



## MUNICIPALITY OF **West Elgin**

### Staff Report

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**Report To:** Council Meeting

**From:** Robert Brown, Planner

**Date:** 2023-06-07

**Subject:** Application for Zoning By-law D-14 9-2023 – Recommendation Report, Planning Report 2023-027

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#### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning By-law Amendment Application D-14 9-2023 – 24424 Pioneer Line Recommendation Report (Planning Report 2023-027)

That West Elgin Council approve the zoning amendment for the subject parcel on Pioneer Line to:

- i) add a definition of agriculture-related service use;
- ii) rezone the subject parcel from General Agriculture (A1) Zone to General Agriculture Special Regulation 9 (A1-9) Zone to permit an agriculture-related service use as an additional permitted use, and
- iii) establish site-specific regulations within the A1-9 to scope the size of the proposed agriculture-related service use.

That West Elgin Council consider the by-law to amend the Zoning By-law, as presented in the by-law portion of the June 22, 2023, Council Agenda.

#### **Purpose:**

The Municipality of West Elgin has received the above-noted application for lands located on the north side of Pioneer Line, between Kerr Road and the west edge of West Lorne. The subject property is designated Agricultural by the Official Plan and zoned General Agricultural, (A1) Zone under the West Elgin Zoning By-law.

The subject lands are 8.9 ha (22 ac.) in area with frontage along Pioneer Line. The property is currently vacant. The applicant recently purchased the property with the intent of constructing a new dwelling and establishing an agricultural related business on the site. The company designs and manufactures lift kits for field sprayers. A site-specific zoning amendment is required to:

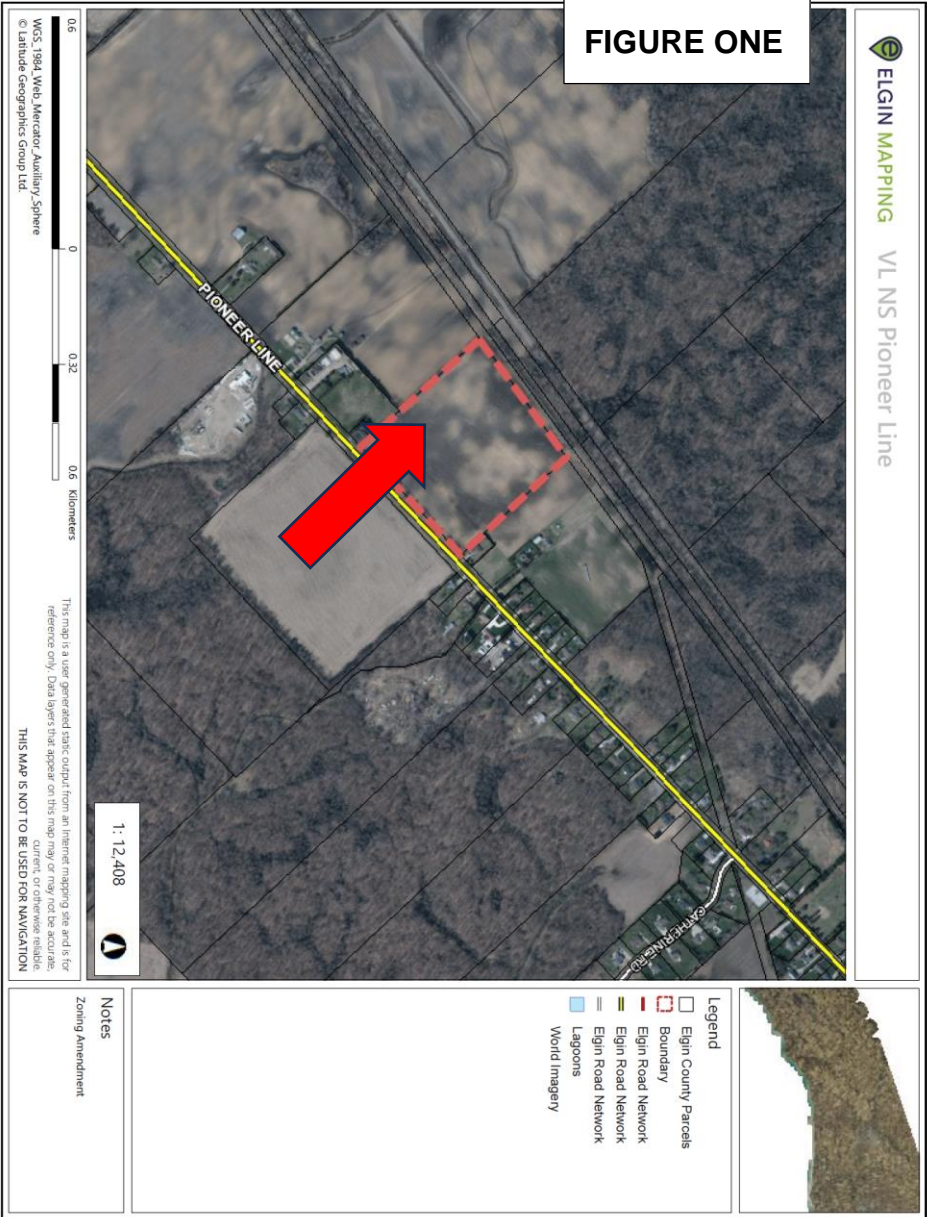
- i) establish a definition for agriculture related service use;
- ii) add agriculture related service use as a site-specific permitted use, and
- iii) establish supporting provisions to regulate the use.

