

## STAFF REPORT PUBLIC MEETING

April 8, 2024

**TO:** Mayor and Council Members

**FROM:** Jacob Rheume, Director of Building, By-law & Planning

**RE: Zoning By-law Amendment No. Z-01-2024**

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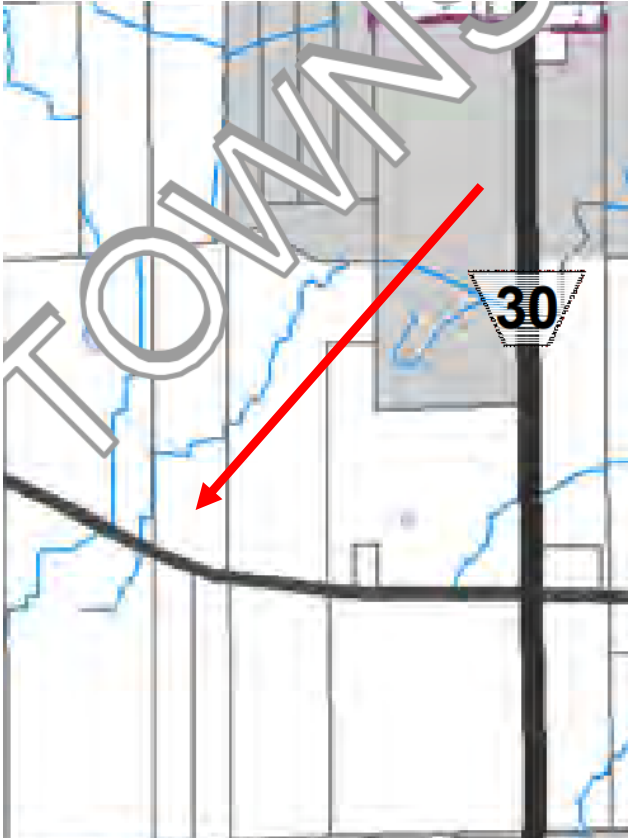
**Owner:** VALDON AG INC  
18995 Kenyon Concession Road 4, Maxville, ON, K0C 1T0  
Kenyon Concession 4, Part Lot 27



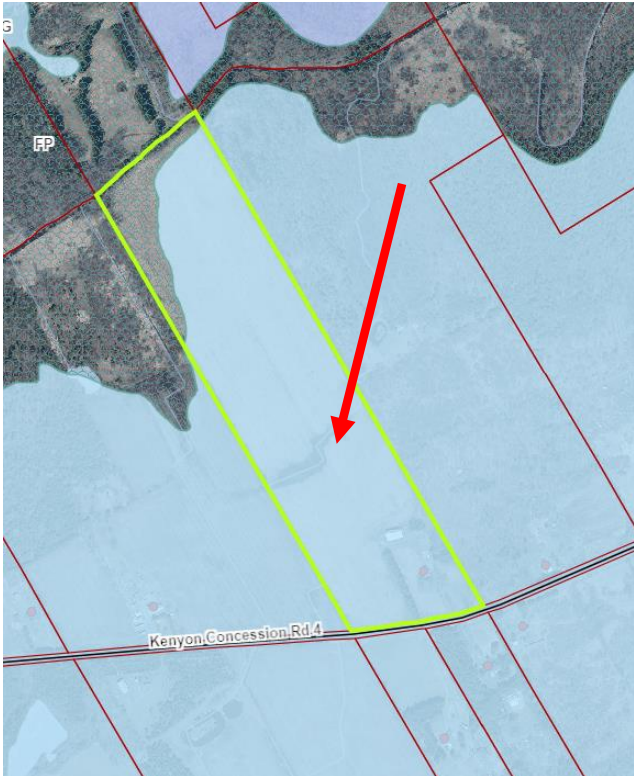




**Official Plan designation:** Agricultural Resource Lands



**Zoning designation:** General Agricultural (AG) & Floodplain (FP)



**Purpose of application:** to re-zone both the severed and retained portion subject to Consent Application B-7-23 condition No. 4 & 5 as follows;

