



## Staff Report

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**Report To:** Council Meeting  
**From:** Robert Brown, Planner  
**Date:** 2024-07-17  
**Subject:** Zoning By-law Amendment Application D-14 7-2024 – Recommendation Report (Planning Report 2024-23)

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### **Recommendation:**

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning Amendment Application D-14 7-2024 – Recommendation Report (Planning Report 2024-23).

That West Elgin Council approve the rezoning of 25248 Queen’s Line from General Agricultural (A1) to Agricultural (A2) and Restricted Agricultural (A3), 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 August 15, 2024, Council Agenda.

### **Purpose:**

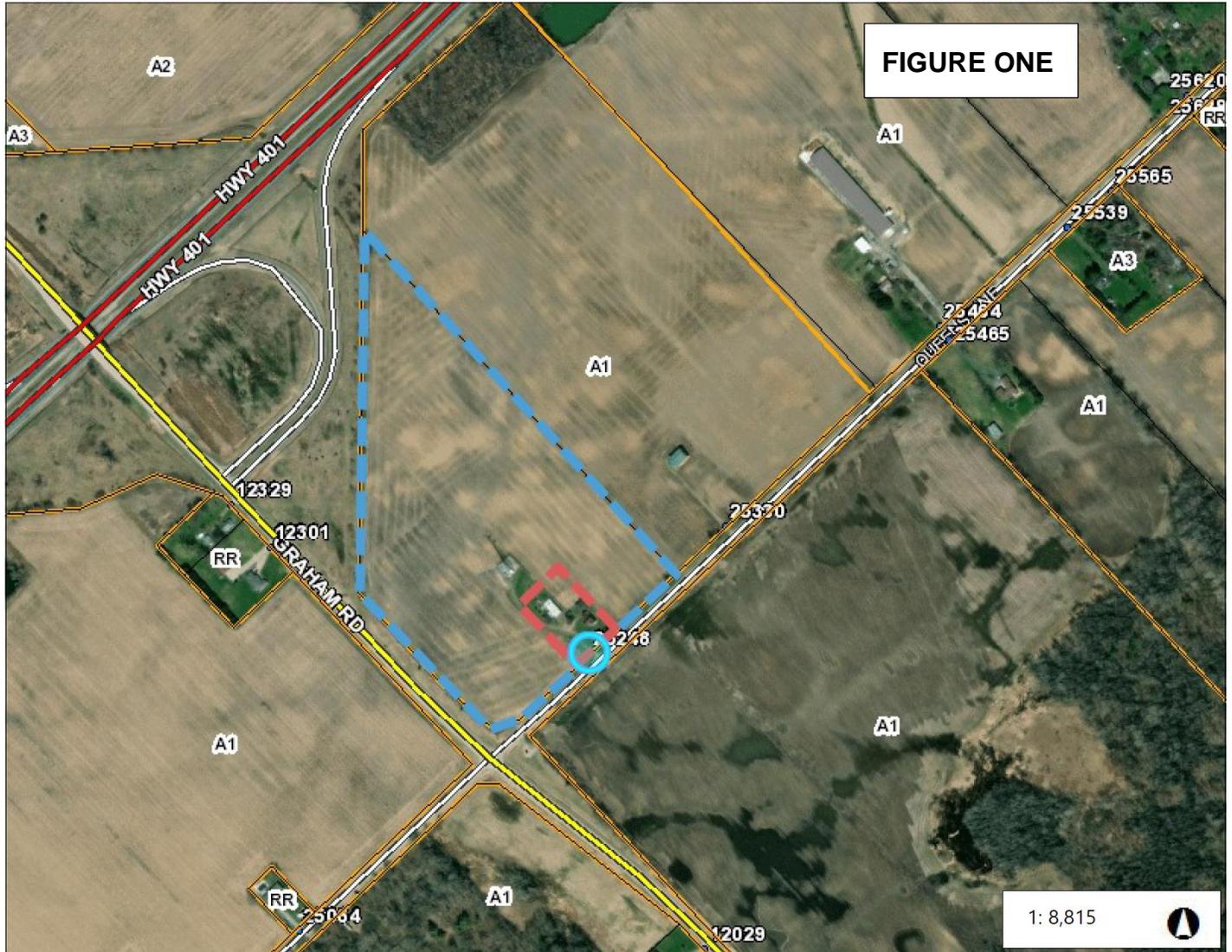
The purpose of the Zoning By-law Amendment is to consider a condition of Consent Application E44-24 approved by the Elgin County Land Division Committee at the June 26, 2024 meeting, by rezoning the retained farmland parcel from General Agricultural (A1) Zone to Agricultural (A2) Zone, in order to prohibit 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 7-2024 (condition of E44-24)
<b>Owner/Applicant</b>	Jen-Veld Farms Inc.
<b>Legal Description</b>	Part Lot of 19, Concession 7 ED
<b>Civic Address</b>	25248 Queens Line
<b>Services</b>	Municipal water & private on-site septic system
<b>Severed Parcel</b>	0.43 ha (1.07 ac.)
<b>Retained Farm Parcel</b>	9.68 ha (23.9 ac.)

Figure One below, depicts the subject lands:



The surrounding land uses are as follows:

- Agricultural to the South, East and West, Highway 401 to the north.

