



Staff Report

Report To: Council Meeting

From: Robert Brown, Planner

Date: 2023-05-25

Subject: Zoning Amendment Application D 14 5-2023 – Recommendation Report – Planning Report 2023-22

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning By-law Amendment Application D-14 5-2023 – VL NS Fleming Line Recommendation Report (Planning Report 2023-22);

That West Elgin Council approve the zoning amendment for the subject parcel on Fleming Line to permit an increase in the size of a home occupation;

That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the June 8, 2023, Council Agenda.

Purpose:

The subject land is a vacant 18.74 ha (46.3 ac.) farm parcel located on the north side of Fleming Line, east of Clachan Road. The applicants recently purchased the property with the intent of relocating and would also like to construct a new single detached dwelling and shed on the site. The applicants currently operate a custom cabinet business and would like to be able to continue this at the new location in the proposed new shed. A home occupation is a permitted use and something typically found on many rural properties through the municipality. The zoning by-law does however limits the size of home occupations to 100 sq. m. The applicant is requesting an increase to 500 sq. m due to the space needs for the business.

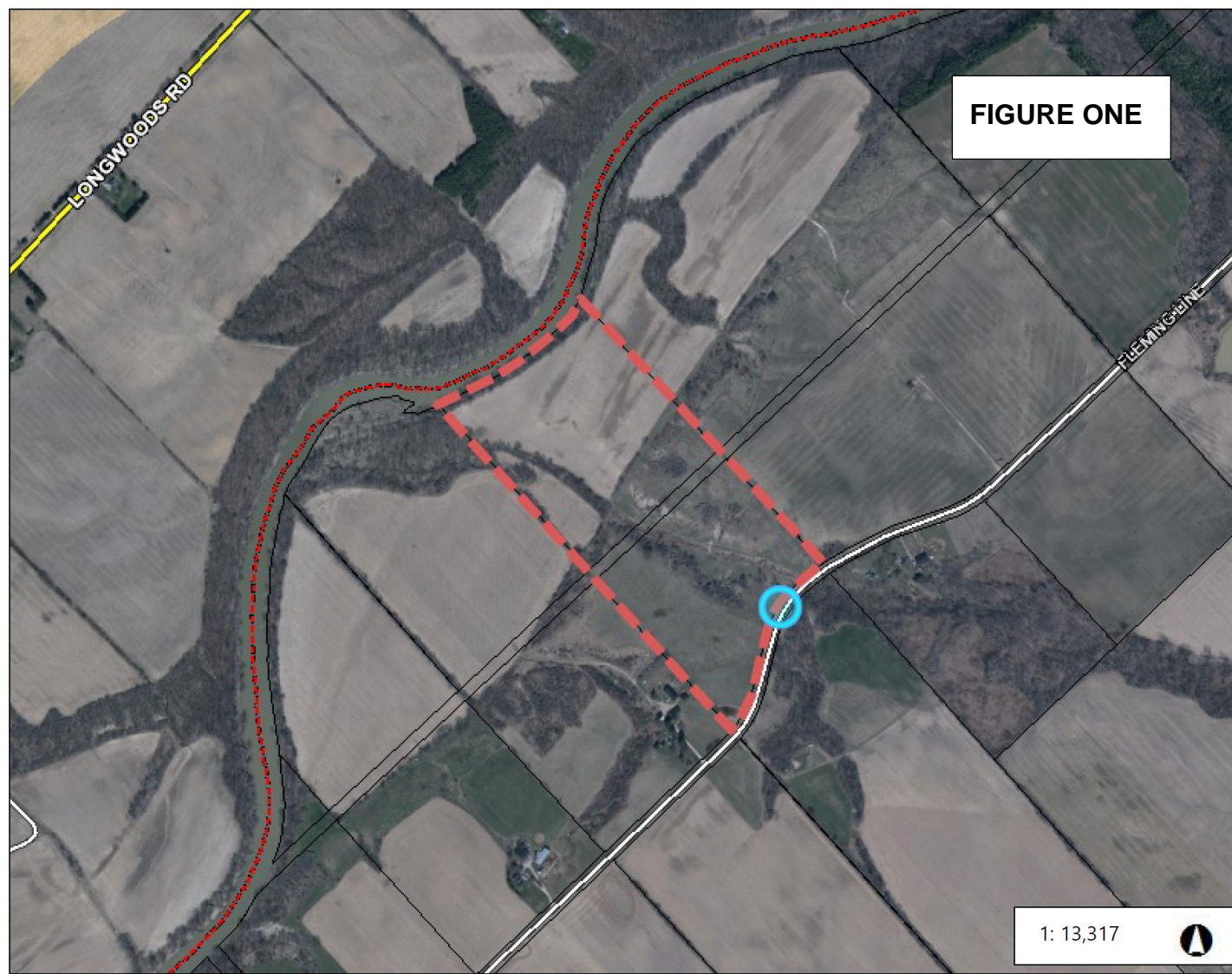
Background:

Below is background information, in a summary chart:

Application	D 14 5-2023
Owners/Applicants	Andrew & Margaret Stoll
Legal Description	Part Lot of 6, Concession 1/Broken Front, Pt 1, RP 11R 7842
Entrance Access	Fleming Line
Area	18.74 ha (46.3 ac.)
Buildings	Vacant land

Services	New well & septic required
-----------------	----------------------------

Figure One below, shows the location of the subject property outlined in red.



