



Staff Report

Report To: Council Meeting
From: Robert Brown, Planner
Date: 2024-07-02
Subject: Zoning By-law Amendment Application D-1 5-2024 – Recommendation Report (Planning Report 2024-17)

Recommendation:

That West Elgin Council hereby receives the report from Robert Brown, Planner regarding Zoning By-law Amendment Application D-14 5-2024 – 19911 Pioneer Line Recommendation Report (Planning Report 2024-17).

That West Elgin Council approve the rezoning of 19911 Pioneer Line from General Agricultural (A1) Zone to Agricultural Special Regulation 1 (A2-1) and Restricted Agricultural Special Regulation 9 (A3-9) in accordance with the attached draft by-law, and

Further that West Elgin Council consider the proposed amendment to the Zoning By-law, presented in the by-law portion of the August 15, 2024, Council Agenda.

Purpose:

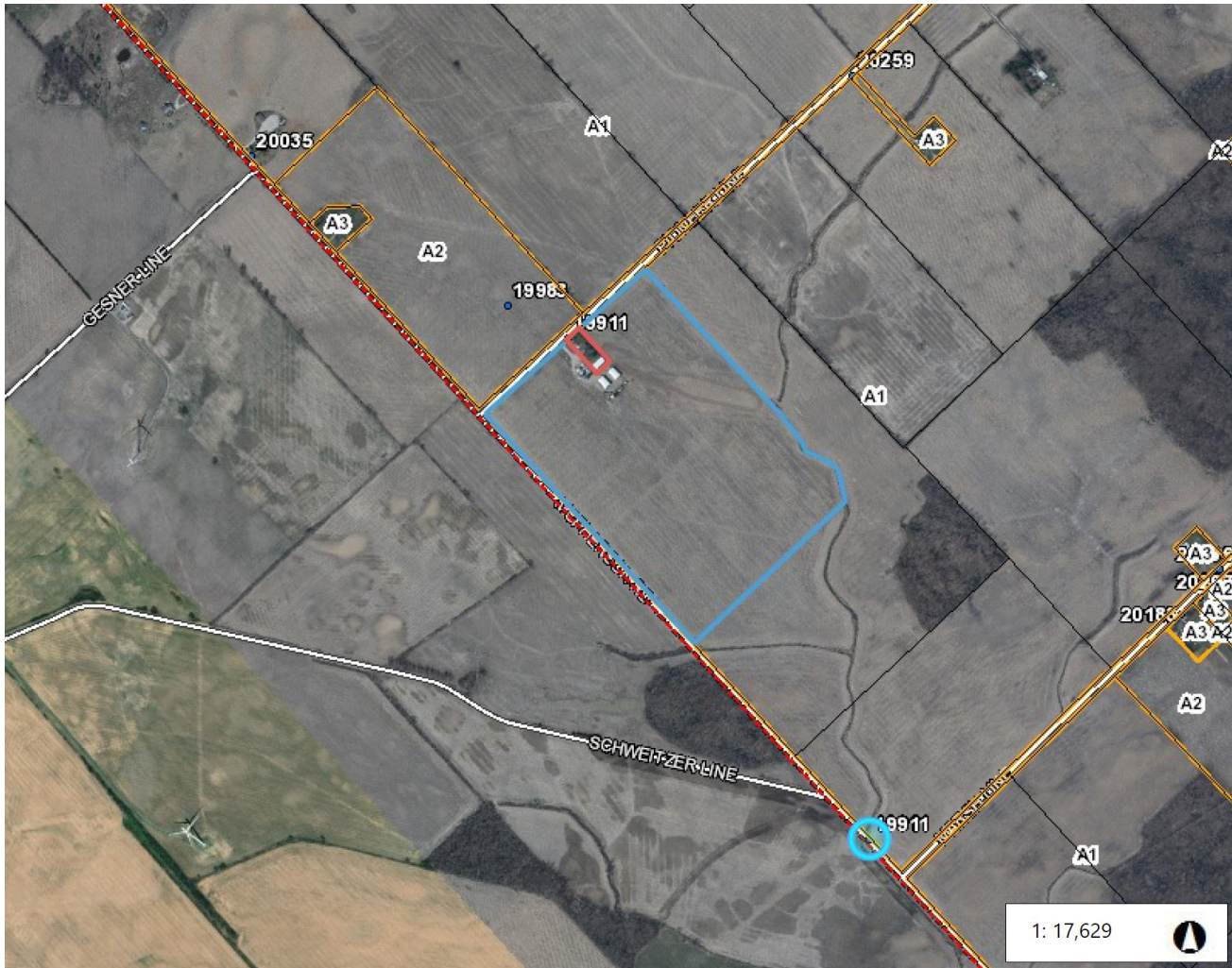
The purpose of the Zoning By-law Amendment is to consider a condition of Consent Application E36-24, by rezoning the retained farmland parcel from General Agricultural (A1) Zone to Agricultural Special Regulation 1 (A2-1) Zone, in order to prohibit any future dwellings and recognize the side yard setback of existing buildings and structures to remain on the farm. The severed surplus farm dwelling parcel will be rezoned from General Agricultural (A1) Zone to Restricted Agricultural Special Regulation 9 (A3-9) Zone, in order to recognize the new surplus farm dwelling lot being created and the reduced westerly side yard setback of the dwelling.

Background:

Below is background information, in a summary chart:

Application	D 14 5-2024 (condition of E36-24)
Owner/Applicant	AGinvest Farmland IV Inc.
Legal Description	Part Lot of A, Concession 9
Civic Address	19911 Pioneer Line
Services	Private water well & on-site septic system
Severed Parcel	045 ha (1.11 ac.)
Retained Farm Parcel	33 ha (81.6 ac.)