**Background:**

Below is background information, in a summary chart:

<b>Application</b>	D 14 9-2023
<b>Owner/Applicant</b>	2748537 Ontario Inc.
<b>Legal Description</b>	Part of Lot 15, Concession 8
<b>Entrance Access</b>	Pioneer Line
<b>Area</b>	8.9 ha (22 ac.)
<b>Buildings</b>	Vacant land
<b>Services</b>	New water service & 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 on the outskirts of West Lorne in an area of agricultural lands and rural residential development.

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 what can be considered an appropriate use on agriculturally designated lands.

The guide itself under Section 2.4, Table 2 provides a comprehensive overview of many different examples of potential agriculture related uses. The main considerations of the agriculture-related use are in part their scale but also their need and level of service being offered directly to the agricultural area.

Although the guide doesn’t provide specific size limitations on a given agriculture-related 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.

As part of the submission requirements for the requested zoning the applicant was asked to provide a planning justification brief to outline details. (See Appendix A) In the justification the applicant outlined the following about the proposed development on the subject property:

*"The intent for the building is to have a facility where I can operate:*

- 1. Farm operations such as maintain our current family farm equipment (combines, tractors, sprayers, planter, tillage equipment).*
- 2. House current farm equipment.*
- 3. Office space to run day to day operations with current companies.*
- 4. Warehouse space to receive, package and ship product for agricultural purpose.*
- 5. Space to house personal hobby vehicles, machines and equipment.*

*We supply to local and international clients as well as other agricultural distributors and or dealers.*

*We currently design and manufacture my patented products where we package our outsourced materials. Kit the product together and produce a final product that gets installed on field sprayers. This portion of the business' will be maybe 10% of the space. The bulk of the space is to have enough space for the farm business equipment and hobbies.*

*Today our current farm operation is about 1500 acres and I custom spray for the local Agris Co-op in Dutton for the past 20 years. Started my innovations company in 2015. We have finally come to find the ideal location for our new home and continue the growth of our Farm operation and also add success in our innovations to make an impact with our products in the agricultural community.*

*Our logo says it all. "Revolutionizing Agricultural Spraying"*

*Simon Innovations appreciates this opportunity and we look forward to our future business together!"*

The justification brief also outlines further PPS related policy which staff have reviewed and are in concurrence with the conclusion of the justification brief.

Figure Two shows a conceptual layout of the proposed building on the site. There will also be a new home constructed on the site making this the home base of the applicant's farming operation which will also include the proposed agri-related business.

