
HALDIMAND COUNTY

Report PDD-12-2020 Zoning By-law Amendment for a Condition of Consent - Holt



For Consideration by Council on May 19, 2020

OBJECTIVE:

To fulfill a condition of consent related to the severance of a surplus farm dwelling.

RECOMMENDATIONS:

1. THAT Report PDD-12-2020 Zoning By-law Amendment for a Condition of Consent - Holt be received;
2. AND THAT application PLZ-HA-2019-189 to amend the Town of Haldimand Zoning By-law 1 H-86 to recognize reduced lot frontage for the severed lot and remove Special Provision 36.1 from the subject lands be approved for reasons outlined in Report PDD-12-2020;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2020), and the Growth Plan (2019) for the Greater Golden Horseshoe;
4. AND THAT the by-law attached to Report PDD-12-2020 be presented for enactment.

Prepared by: Benjamin Kissner, Planner

Reviewed by: Shannon VanDalen, MCIP, RPP, CMMI, Manager of Planning & Development

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

This Zoning By-law Amendment is a condition of consent related to a surplus farm dwelling where the lands to be severed are proposed to have reduced frontage and an historical zoning convention permitting multiple dwellings removed.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement (2020), complies with the Provincial Growth Plan (2019), conforms to Haldimand County's Official Plan, and maintains the general intent and purpose of the Town of Haldimand Zoning By-law 1 H-86. There is sufficient justification for the related consent (which proposes to create a larger than typically permitted residential lot) and this proposed zoning amendment. Planning staff recommend approval of this proposal for the reasons set out within this report. A public meeting has been scheduled to correspond with the presentation of this report. A public notice sign has been posted at the site and was visible when the Planner conducted a site visit.

BACKGROUND:

The proposed zoning amendment is required to fulfill a condition of consent within surplus farm dwelling severance application PLB-2019-096, which was conditionally approved by the Committee of Adjustment at its meeting on July 16, 2019. The severance resulted in the creation of a 1.4 hectares (3.4 acres) parcel as a surplus farm dwelling and the retention of an agricultural parcel of approximately 39.7 hectares (98.2 acres) (shown on Attachments 1 and 2). The subject proposal is required to fulfill a condition of consent because the conditionally severed surplus farm dwelling parcel is proposed to have a frontage that is 25 metres (82 feet) where 30 metres (98 feet) is required by the Town of Haldimand Zoning By-law 1 H-86. Additionally, the retained and severed lands are subject to a special provision that permits two dwellings on the properties. Given the severance, special provision 36.1, is no longer appropriate to remain in place on the subject lands and staff are recommending it be repealed to prevent construction of additional dwellings on the properties.

The subject lands are located on the north side of Greens Road. The site is legally described as Part Lot 17, Concession 1 Northwest of Stoney Creek Road, Geographic Township of Seneca, and known municipally as 434 Greens Road. The proposed severed lands contain a dwelling and an accessory structure. The subject lands are surrounded by properties that contain agricultural and rural residential uses. A General Location map can be found in Attachment 1 with the overall lot configuration being shown in Attachment 2 (the owner's sketch). The conditionally severed parcel is irregularly shaped and approximately 1.4 hectares (3.4 acres) in size which is the result of the distance that the dwelling is set back from the road, and the dimensions of the driveway as they have been proposed. The retained farm parcel is approximately 39.7 hectares (98.2 acres) in size and is intended to continue to be used for agricultural purposes. The proposal includes an alternative standard with regards to the lot frontage for the severed lands due in part to efforts to preserve farmland with the farm parcel. The lot pattern surrounding the frontage of the severed lands is constrained, and as a result will only be 25 metres (82 feet), where the Zoning By-law 1 H-86 requires 30 metres (98 feet).

In addition, Planning staff are recommending that Council repeal the special provision that currently exists on the subject lands which permits two dwellings on the farm (Special Provision 36.1).

ANALYSIS:

Planning staff have determined key planning issues related to this application. They are as follows:

Provincial and County Land Use Policy:

1. Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020 policies are generally prohibitive when it comes to the creation of lots within prime agricultural areas in order to protect prime agricultural land. However, the PPS permits lot creation in prime agricultural areas for limited purposes and specifically limited to agricultural uses, agricultural-related uses, infrastructure, and a residence made surplus by farm consolidation provided that new residential dwellings are prohibited on the remnant farm parcel. The overall intent of the agriculture policies within the PPS is to limit the fragmentation of agricultural land and to limit the impact of non-farm dwellings on agricultural operations. In the context of this proposal, although the lot is larger than typically permitted, it is Planning staff's opinion that the proposed size of the severed lands will not lead to the unnecessary removal of land from a prime agricultural area, that the proposed lot configuration will not negatively impact the functionality or viability of the farm parcel, and that there is sufficient justification warranting the need for a lot size larger than typically permitted. This is due to the location of the dwelling on the lot, such that it is approximately 202 metres (663 feet) from the road. In light of the added length of the driveway, the applicants have worked to

minimize the amount of agricultural land removed from production. The subject proposal for a zoning amendment to remove the Special Provision which allows for two (2) dwellings on a property and reduced frontage maintains the intent of the PPS. Planning staff are of the opinion that this proposal maintains the intent of these policies; therefore, the proposal is consistent with the PPS.

2. Provincial Growth Plan, 2019

The Provincial Growth Plan—Places to Grow was also reviewed by Planning staff in relation to this proposal. The Growth Plan's policy addresses the protection of prime agricultural lands both directly and indirectly. Based on Planning staff's review, staff is of the opinion that the subject proposal is not in conflict with and is in keeping with the overall intent of the Provincial Growth Plan.

