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# HALDIMAND COUNTY

## Report PDD-14-2020 Official Plan and Zoning By-law Amendment to Permit a Millwork and Carpentry Business - Smelser



For Consideration by Council on May 19, 2020

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### OBJECTIVE:

To consider an Official Plan and Zoning By-law amendment to facilitate the establishment of a millwork and carpentry business.

### RECOMMENDATIONS:

1. THAT Report PDD-14-2020 Official Plan and Zoning By-law Amendment to Permit a Millwork and Carpentry Business - Smelser be received;
2. AND THAT application PLOP-HA-2019-162 to amend the Haldimand County Official Plan designation of the subject lands to a site-specific 'Agricultural' designation to facilitate the establishment of a millwork and carpentry business, be approved for the reasons outlined in Report PDD-14-2020;
3. AND THAT the by-law attached to Report PDD-14-2020 to adopt the Official Plan Amendment to the Haldimand County Official Plan be presented for enactment;
4. AND THAT application PLZ-HA-2019-163 to amend the Town of Haldimand Zoning By-law 1-H 86 to add a millwork and carpentry business to the permitted uses on the subject property through a site specific zoning provision be approved for reasons outlined in Report PDD-14-2020;
5. AND THAT the Zoning By-law Amendment attached to Report PDD-14-2020 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
6. AND THAT the subject lands be placed under site plan control for reasons outlined in Report PDD-14-2020 and the Site Plan Control By-law attached to the report be presented for enactment;
7. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2020, Provincial Growth Plan 2019 or other matters of provincial interest.

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**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 Official Plan and Zoning By-law amendment has been submitted to legalize the existing millwork and carpentry business on the subject lands. The lands are located on the north side of Concession 4 Road (Rainham), south of the Hamlet of Fisherville and will utilize an existing entrance from Concession 4 Road. The proposed use has been reviewed against provincial policy, which permits on-farm

diversified uses and gives direction to municipalities when evaluating the suitability of a proposal of this nature, as well as directing the Planning authority to review the appropriate guidelines that have been prepared by the Ontario Ministry of Agriculture and Rural Affairs (OMAFRA). In addition, the proposal has been evaluated against the relevant sections in the Haldimand County Official Plan, and Town of Haldimand Zoning By-law 1-H 86, and in Planning staff's opinion, is satisfied that the proposal conforms to the Provincial policies in effect, maintains the general intent of the Official Plan and applicable Zoning By-law, and that the land use is considered compatible in the context of existing surrounding development. Site specific zoning will prescribe the range and extent of the use, while site plan control will be applied to all future development. These implementing tools will ensure the use remains appropriate in its design, size and scale.

## **BACKGROUND:**

An application to amend Haldimand County's Official Plan and the Town of Haldimand Zoning By-law 1-H 86 has been received to permit a millwork and carpentry business on the subject lands shown in Attachments 1 and 2. The use and buildings exists on site, with the components of the business including: a workshop (331 square metres/3,562.8 square feet) and parking area for staff to accommodate 8 employees. Phased expansion is anticipated in the future, and any future expansions will need to proceed through the Site Plan Control process to ensure conformity with on-farm-diversified-use policies. The area to be dedicated to this business is approximately 1.2% of the site (i.e. 0.23 hectare/0.56 acres of the 19.5 hectares/48.2 acres in total); these areas include lands reserved for future phased expansion. The proponents will continue to use the lands not included in this proposal for farming (cash crops). The proposed millwork and carpentry use, which is not agriculture-related, currently does not conform to the policies of the Haldimand County Official Plan, and does not comply with the current value-added agriculture provisions of the Town of Haldimand Zoning By-law 1-H 86. However, it is noted that on-farm diversified uses are recognized by the Province to provide economic diversity to agricultural parcels and Planning staff are in the process of updating the municipal policies to be in line with Provincial Policy through the Official Plan review and Zoning By-law Consolidation.

The subject applications were submitted following a by-law enforcement complaint. The complainant filed his concerns based upon a desire for all 'like' businesses to be treated equally from an approvals standpoint. The complainant's main concern was related to the fact that he was required to file planning applications to establish his business legally in another part of the County, and thus, any similar operator should be required to do same. Given the concern that competitors in the County may not be held to the same standard of review, the complaint was initiated. The County followed up on the complaint and the business subject to these applications was deemed not be in compliance with relevant policies and provisions in force and effect.