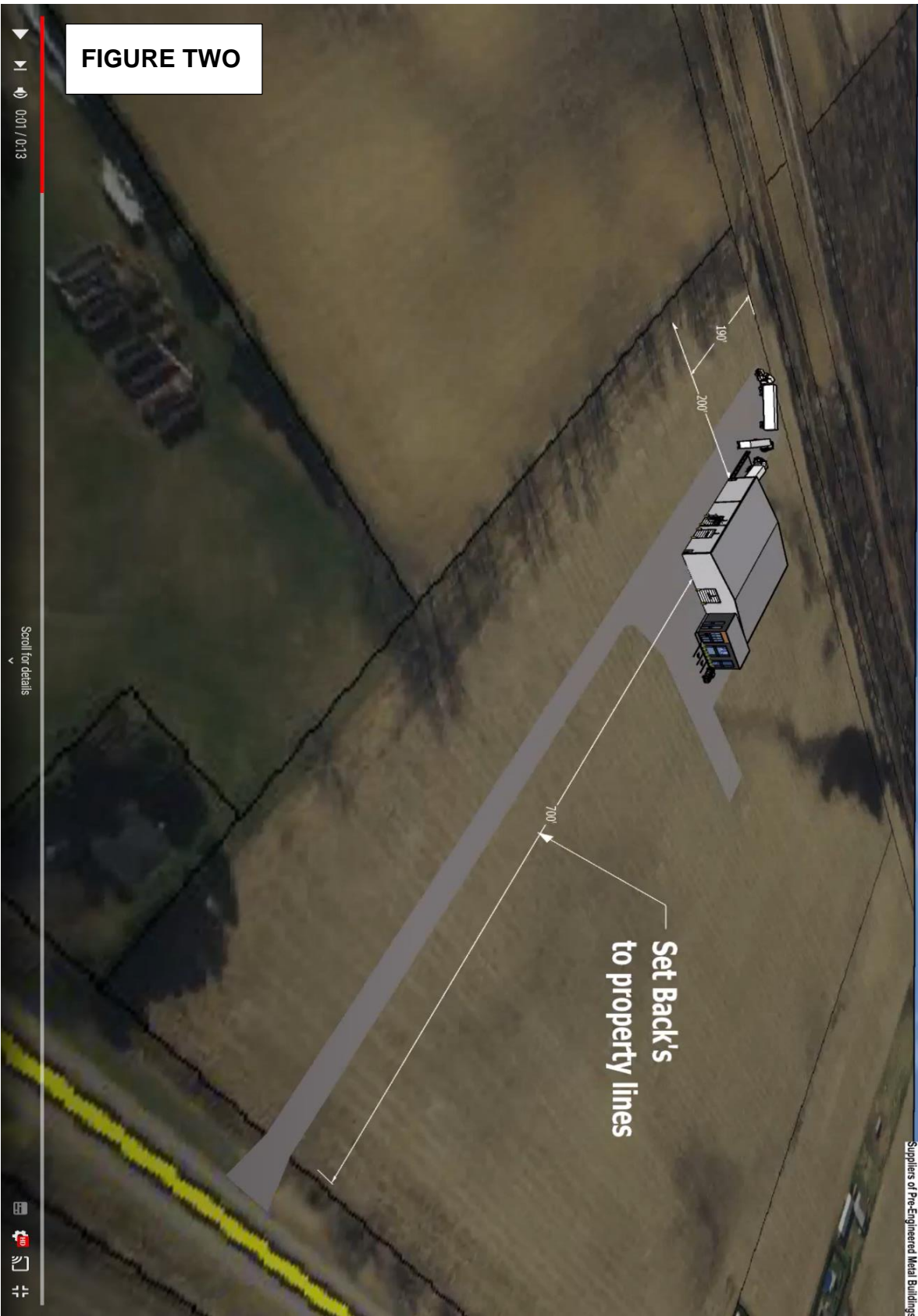
West Elgin Project



Suppliers of Pre-Engineered Metal Buildings

FIGURE TWO

Set Back's  
to property lines



0:01 / 0:13

Scroll for details



**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 C2.6 of the CEOP outlines criteria for agriculture-related uses. "Small scale farm-related commercial and farm-related industrial uses which are directly related to agriculture and primarily serve the agricultural operation by adding value, or retaining value of, an agricultural commodity produced by that operation are deemed to be agriculture-related. Such uses may also provide direct service to other agricultural operations in close proximity on a secondary basis.