3. County Policy

Haldimand County Official Plan

The subject lands are designated as 'Agriculture' and subject to the related policies within the Official Plan.

Haldimand County's Official Plan, similar to the Provincial Policy Statement (2020), permits new lot creation in agricultural areas for dwellings made surplus due to farm consolidation, provided that future residential development on the retained farm lands is prohibited. The intent of the subject proposal is to ensure that opportunities for further development of the subject land is restricted. The Official Plan's 'Criteria for Surplus Farm Dwelling Consents' policies specifically permit the granting of a severance for a habitable dwelling, provided the dwelling is of a minimum age of ten years and has been made surplus through farm consolidation where a portion of the farm holding contains two or more habitable dwellings within the County. The criteria further requires that the creation of a surplus farm dwelling lot shall generally be 0.4 hectares to 0.6 hectares (1.0 to 1.5 acres) in size to minimize the amount of agricultural land or productive forest land being taken out of production.

In the subject proposal, the size of the proposed severed lands measures approximately 1.4 hectares (3.4 acres), which exceeds the standard lot size of a surplus farm dwelling within the agricultural area. However, the Official Plan provides some flexibility in the creation of the lot size for surplus farm dwellings and Planning staff have supported larger lots previously when there are demonstrated constraints to meeting the Official Plan standard. Some examples include topography, the need to protect natural features, the position of a dwelling on the lot, location of wells and septic systems servicing the dwelling, constraints to using accessory structures for agricultural purposes such as the access or proximity to the new dwelling, and/or lot configuration issues created by the requirements of other external agencies. In this circumstance, Planning staff have determined that there is sufficient rationale to justify a larger lot size than typically permitted. The location of the dwelling on the lot has resulted in the driveway length being approximately 202 metres (663 feet), the land area associated with this driveway has contributed to the total proposed lot area that is to be severed from the original parcel. Further to this, it should be noted that efforts have been made by the applicant to minimize the amount of agricultural land conveyed and dedicate only as much land as required to the dwelling, access and related residential features and services. In sum, this provides suitable justification for Planning staff to recommend approval of this proposal.

Planning staff are further of the opinion, that the 'Criteria for Surplus Farm Dwelling Consents' tests have been met as the dwelling is surplus and more than 10 years old (based on MPAC

data), private services are available, the proposed lot configuration will not negatively impact the functionality or viability of the farm, the proposal is appropriately separated from any licensed pits and/or quarries, there is direct frontage and access on a public road and there are no perceived negative impacts on the natural environment. Planning staff's opinion is that there is sufficient justification to support the related severance. Additionally, removing special provision 36.1 which permits two dwellings on the lot, will help to implement the Official Plan policy by limiting residential opportunities.

Minimum Distance Separation (MDS) Requirements

Both Provincial and County policy requires that measures be taken to ensure that agricultural and residential uses are compatible with each other in an effort to reduce future land use conflicts. This is accomplished, in part, by requiring new lots to satisfy Minimum Distance Separation (MDS) requirements which address issues such as odour from livestock facilities. No livestock facilities were observed on the subject or surrounding lands, and the applicant has indicated that there are no livestock facilities on or within 500 metres (1,640.4 feet) of the subject lands.

Town of Haldimand Zoning By-law 1 H-86

The subject lands are zoned 'Agricultural' (A) in Town of Haldimand Zoning By-law 1 H-86. The intent of this proposal is to fulfill a condition of consent related to a surplus farm dwelling severance. As the intent of this proposal is to fulfill the requirements of both provincial and local policy by prohibiting future residential development and associated home occupations on the retained farm lands, Planning staff are of the opinion that the subject proposal is appropriate. There is a special provision that will be applied to the site to recognize the narrow frontage that has been provided for the lot. This has been evaluated in terms of the applicable policy, and staff are satisfied that the effort to minimize the amount of farmland that is removed from production is suitable to justify a reduction in frontage. In this situation the applicants are proposing 25 metres (82 feet) of frontage where the by-law requires 30 metres (98 feet). Any additional property-width would represent more farmland being removed from production; thus staff are satisfied with the frontage that has been proposed and confirm it represents a functional width for access purposes and for hydro servicing to extend to the severed dwelling without needing additional easements.

Repealing special provision 36.1 will remove the opportunity for future residential development on the subject lands. Special provision 36.1 was intended to allow for a second dwelling to be constructed on the lands in order for additional help to be located near the agricultural operation, this is no longer required. Should this provision remain after the severance, there would be an opportunity for an additional dwelling unit to be constructed on both the severed and retained lots. This means that a total of four dwellings would be permitted, which was not the intent of the original special provision, nor is this outcome supported by current policy. For these reasons, staff is recommending that the provision 36.1 be repealed, and the permitted uses of the A zone be returned to supporting one dwelling per property.

The zoning deficiencies required to be addressed through this application are shown in the attached Zoning Review Chart (Attachment 4). A draft Zoning By-law has also been completed and included within Attachment 3.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services – No objections.

Roads Operations – No objections.

Planning and Development (Development & Design Technologist) – No objections.

Water and Wastewater Engineering & Compliance – No objections.

Emergency Services – No objections.

No comments were received from the public or the Mississaugas of the Credit First Nation, Six Nations Council, Hydro One, MPAC, or Union Gas.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. General Location Map.
2. Location of Lands Affected – Owner's Sketch.
3. Draft Zoning By-law Amendment.
4. Zoning Review Chart.