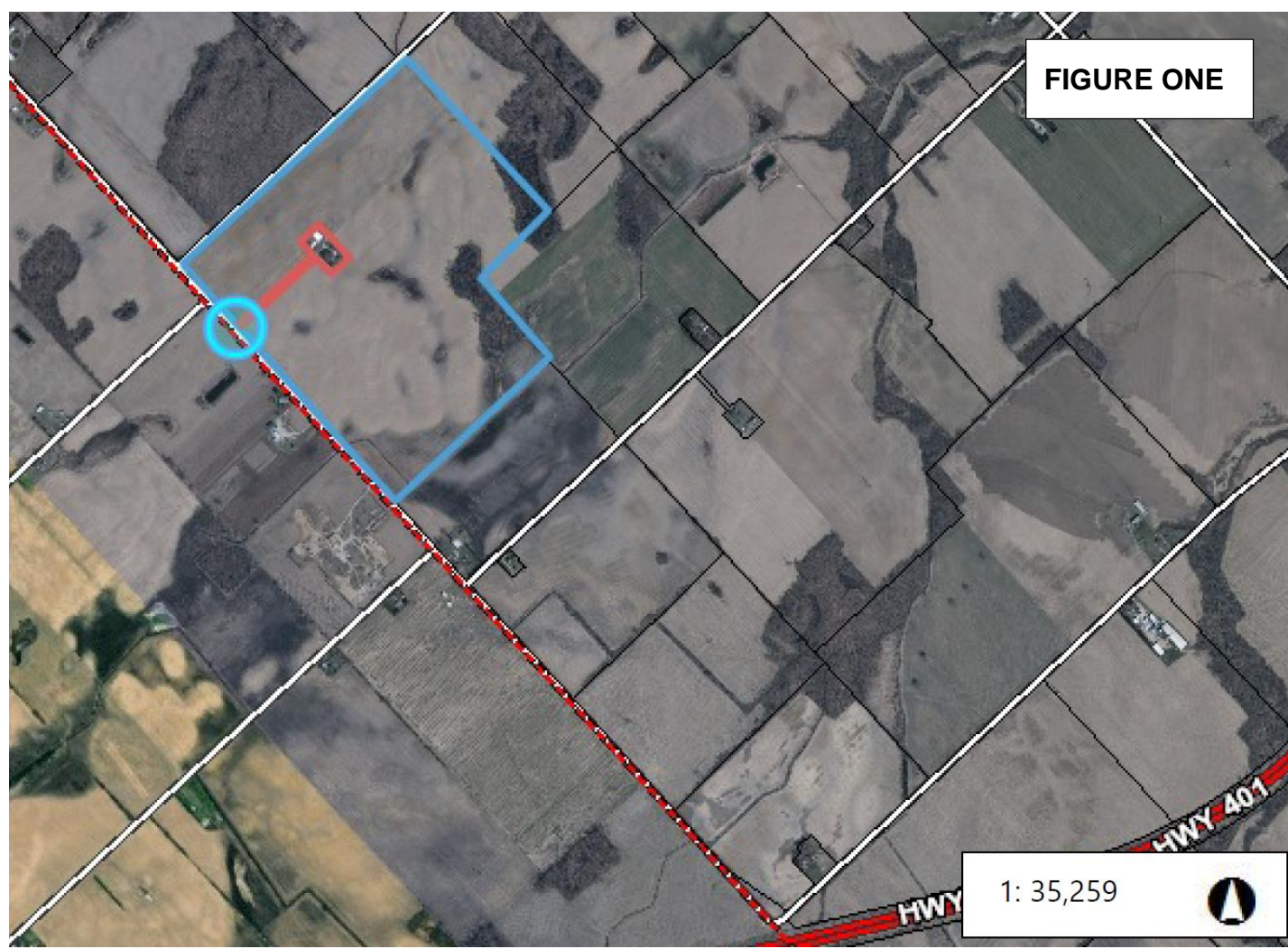
The purpose of the Zoning By-law Amendment is to consider a condition of Consent Application E1-23, by rezoning the retained farmland parcel from General Agricultural (A1) Zone to Agricultural (A2) Zone, in order to prohibit any future dwellings, and by rezoning the severed surplus farm dwelling parcel from General Agricultural (A1) Zone to Restricted Agricultural (A3) Zone, in order to recognize the new surplus farm dwelling lot being created.