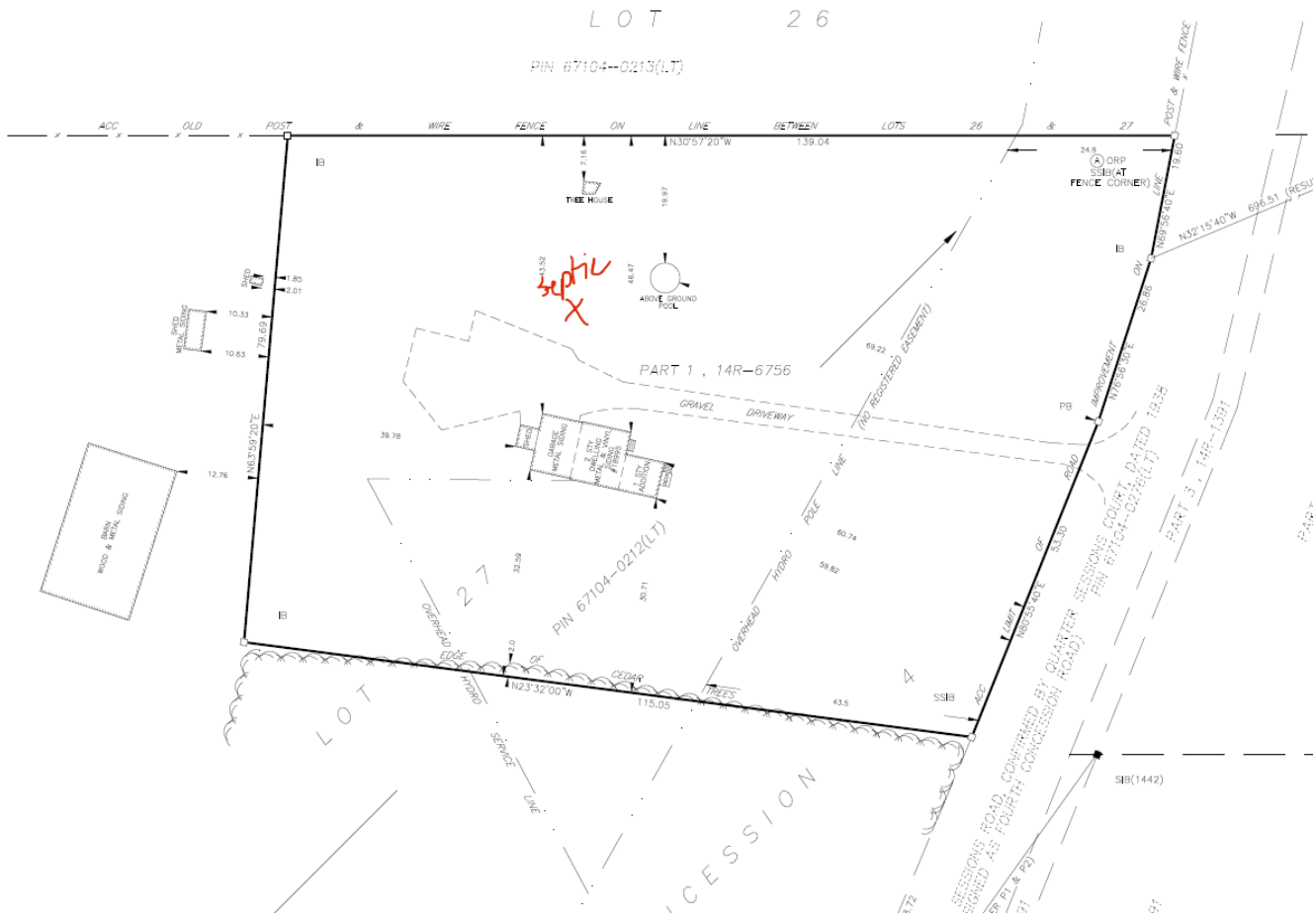
The **retained** portion of the property (36.98 acres) from General Agricultural (AG) to General Agricultural Special Exception (AG-242) to:

- Acknowledge the lot area deficiency from the required 74 acres to the proposed 36.98 acres.
- Acknowledge the road frontage deficiency from the required 200m to the proposed 108.72m.
- acknowledge the interior yard setback deficiency from the required 9m to the proposed 1.85m for the “small shed” agricultural accessory storage building and;
- prohibit residential development.