Comment: The development of the lift kits by the applicant was a direct result of his own experience and work with custom farm applications i.e. crop spraying. This is a very common occurrence in agricultural areas and has resulted in countless innovations coming directly from farmers or farmer workers attempting to improve existing processes for the betterment of agriculture. There are many small scale manufacturing or service locations throughout the agricultural community that provide direct service to farmers and farm-related businesses while the main business still remains farming. 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: There are two different sections under the Agricultural designation that are potentially applicable to the proposed use. Secondary uses and Agriculturally-Related Commercial and Industrial. The proposed facility would be best suited as a secondary use since it is in combination with the overall farming operations, only uses a small portion of the proposed building and not a standalone use however some of the assessment criteria under agriculturally related commercial and industrial are worth consideration including:

- i) Suitability of the site for the purposes intended;

Comment: The site is a smaller vacant agricultural parcel that is well located for the new farming operation and proposed secondary use.

- ii) Availability of an adequate and potable water supply;

Comment: The property has access to municipal water along Pioneer Line.

- iii) Approved waste disposal means or facilities;

Comment: Private septic systems for the new use and new home will be required as part of the build out. Any garbage waste from the use specifically can be addressed via a commercial provider.

- iv) Access, or proximate access, to a hard surfaced road subject to the approval of the authority having jurisdiction;



Comment: the property has direct access to Pioneer Line, a paved road and an access permit for the property has already been issued by the approval authority.

- v) Measures, if need be, to ensure compatibility with neighbouring land uses;

Comment: A direct measure to mitigate impact from the agri-related business on the site is setback from Pioneer Line. The proposed building will be located 213 m (700 ft.) from the front property line. This will place the business approximately 195 m (640 ft.) from the nearest dwelling to the west (24392 Pioneer) and 259 m (850 ft.) from the nearest dwelling to the east (24454 Pioneer).

The Ministry of Environment, Conservation and Parks (MECP) provides what are referred to as the D-6 Guidelines which assist approval authorities in the assessment of compatibility with sensitive lands uses such as rural residential. The guideline includes Classes I, II & III which are dependent on the type of use. The subject development, if it were an industrial use, would be considered Class I and as such require a minimum separation of 20 m with a 70 m area of influence. Based on the setbacks to the nearest dwelling to the east and west the use provides more than double the recommended setback and area of influence. In addition, the applicant will be constructing a dwelling on the site with no desire to negatively impact on his own dwelling or have an unkept site.

- vi) Compliance with the Minimum Distance Separation Formula (MDS I);

Comment: There is no livestock near the subject parcel that would be impacted.

- vii) An amendment to the Zoning by-law, and

Comment: A zoning amendment application has been submitted. As future consideration for Council the current zoning by-law is very limited in terms of as-of-right agri-related uses. This is something that should be reviewed and given consideration in future comprehensive amendments to the by-law.

- viii) Entering into a site plan agreement.

Comment: If the proposed use were a standalone agri-related commercial or industrial use site plan approval would be a recommended step. However, as part of the OMAFRA guidelines noted earlier in this report site plan should be implemented based on scale and overall potential impact mitigation. The other point worth noting is that the business portion of what is proposed represents a small portion while the new farm operation base and dwelling will remain the main use and are not generally subject to site plan approval.