The use itself is supported by the Provincial Policy Statement (PPS), which provides policy direction to local governments in order to guide local planning documents and policy. The PPS permits on-farm diversified uses, which includes examples such as the subject proposal, however, Haldimand County's Official Plan does not presently incorporate this sort of additional use in the agricultural areas of the County. Staff will be reviewing this as part of the upcoming Official Plan update. The detailed review of the policy support for this proposal is located in the Analysis section; as a summary, the subject proposal represents new policy framework that has been outlined through a provincial document, Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, that is intended to help municipalities, decision makers, and farmers interpret the policies in the Provincial Policy Statement, 2020 (PPS) on the uses that are permitted in prime agricultural areas. This handbook outlines criteria that are intended to support the introduction of on-farm diversified uses (such as the subject operation) by way of setting limits on the scale that this use can achieve on the site. This document was created

to assist in achieving uniformity across the Province in terms of what can be considered as appropriate for on-farm diversified, and other agriculturally oriented, additional-use policies.

The subject property is described as Concession 4, Part Lot 5, Rainham; known municipally as 383 Concession 4 Road. The property is located south of Fisherville, with frontage onto the north side of Concession 4 Road. The property is identified as the 'Subject Lands' on Attachment 1.

The subject lands have an area of approximately 19.5 hectares (48.2 acres) in size with direct frontage onto Concession 4 Road (Rainham). An aerial view of the subject lands is included as Attachment 1. The subject lands contain a dwelling, shop, drive shed and barn; currently, the carpentry business takes place in the shop; future expansions intend to add an addition to the existing shop (Phase 2) and replace the drive shed and barn with a new shop (Phase 3). Although new structures/additions are anticipated in the future, no new lands will be required to be added to the land area included in this proposal, and all new structures or additions will be reviewed for conformity, etc. via the site plan control process. The current use and proposed expansions conform to provincial guidelines for on-farm-diversified uses. The balance of the property remains as an agriculturally-used field with a portion of woodlot to the north-west. The subject lands are generally surrounded by agricultural uses with the hamlet of Fisherville approximately one kilometer to the north-east.

It should be noted that the business type is to be classified as commercial and establishing this use at the site (through the formal approvals process) will result in an adjustment to the property taxes paid. The taxes for the property are determined based on the uses that are established on the site. Currently, the site is taxed at the rates for farm and residential uses, and calculated based on the scale of each use. Should Council approve these applications, the Municipal Property Assessment Corporation will be circulated to notify them of the additional uses being permitted, and they will determine the new tax rate for the commercial use that would be permitted on the site, which will be applied proportional to the scale of this use. In addition, the farm and residential rates will continue to be applied based on the proportions of these uses.

The purpose of the subject report is to introduce the proposal and present draft amendments to the Official Plan and Town of Haldimand Zoning By-law that would establish the principle of use as proposed by the applicant. A future implementation process of site plan control is also proposed to be established through this report in the event that the business expands beyond the capacity of the existing structures, or site works exterior to the buildings are proposed.

## **ANALYSIS:**

The key planning issues are as follows:

### **Provincial Policy Statement, 2020**

Planning staff has reviewed the proposal relative to the policy framework of the Provincial Policy Statement, 2020 (PPS). The subject lands are classified under a prime agricultural area within the PPS. The overall intent and purpose of the PPS is that wider prime agricultural areas shall be protected for long-term use for agriculture and that non-agricultural uses in these areas should not conflict with or compromise the ability to undertake agricultural operations. The PPS also sets out policies for Permitted Uses which includes on-farm diversified uses, which are defined as: "Uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products."

The subject proposal can, in staff's opinion, be considered an on farm diversified use. It is noted that the Province's application and interpretation of these permissions has become broader within the last few years with the issuance of a document entitled "Guidelines on Permitted Uses in Ontario's Prime

Agricultural Area” (Guidelines). The Guidelines from the Province address the subject matter of this application as ‘on-farm diversified’. The publication provides criteria for use considerations, including size limits of a maximum of 1 hectare (2.5 acres), or 2% of land area, which keeps the scale of use appropriate and secondary to the farm. Further, it provides lists and ranges of uses that can and cannot be considered – included in the ‘cannot’ category are things such as manufacturing plants, high water/sewer users, warehousing/distribution centres, large food processors, significant traffic generators, institutional uses (church, school, nursing homes), and recreational facilities (golf courses, arenas, etc.). Included in the ‘can’ category is woodworking, such as the millwork/cabinetry use subject to this application. The last point to note is that, staff from the Ministry of Municipal Affairs reviewed this application in the context of the Guidelines, and agreed that this is the type of use/situation supports the Guidelines and Provincial policy. A final note in that regard is that the uses now supported (by Provincial policy) go beyond what is reflected in the County’s Official Plan. That is a key aspect and driver of the Official Plan amendment portion of this application.