Financial Implications:

Application fees have been collected in accordance with the 2023 fee schedule. Development of a new home and business on the subject lands will result in an increase in the assessment value of the property.

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 (2020):

The subject lands are considered prime agricultural and as such subject to the policies of Section 2.3, Agriculture under PPS. More specifically Section 2.3.3 Permitted Uses.

Section 2.3.3.1 states that, “Proposed agriculture-related and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objective.

Comment: The area in which the subject lands are located is mainly cash crop farming. There is a small hobby scale livestock operation approximately 300 m east of the subject property. The site is also located reasonably close to a paved County Road.

The Ontario Ministry of Agriculture, Food and Rural Affairs, after the implementation of PPS, 2014, developed, “Guidelines on Permitted Uses in Ontario’s Prime Agricultural Area” Publication 851. This guide was developed to assist municipal planners in the assessment of ever-increasing requests to permit more diversification in rural areas. This became particularly important because PPS, 2014 introduced on-farm-diversified as a permitted use in prime agricultural areas.

The guide itself under Section 2.4, Table 2 provides a comprehensive overview of many different examples of potential on-farm diversified uses. The main focus of the proposed development would fall under the home occupation type of use and the property will be a working farm further supporting the addition of an on-farm diversified use.

Although the guide doesn’t provide specific size limitations on a given on-farm-diversified use it does provide some examples on determination of what is appropriate in relation to the size of the farm parcel. The key elements in any use other than agriculture is first and foremost the size or scale of the use i.e. loss of actively farmed land and secondly the impact that use could have on surrounding agriculture including the ongoing operation of the subject lands themselves.

The proposed development of the parcel includes a new dwelling located away from the road near the top of the ravine bisecting the property and a shed (location of the business) at the mid point of the frontage and close to the road for visibility. (See Appendix A) The area is former pasture lands and not actively farmed. The active farmland is located toward the rear of the property and abutting the Thames River. The footprint should be no larger than a typical farm with a dwelling and outbuilding and there is limited need for added space to accommodate any special needs such as large amounts of parking, outdoor display or other uses that would be more common for higher traffic on-farm diversified uses. The requested footprint of the shed/business location itself is less than 0.3 % of the overall size of the subject property. This is well within the suggested limits in the OMAFRA guidelines.

With the aforementioned in mind, the proposed home occupation and its requested size are consistent with Section 2.3.3.1 of the Provincial Policy Statement as an on-farm diversified use.

On-farm diversified uses, including home occupations are permitted within the Agricultural designation, subject to local regulation and being mindful of scale and potential impact on surrounding agricultural uses. Small scale manufacturing such as (furniture and cabinets) or value

added products such as canning, baking, or wineries are very common in agricultural areas. As such, overall, the proposal is consistent with PPS.



APPENDIX A

CEOP:

The subject lands are designated Agricultural Area on Schedule 'A' Land Use in the CEOP. The County Plan outlines a number of different uses permitted within the Agricultural designation. Section C2.7.2 of the CEOP outlines criteria for home occupations and home industry. As with PPS the key limitations focus on scale and impact of these uses so as not to impact negatively on the continued agricultural operations either on the subject site or surrounding lands. The proposed amendment to increase the size from 100 sq. m to 500 sq. m will continue to maintain an appropriate scale for a home based business in relation to the size of the subject parcel. The proposed zoning amendment conforms with the policies of the County Official Plan.