The **severed** portion of the property (2.92 acres) from General Agricultural (AG) to General Agricultural Special Exception (AG-243) to:

- prohibit agricultural uses.

**Discussion:** The subject land area is approximately 39.90 acres. The applicant received conditional approval from the United Counties of Stormont Dundas & Glengarry on March 20, 2023, to sever approximately 2.92 acres of land deemed surplus to the needs of the farming operation.



The newly created property lines will be created in accordance with the Zoning By-law requirements for both the retained and the severed portions, except for the property line North of the proposed residential lot where there is a small steel shed that is closer to the proposed property line than what is permitted in the Agricultural zoning, as it is more than 15m<sup>2</sup> in size, hence the request for reduction for interior yard setback. The other 2 buildings remaining on the agricultural portion named as “BARN WOOD & METAL SIDING” & “SHED METAL SIDING” are setback more than the required 9m from the property line.

The new line is proposed to be in such a location to keep the area to a minimum to accommodate the residential use for the dwelling, septic, well and all accessory buildings. The septic system is located just East of the dwelling and is compliant with Ontario Building Code for all setbacks.

There are currently two entrances on the property, one for the residential portion with the assigned civic number 18995 Kenyon Concession Road 4 for the dwelling, which will remain. There is also an existing entrance to remain for the agricultural portion, located West of the tree line, West of the new proposed property line, with no assigned civic number as of yet. No new entrances are proposed.



The owner will not have to apply for any change-of-use permit for any of the barn/agricultural buildings as they all will remain on the agricultural portion of the severance. Prior to clearing all the conditions, the Chief Building Official will go on site to ensure no other structures are creating a health and safety hazard for the public and future owners, such as sheds, silo, other old buildings, etc.

The surrounding official plan designation is mostly Agricultural Resource Lands for all adjacent and neighboring properties.

The surrounding zoning is mostly General Agricultural (AG) for all adjacent and neighboring properties.

The surrounding uses includes mostly agricultural cash crop/fields and livestock facilities, with some rural residential properties.





We have received a comment from RRCA as there is a mapped watercourse on and within 15m of the subject lot. Alterations to the watercourse including but not limited to shoreline restoration, crossings, bridges, culverts, channelization, channel closures, realignment and cleanouts shall require permission from the Raisin Region Conservation Authority, as per O. Reg. 175/06.

No other agencies, Township departments or members of public expressed concerns or provided any comments regarding this Zoning By-law Amendment.

**Planning Act**

The Ontario Planning Act gives municipal Councils the authority to pass zoning by-laws, and make amendments to existing zoning by-laws, under Section 34 of the Act. The Planning Act also requires that in making planning decisions Council must have regard for matters of Provincial Interest. The Planning Act requires that Council’s decisions must be consistent with the Provincial Policy Statement, and conforms with the Stormont, Dundas and Glengarry Official Plan which apply to the lands.



### **Provincial Policy Statement (2020)**

According to the Provincial Policy Statement (2020) lot creation in prime agricultural areas is discouraged and may only be permitted in certain circumstances. A residence surplus to a farming operation is the most common reason and is applicable to this application provided that:

The new lot will be limited to a minimum size needed to accommodate the use, accessory uses, and appropriate sanitary sewage and water services, and the planning authority ensures that new residential dwellings are prohibited on any remnant parcel or farmland created by the severance.

### **SDG Counties Official Plan (2018)**

The SDG Counties Official Plan Policy (8.12.13.3(7)) permits lot creation in agricultural lands for a residence surplus to a farming operation if the new lot will be limited to a minimum size needed to accommodate the use, accessory uses, and appropriate sanitary sewage and water services, and the municipality prohibits further dwellings (residential development) on the vacant retained lands created by the subject consent.

**In conclusion, based on the criteria above, the proposed zoning amendment conforms to the relevant policies of the United Counties of Stormont Dundas and Glengarry's Official Plan, it is consistent with Provincial Policy Statement and compliant with the Township of North Glengarry Zoning By-law No. 39-2000.**