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

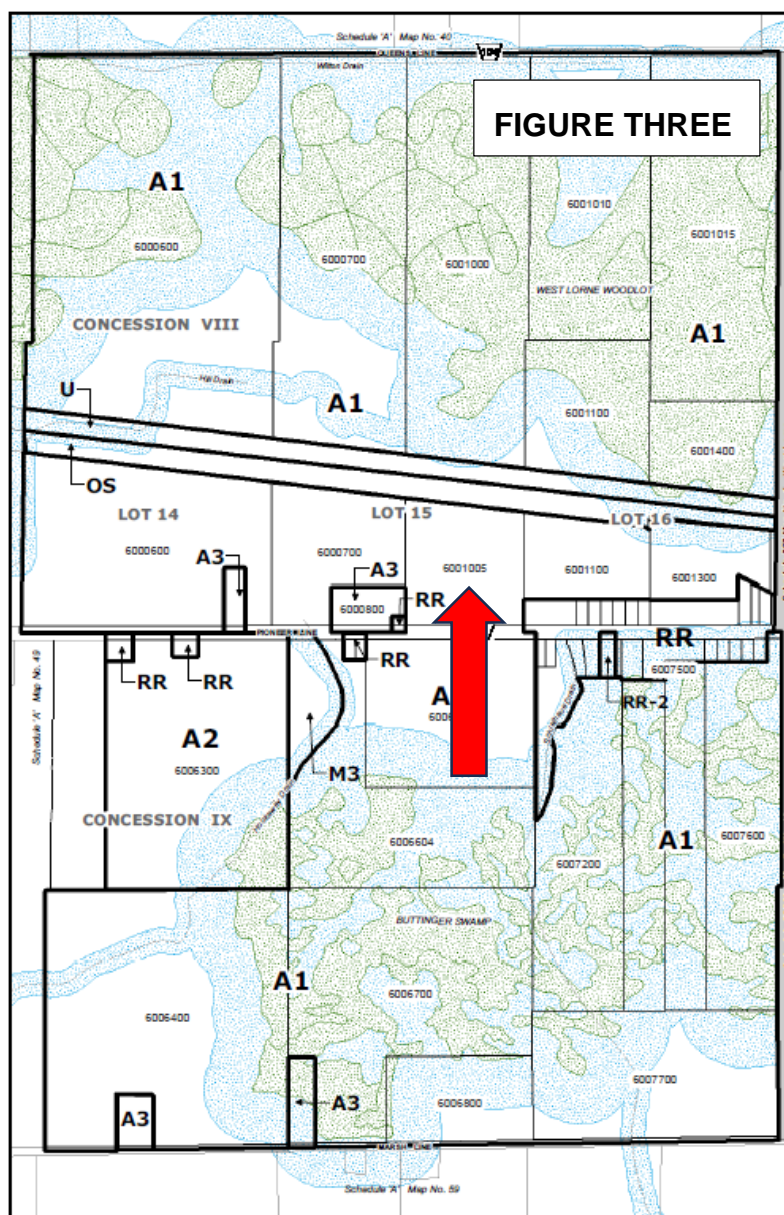
The subject lands are zoned General Agricultural (A1) Zone on Schedule "A" Map 50 of the ZBL as depicted in Figure Three. The application specifically requests the addition of farm sales and service and agricultural industrial establishment, including manufacturing as permitted uses. Each of these uses provide for different aspect of the business but may also provide too broad a list of permitted use with no scale limitations. In place of the requested uses it is suggested that agricultural related service uses be added to the comprehensive zoning by-law as a defined use



and subsequently added as a permitted use on the subject property. The proposed would be defined as follows:

Means the use of land and/or buildings or structures for the manufacturing, service, distribution and wholesale and/or retail of goods, parts or equipment that are necessary to support Agricultural Uses. Examples of the permitted use can include farm machinery, parts and equipment used for the tillage of soil, the planting, spraying, harvesting, transporting, treatment, processing and storage of agricultural crops and products.

General provisions for the amendment would also include a maximum size of 558 sq. m (6,000 sq. ft) for the agriculture-related service use portion of the building and prohibition of outdoor display and sales.



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

Map No. 50

**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. The LTVCA does noted that the property is located within 120 m of a Provincially Significant Wetland to the north. However, there is no building proposed in the 120 m setback, the property is separated from the PSW by a former railway corridor and because the main use of the property will continue to be a standard agricultural operation Section 2.1.9 of the PPS notes, "*Nothing in policy 2.1 (Natural Heritage) is intended to limit the ability of agricultural uses to continue.*"

**Public Comment:**

As required by the Planning Act all landowners within 120 m of the subject parcel were circulated on June 1<sup>st</sup>, 21 days prior to the meeting, 20 days is the required timeframe. Some feedback has been received from the public notice that was circulated. As noted in the report there are two rural residential lots with existing dwellings, one to the east and one to the west. Noise, general appearance, and traffic are common concerns with the addition of any business use. The zoning has been structured in such a way to limit the overall scale and the applicant will be locating the business toward the rear of the lot in order to provide an adequate buffer. Traffic to the site will increase slightly but not to a level that would exceed expected volumes or type on a County Road.

**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 By-law Amendment Application D-14 9-2023 - Recommendation Report - 2023-27-Planning.docx
Attachments:	<ul style="list-style-type: none"><li>- Appendix A - Planning Opinion Letter (Rezoning) - Steve Simon, Pioneer Line, Rodney (May 8, 2023).pdf</li><li>- Appendix B - D_14_9_2023 2748537 Ontario Inc May2023 PSW.pdf</li><li>- 2023-53 - ZBLA - D14 9-2023 Pioneer Line.pdf</li></ul>
Final Approval Date:	Jun 14, 2023

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

Terri Towstiuc