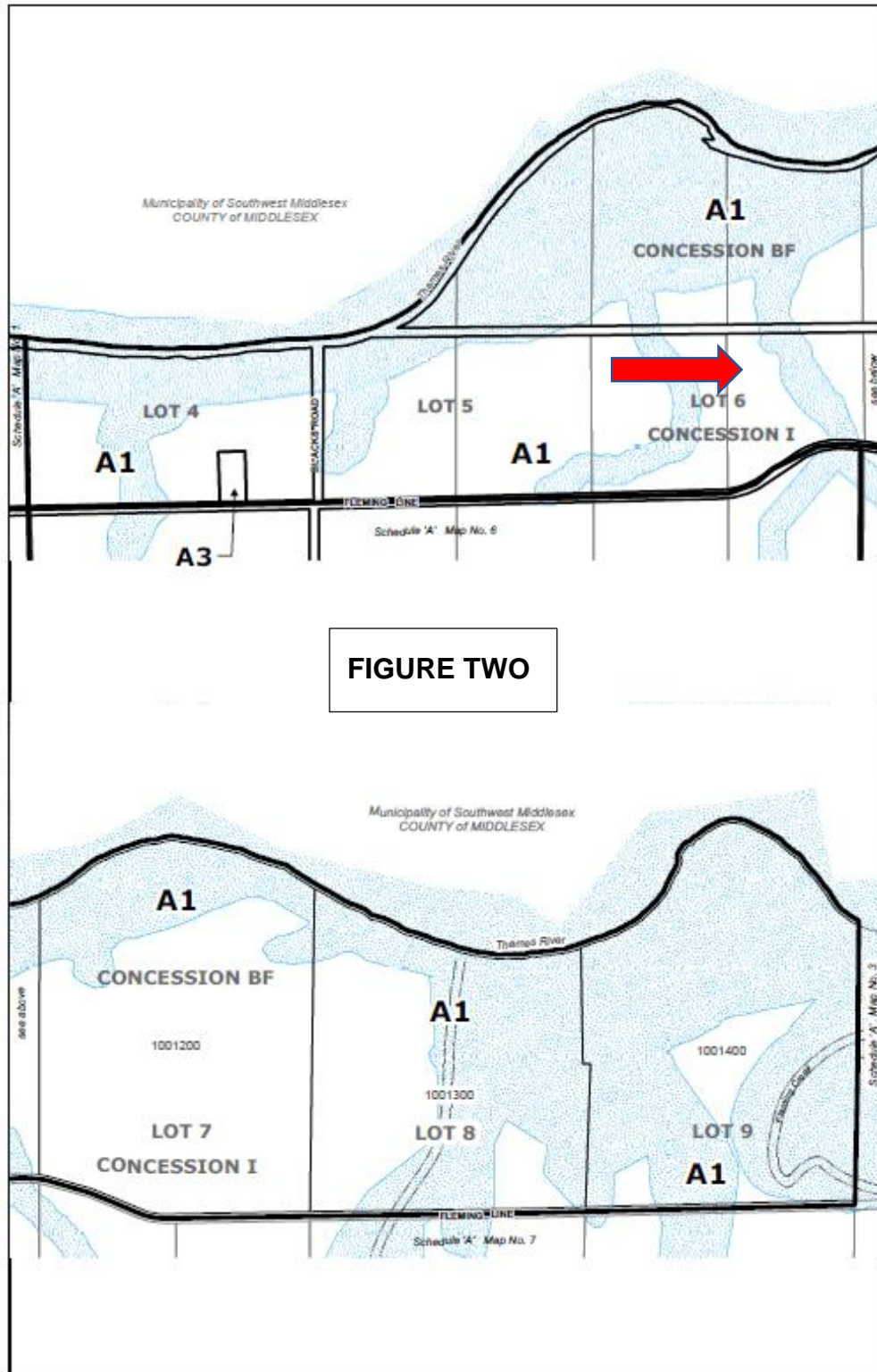
WEOP:

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

Comment: Secondary uses, specifically home occupations, are permitted keeping in mind limitations on scale and considering impact on the surrounding agricultural area. This is implemented via the zoning by-law in the form of regulations. The advantage to not establishing a limitation in the Official Plan is it permits consideration of requests to increase the permitted size without the need for amendment to the Plan.

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

The subject lands are zoned General Agricultural (A1) Zone on Schedule "A" Map 2 of the ZBL as depicted in Figure Two. The size of an as-of-right home occupation is limited to 100 sq. m. in the A1 zone. This limitation provides for smaller businesses to be established in short order. Requests for larger home occupations must undergo additional consideration as the scale of the operation can have additional impacts that smaller scale business would not. The proposed amendment would rezone the subject farm parcel to a site-specific A1 which will permit an increase in the size of a home occupation from 100 sq. m to 500 sq. m. As an added note since the property is bisect by an unopened road allowance the zoning amendment will be limited to the lands south of the road allowance.



Interdepartmental Comments:

The zoning was circulated to municipal staff for comment.

External agencies are also circulated for comment. The only comment that was received at the time of writing was from the LTVCA and is attached as Appendix B.

Public Comment:

As required by the Planning Act all landowners within 120 m of the subject parcel were circulated on May 18th, 21 days prior to the meeting, 20 days is the required timeframe. At the time of writing of this report no comments have been received.

Summary:

The proposed zoning amendment is consistent with the PPS, conforms to both the CEOP and West Elgin OP.

Respectfully submitted by,



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

Report Approval Details

Document Title:	Zoning Amendment Application D 14 5-2023 - Recommendation Report - 2023-22-Planning.docx
Attachments:	- Appendix B - LTVCA Comment.pdf - 2023-46 - ZBLA - D14 5-2023 Fleming Line.pdf
Final Approval Date:	Jun 1, 2023

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

Heather Bouw