



## Staff Report

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**Report To: Council Meeting**

**From: Heather James, Planner**

**Date: 2022-04-28**

**Subject: Zoning By-law Amendment Application D14 04-2022 – Recommendation Report**

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### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James, Planner, regarding Zoning By-law Amendment Application D14 04-2022 – 25597 Stalker Line Recommendation Report (Planning Report 2022-09); and

That West Elgin Council approve the rezoning of 25597 Stalker Line from General Agricultural (A1) Zone to Agricultural (A2) and Restricted Agricultural (A3) 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 April 28, 2022, Council Agenda.

### **Purpose:**

The purpose of the Zoning By-law Amendment is to consider a condition of Consent Application E43-21, by rezoning the retained farmland parcel from General Agricultural (A1) Zone to Agricultural (A2) Zone, in order to prohibit a dwelling, and by rezoning the severed surplus farm dwelling parcel from General Agricultural (A1) Zone to Restricted Agricultural (A3) Zone, in order recognize the new surplus farm dwelling lot being created.

### **Background:**

Below is background information from the application, in a summary chart:

<b>Owner:</b>	Michael Robinson
<b>Applicant/Agent:</b>	Dan McKillop
<b>Legal Description:</b>	North Part of Lot 23, Concession 3 Eastern Division
<b>Civic Address:</b>	25597 Stalker Line
<b>Entrance Access:</b>	Stalker Line
<b>Water Supply:</b>	Existing: Municipal Water Service and Private Water Well Proposed: Municipal Water Service; Private Water Well to be removed
<b>Sewage Disposal:</b>	Existing: Private Individual Septic System Proposed: New Private Individual Septic System
<b>Lot Area:</b>	39.52 hectares (97.66 acres)
<b>Lot Frontage:</b>	603.18 metres (1,978.94 feet)

<b>Lot Depth:</b>	656.23 metres (2,152.99 feet)
<b>Use of Lands:</b>	Existing: Agricultural Proposed: Proposed Lot will be Rural Residential and retained land will remain Agricultural
<b>Buildings and Structures:</b>	Existing: House, barns (to be removed), outhouse (to be removed), detached garage and shed Proposed: None

Figure One below, depicts the subject lands:



The surrounding land uses are as follows:

- North: Stalker Line, followed by Agricultural;
- East: Agricultural;
- South: Agricultural; and
- West: Agricultural.

The zoning sketch, depicting the surplus farm dwelling lot creation (E43-21 application), is attached to this report as Appendix One for reference purposes.

Council may recall that Planning Report 2021-20, went before Council on June 10, 2021, to authorize comments to the County of Elgin on the consent application, E43-21 and provided planning analysis for the proposed surplus farm dwelling lot creation against the planning documents.

**Financial Implications:**

None. Application fees were collected in accordance with the Municipality's Fees and Charges By-law, as amended time to time.

**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.

No development is being proposed with the proposed zoning by-law amendment within and adjacent to the Natural Heritage (Section 2.1) area of the subject lands.

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 with the proposed zoning by-law amendment within and adjacent to lands of the Natural Heritage (Section D1.2) areas of 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 OP.

The agricultural land use policies, under Section 6.2 of the OP, permit 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 considered provided no new or additional

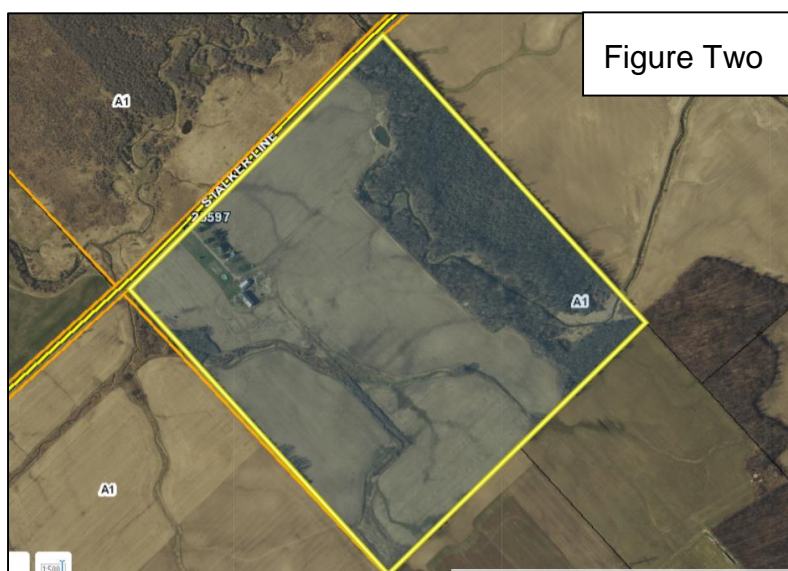
dwelling is permitted in the future on the remnant parcel which shall be ensured through an amendment to the Zoning By-law.

No development is proposed within the natural heritage portion of the property.

Therefore, this proposal appears to conform 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 32 of the ZBL, as depicted in Figure Two below.



The proposed severed parcel area is approximately 6070 square metres (1.5 acres), with a lot frontage of 55.6 metres (182.4 feet); and would 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.

The proposed retained parcel would need to be rezoned to the Agricultural (A2) Zone, in order to prohibit a single unit dwelling on the farmlands.

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 Zoning By-law Amendment being implemented.

### **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 April 7, 2022, 21 days prior to the public meeting (minimum 20 days required).

Additional information related to the application is available on the website:

<https://www.westelgin.net/en/business-and-development/current-planning-applications.aspx#D14-04-2022---Zoning-By-law-Amendment---25597-Stalker-Line>

**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**

Lower Thames Valley Conservation Authority, in their April 11, 2022, letter noted the following:

- After reviewing our files and mapping, staff determined that the property in question is subject to the Authority's Development and Alteration to Watercourses portion of the regulations. The issue of concern in this area is the Carmichael-Hind Drain, the Voll Fischer Drain, their associated ravine systems and erosion.
- An application from this office is required prior to any works/construction taking place within the regulated area. The lands are not subject to flooding of a general nature and therefore the flood proofing of structures on the property is not required. However, the flood proofing of structures for the purposes of prevention of flood damage from local drainage waters is always recommended. Setbacks from the drains will be required to any proposed works/structure(s)/site alteration.

Planning Staff has no issues or concern with the Lower Thames Valley Conservation Authority comments, as the comments can aid the Applicant with their proposal and does not impact the proposed zoning by-law amendment, as proposed.

**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 (formerly the Local Planning Appeal Tribunal) for a hearing, in accordance with the Planning Act.

Respectfully Submitted,

Heather James, MES (Pl.), MCIP, RPP  
Planner  
Municipality of West Elgin

**Report Approval Details**

Document Title:	Zoning By-law Amendment Application D14 04-2022 - 2022-09-Planning.docx
Attachments:	- 2022-xx - D14 04-2022 Robinson.docx - D14 04-2022 25597 Stalker Line schedule A.pdf
Final Approval Date:	Apr 25, 2022

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

Jana Nethercott