Planning Report 2024-15 went before Council on June 13, 2024, to authorize comments to the County of Elgin on the consent application, E44-24 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 provisionally approved 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.

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.

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.

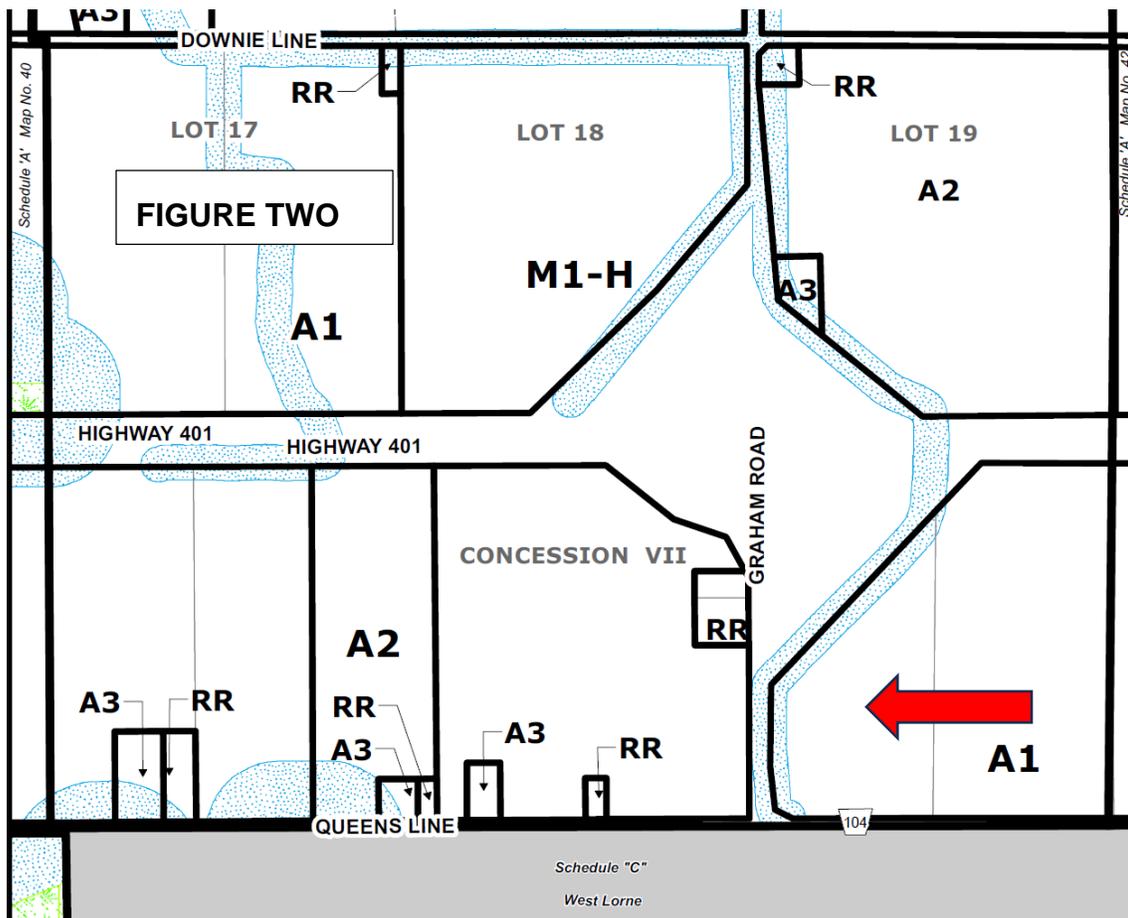
**Municipality of West Elgin Comprehensive Zoning By-law 2015-36 (ZBL):**

The subject lands are zoned General Agricultural (A1) on Schedule A, Map 41 of the ZBL, as depicted in Figure Two below.

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 4,000 sq. m and a minimum lot frontage of 30 m respectively.

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.

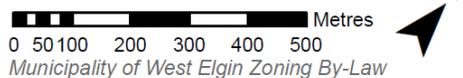
Therefore, the proposal for the surplus farm dwelling lot creation would be in compliance with the Zoning By-law, subject to the requested Zoning By-law Amendment.



*Municipality of WEST ELGIN: RURAL AREA*

*Schedule "A"*

SCALE 1:10,000



*Map No. 41*

**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 July 26, 2024, a minimum of 20 days prior to the public meeting as required by the Planning Act.

**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.

**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 writing, no comment from the public had been received.

**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.

**Alignment with Strategic Priorities:**

<b>Infrastructure Improvement</b>	<b>Recreation</b>	<b>Economic Development</b>	<b>Community Engagement</b>
<input type="checkbox"/> To improve West Elgin's infrastructure to support long-term growth.	<input type="checkbox"/> To provide recreation and leisure activities to attract and retain residents.	<input type="checkbox"/> To ensure a strong economy that supports growth and maintains a lower cost of living.	<input type="checkbox"/> To enhance communication with residents.

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 7-2024 - Recommendation Report - 2024-23-Planning.docx
Attachments:	- 2024-059 - ZBLA - D14 7-2024 JenVeld.pdf - Appendix A - LTVCA Comment - Jen-Veld Farms_ZBA 25248 Queens Line Jul2024 Drain.pdf
Final Approval Date:	Aug 12, 2024

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

Terri Towstiuc