Figure One below, depicts the subject lands:



The surrounding land uses are as follows:

- Agricultural on all sides

Council will recall that Planning Report 2024-12, went before Council on May 9, 2024, to authorize comments to the County of Elgin on the consent application, E 36-24 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.

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:

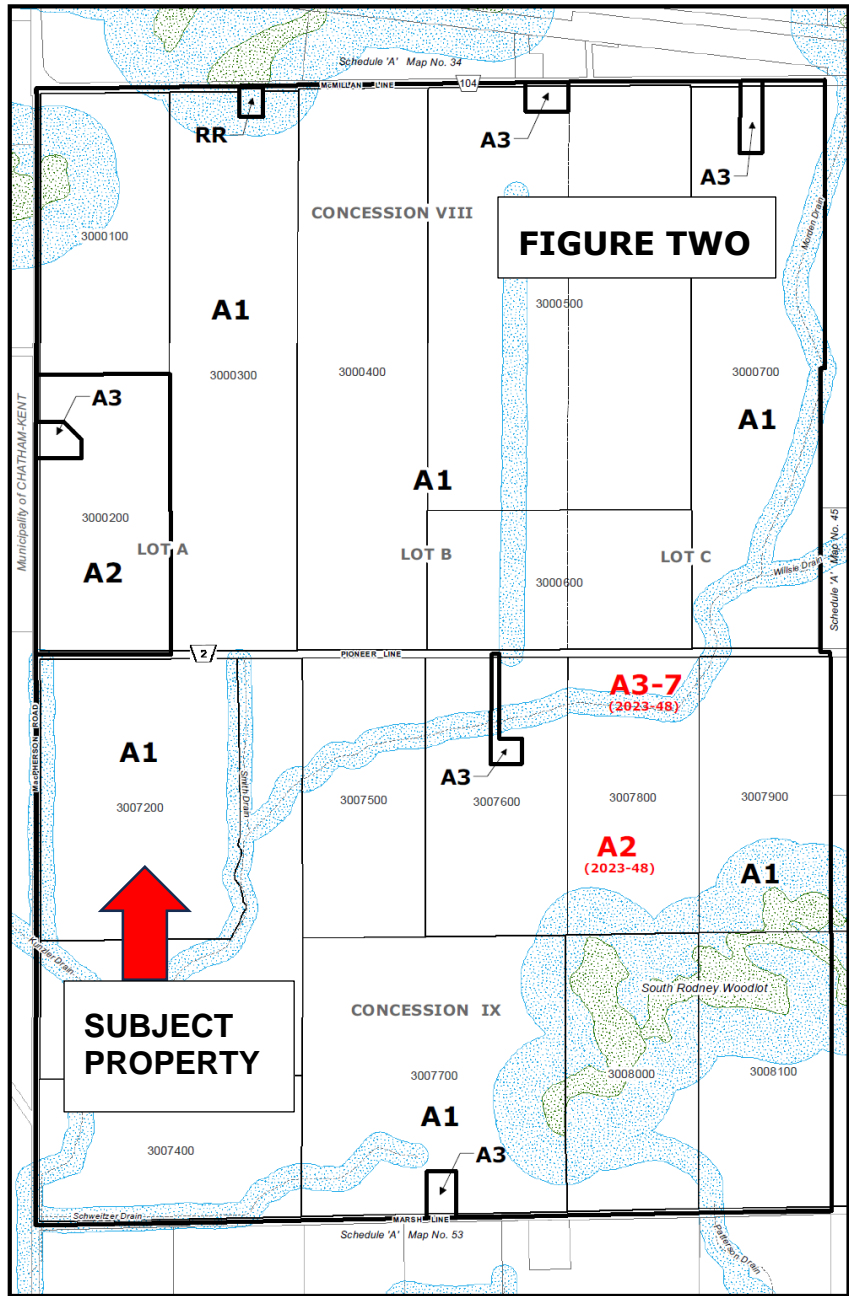
The subject lands are designated as Agricultural, as shown on Rural Area Land Use and Transportation Schedule 'E' of the Official Plan.

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.

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

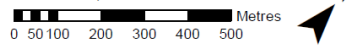
The subject lands are zoned General Agricultural (A1) on Schedule A, Map 44 of the ZBL, as depicted in Figure Two below.



Municipality of WEST ELGIN: RURAL AREA

Schedule "A"

SCALE 1:10,000



Municipality of West Elgin Zoning By-Law

Map No. 44

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. Due to the location of the westerly lot between the existing dwelling, buildings and grain bins the zoning on the severed parcel will need to recognize the westerly side yard setback of the dwelling at 5 m versus the 7.5 m required.

The proposed retained parcel would need to be rezoned to the Agricultural (A2) Zone, in order to prohibit any future dwellings on the farmland. This zoning will also need to address the side yard setback of the grain bins (2.5 m versus the 15 m required) and closest storage shed (12 m versus 15 m required) on the retained farm parcel. 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.

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 June 28, 2024, 20 days prior to the public meeting (minimum 20 days required). A sign was posted on the subject lands on June 11 and notice was added to the Current Application tab of the municipal website on June 19th.

Municipal Department Comments:

The zoning by-law amendment application was circulated to municipal staff for comment. No additional comments were received as they 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 subject of this report, no written comments from the public have been received related to the 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.

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
<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 5-2024 - Recommendation Report - 2024-17-Planning.docx
Attachments:	- 2024-053 - ZBLA - D14 5-2024 AGinvest.pdf
Final Approval Date:	Jul 11, 2024

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

Terri Towstiuć