### **Background:**

Below is background information, in a summary chart:

<b>Application</b>	D 14 6-2023 (condition of E1-2023)
<b>Owners</b>	J & M Van Lith Farm, Lithville Farms
<b>Applicant</b>	Timothy Van Lith
<b>Legal Description</b>	Part Lot of A & B, Concession 4 ED
<b>Civic Address</b>	21179 Clachan Road
<b>Services</b>	Private on-site water well & septic system
<b>Severed Parcel</b>	1.21 ha (3 ac.)
<b>Retained Farm Parcel</b>	79.7 ha (197 ac.)

Figure One below, depicts the subject lands:



The surrounding land uses are as follows:

- Agricultural on all sides

The zoning sketch, depicting the surplus farm dwelling lot creation (E1-23 application), is attached to this report as Appendix One for reference purposes.

Council may recall that Planning Report 2023-09, went before Council on March 9, 2023, to authorize comments to the County of Elgin on the consent application, E1-23 and provided planning analysis for the proposed surplus farm dwelling lot creation in relation to the applicable policies.

### **Financial Implications:**

Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended from 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.

**PPS:**

The subject lands are within the Agricultural area (Section 2.3). The proposed retained parcel would be rezoned to prohibit a dwelling through the zoning by-law amendment, in accordance with Section 2.3.4.1(c) of the PPS. The proposed new land uses comply with the minimum distance separation formulae, in accordance with Section 2.3.3.3 of the PPS.

The retained lands do contain some natural heritage area however, no development is proposed within the natural heritage portions of the property. The property also falls within an aggregate resource area. Section 2.5.1 outlines that, "Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified." The applicant was required to provide information on the presence and feasibility of aggregate extraction on the site. Based on the results of the test holes and review by three aggregate industry experts it was concluded that there are no economically viable quantities located around the proposed dwelling lot.

This proposed Zoning By-law Amendment is consistent with the PPS.

**CEOP:**

The subject lands are designated Agricultural Area on Schedule 'A' Land Use 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.

No development is being proposed as a result of the zoning by-law amendment adjacent to any Natural Heritage areas (Section D1.2) on the subject lands.

Therefore, this proposed Zoning By-law Amendment conforms to the CEOP.

**OP:**

The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the Official Plan.

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 provided 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.

Therefore, this proposal conforms to the OP.

**Circulation Of The Application:**

The application was circulated to the applicable commenting agencies and neighboring property owners within 120 meters of the subject lands on May 3<sup>rd</sup>, 2023, 23 days prior to the public meeting (minimum 20 days required).

**Municipal Department Comments:**

The zoning by-law amendment application was circulated to municipal staff for comment. No comments were received as comments were provided for the associated consent application and have been incorporated into the consent conditions (if required).

**Agency Comments:**

The zoning by-law amendment application was circulated to the Agencies for comment. The following comments were received:

**Lower Thames Valley Conservation Authority**

Comment from the LTVCA is attached at Appendix A. No concerns with the proposed zoning were noted.

