

## THE MUNICIPALITY OF LAMBTON SHORES

**Report PL 36-2020**

**Council Meeting Date: December 1, 2020**

**TO:** Mayor Weber and Members of Council  
**FROM:** Will Nywening, Senior Planner  
**RE:** Zoning By-law Amending Application ZO-14/2020  
Concession 13, Part Lot 16  
8678 Rawlings Road

### **RECOMMENDATION:**

**THAT** Report PL 36-2020, relating to a Zoning By-Law Amendment Application, submitted by Elly Leenders, be received;

**THAT** Zoning By-Law Amendment Application ZO-14/2020, submitted by Elly Leenders, requesting an amendment to Zoning By-Law 1 of 2003 to prohibit a dwelling on a retained farm parcel, be approved; and

**THAT** By-Law 70 of 2020 be approved.

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### **SUMMARY**

This report relates to the Zoning Amendment Application submitted by Elly Leenders affecting a portion of lands known as 8678 Rawlings Road (Attachment 1).

The applicant seeks to amend Zoning By-law 1 of 2003 by changing the zone designation on a portion of a farm parcel in connection with a proposed severance to create a residential lot. In this respect the applicant has applied to sever an existing surplus farm dwelling. The rezoning would prohibit a house on the retained farm parcel and permit the retained farm to be 32 hectares in lot area.

### **BACKGROUND**

Planning Documents: The Lambton Shores Official Plan designates the subject lands "Agricultural". The retained farm include portions of a "Significant Woodlot" and the Ausable Bayfield Conservation Authority's "General Regulation Area" as it applies to the Frayne and Stewardson Drains. The severed lot itself is well-outside of the regulated areas and woodlot. In Zoning By-law 1 of 2033, the entire property is zoned "Agricultue-1 (A1)".

Concurrent Consent Application: The applicant has also submitted an application (file B-14/2020) to the Committee of Adjustment to sever a surplus dwelling from the farm.

Dwellings rendered surplus through farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation) may be severed from the farm under the Agricultural policies of the Lambton Shores Official Plan. Staff is satisfied that the existing house is surplus to the person purchasing the farm (under an agreement of purchase and sale) and that the proposed consent complies with all other applicable policies and conditions. The Committee will have heard the application by the time Council receives this report, but had not at the time this report was submitted. Staff has recommended approval of the consent to the Committee. Staff anticipates that the application will have been approved by the Committee by the time Council meets to consider the present rezoning application.

Prohibiting a House: A condition of severing a surplus farm dwelling, as required by the Lambton Shores Official Plan and the Provincial Policy Statement, is that a house be prohibited on the retained farm parcel. The present zoning application has been submitted in anticipation that this would be a condition of approval.

Reduced Farm Lot Size: The resulting farm parcel is less than the 38 hectare (94 acre) minimum farm lot size requirement of the A1 Zone. The rezoning therefore also requests recognition of the smaller lot size, which the applicant estimates to be 32.4 hectares (80 acres). In considering whether or not such a request is appropriate, Council should consider the tests as if it were a minor variance request. The tests are whether the reduced lot area maintains the intent of the Official Plan and Zoning By-law, is it appropriate for the development of the lands, and is it minor in nature and impact?

The intent of the minimum farm lot area requirement is to prevent parcel fragmentation, primarily in the creating of new farm parcels – more particularly the splitting of one farm parcel into two. In this case the applicants are not creating a new farm parcel, but are further reducing (marginally) an already undersized parcel. No actively farmed land is being removed from production and the lot is being kept to as small as reasonable. Although less than the standard, it is still a large enough size that there is no great danger that the parcel will be pursued for non-farm purposes, go out of agricultural production, or become an over-sized residential lot, for example. The variance supports a consent application that, in Staff's opinion complies with all other policies (as Staff believes the Committee of Adjustment will have determined by the time Council hears the rezoning application). It is therefore Staff's opinion that the tests of a variance as noted above are met and that it is therefore appropriate for Council to allow an exemption to the minimum farm lot size through the present rezoning application.

Draft Amending By-law: Staff has drafted a zoning by-law amendment which is included within the by-laws section of Council's agenda. The amendment would:

- Establish a new site-specific “Agricultural-1.79 (A1-79) Zone” with site-specific provisions that:
  - Prohibit a dwelling on the retained farm, and
  - Permit a minimum lot area of 32 hectares for the agricultural parcel; and
- Rezone the proposed retained farm parcel to the A1-79 Zone.

Summary: The proposed rezoning would implement the anticipated conditions of approval for an application for consent submitted to the Committee of Adjustment. In Staff's opinion, the rezoning is more of an administrative exercise as the planning merits for the consent application will have been considered by the Committee of Adjustment. In Staff's opinion, the proposed rezoning and the consent it facilitates comply with applicable policies and represent good planning. Staff has no objection to approval of the rezoning application or passing of the zoning amendment as presented.

### **ALTERNATIVES TO CONSIDER**

In the event that the Committee of Adjustment has not approved the consent by the time Council hears the rezoning application, Staff will advise Council at the Council meeting and request a deferral or refusal of the zoning application as the circumstances may require.

### **RECOMMENDED ACTIONS**

That Council:

- Receive Report PL 36-2020;
- Approve Zoning By-law Amendment Application ZO-14/2020; and
- Pass Implementing By-law 70 of 2020.

### **FINANCIAL IMPACT**

The applicant has paid the Municipality a \$1200 application fee.

### **CONSULTATION**

The applicant's agent.

The purchaser listed in the agreement of purchase and sale.

**Attachment 1 – Subject Lands**



**Retained Farm to be Rezoned**



**Proposed Severance of Surplus Dwelling**

**Attachment 2 – Proposed Severance (Approximate)**