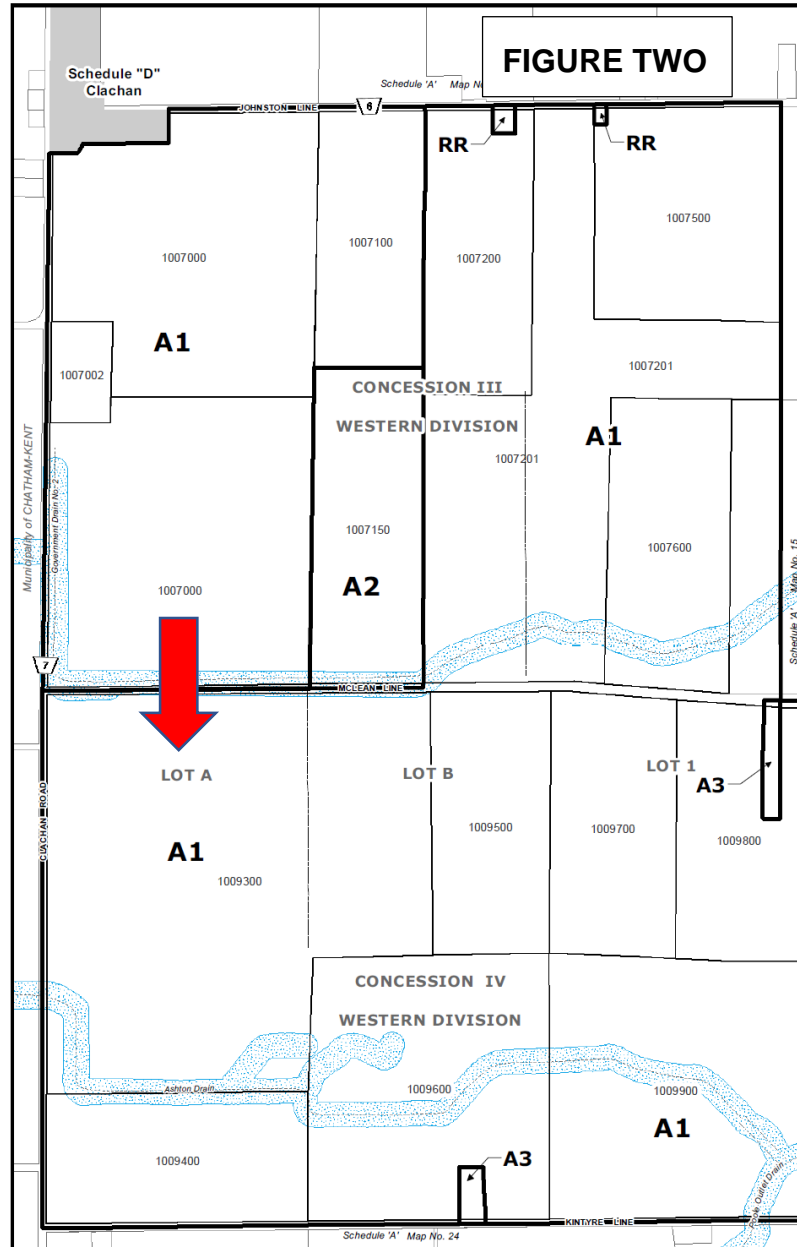
No additional comments have been received from other agencies.

**Public Comments:**

At the time of subject of this report, no written comments from the public have been received related to the zoning by-law amendment.

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

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 14 of the ZBL, as depicted in Figure Two below.



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000

0 50 100 200 300 400 500 Metres

Municipality of West Elgin Zoning By-Law



April 28, 2014

Map No. 14

The severed parcel will 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 (A3) Zone has a minimum lot area of 4000 square metres and a minimum lot frontage of 30 metres respectively. In addition, due to the flag-shaped nature of the lot the zoning amendment will also need to recognize the reduced lot frontage of 6 m (20 ft.).

The proposed retained parcel would need to be rezoned to the Agricultural (A2) Zone, in order to prohibit any future dwellings on the farmland. A draft of the zoning by-law amendment to be considered is appended to this report for reference purposes.

Therefore, the proposal for the surplus farm dwelling lot creation would be in compliance with the Zoning By-law, subject to the requested Zoning By-law Amendment.

### **Summary/Conclusion:**

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment is consistent with the PPS, conforms to the CEOP and conforms to the OP; and recommends that the request for Zoning By-law Amendment be approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public meeting.

Once a Council decision is made, Notice will be sent to those who have requested a copy and/or attended the public meeting or provided written comments.

There will be a 20 day appeal period after the Notice is sent out. Any appeals received by the Municipality of West Elgin will be forwarded to the Ontario Land Tribunal (OLT) for a hearing, in accordance with the Planning Act.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Robert Brown', with a long horizontal line extending to the right.

Robert Brown, H. Ba, MCIP, RPP  
Planner

**Report Approval Details**

Document Title:	Zoning By-law Amendment Application D 14 6-2023 - Recommendation Report - 2023-20-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - D_14_6_2023 VanLith J M VanLith Farm Lithville Farms Apr2023 drain.pdf</li><li>- 2023-xx - ZBLA - D14 6-2022 VanLith - DRAFT.pdf</li></ul>
Final Approval Date:	May 17, 2023

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

Heather Bouw