The relevant policy (for on farm diversified uses) as described above is presented in section 2.3.3.1 of the PPS, which provides direction that uses: “Shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives”. At this time the Haldimand County Official Plan does not contain policies that address this sort of use, thus staff have utilized the guidelines that have been produced by the Ontario Ministry of Agriculture, Food and Rural Affairs, to assist in determining the suitability of the subject proposal as an on-farm diversified use. An analysis of those criteria is included below:

- i. The use must be located on a farm that is actively in agricultural use;

**Planning Comment:** The property is principally agricultural, with lands being actively farmed as an agricultural use. The proposed on-farm diversified use, which occupies less than 2% of the subject property, is clearly secondary to the farm operation. Calculations are shown below (Test 3).

- ii. The use is secondary to the principal agricultural use of the property;

**Planning Comment:** The subject lands is made up of primarily agriculturally used lands; only 0.23 ha (0.56 acres) are requested to be utilized as cabinetry business.

- iii. The use is limited in area;

**Planning Comment:** The cabinetry business is currently limited to existing buildings on site and comprises only 0.23 hectares (0.56 acres). No new buildings are proposed at this time; buildings and additions proposed as future expansions will be within the existing cluster of structures, and will not require any further lands to be added to the use. The Province’s guidelines for on-farm-diversified uses identify a maximum usage of 2% for any such use. The proposal aligns with that guideline at ~1.2%.

- iv. The use includes, but is not limited to: home occupations, home industries, agri-tourism uses and uses that produce value added agricultural products. Other uses may also be suitable, subject to meeting all PPS criteria; and

**Planning Comment:** The current use exceeds what is permitted as a Home Industry. While the owner lives on the site, the size of the operation is beyond what would typically qualify as a Home Industry. With that said, the scale of the use, in the context of the site and surrounding area, remains appropriate in the view of staff. Further, this proposal qualifies as a type of use that falls under the category of ‘Other Use’ (per PPS) that is suitable and meets all the locational criteria.

- v. The use shall be compatible with, and shall not hinder, surrounding agricultural operations.

**Planning Comment:** There is no evidence that the continuing cabinetry business (now Finelli's Custom Cabinetry) hinders the surrounding agricultural operations on the property. The existing farming operation will remain and the business is contained within former-agricultural structures that are common in the surrounding area. The cabinetry business currently operates in one daytime shift (8:00 to 17:00) on week days with no more than three vehicles on-site. The business receives one large delivery of materials per week with the potential for additional smaller deliveries from Purolator or other small parcel couriers. This level of business activity is common and consistent with agricultural uses. Even with the envisioned expansion, the level of activity is not expected to increase significantly, with employment levels remaining 'as is', and shipping/receiving not anticipated to increase by any measurable levels.

### **Provincial Growth Plan, 2019**

The Provincial Growth Plan sets out a policy framework that guides development in a compact and vibrant manner, with emphasis on building complete communities while also optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. As the subject lands are considered to be within the prime agricultural area, efforts are to be taken to ensure that the resource is protected for the long-term economic prosperity, quality of life and environmental health.

Staff have worked with the proponents to determine the amount of land that is required to establish the uses that they desire, while leaving the largest amount of farmland possible unaltered for agricultural uses into the future; staff is satisfied that the intent of this aspect of the Growth Plan is not offended.

The Provincial Growth Plan also speaks to the need to provide for an adequate supply of lands for a variety of appropriate employment uses, and that municipalities are to promote economic development and competitiveness. Planned employment areas and lands are identified within the County, but are generally identified as vacant land intended for new developments. The proposed amendments will permit the millwork and carpentry business at its current scale on the subject lands. This proposal will also ultimately provide an economic opportunity by allowing an existing business within the County to exist at a location where it has already been established. These applications will provide an opportunity to continue to create a diverse economic base and take into consideration the needs of the operation. As such, the proposal is considered to be in conformity with the Provincial Growth Plan.

### **Haldimand County Official Plan**

The subject lands are designated 'Agriculture' within the Haldimand County Official Plan. Within the 'Agriculture' designation, the land base is to be protected and the use of the lands must be predominately agriculturally oriented. Permitted uses include all forms of farming, as well as land uses compatible with or related to agriculture, including value added uses, secondary uses and agriculturally related uses. The proposal includes a request to consider a use that is not listed previously, and is considered to be an on-farm diversified use – something that is not spoken to in the Official Plan at present but will be addressed as the County embarks upon its Official Plan update starting this year. Given the applicant's need to address the land use permissions issue (stemming from the by-law enforcement complaint), the application must be advanced at this time and cannot wait for the Official Plan to be updated.

Staff have reviewed the current version of the proposal against the policies contained in Section 5.j.1 of the Official Plan as they relate to home based businesses (which includes home industry), and it is the opinion of staff that the proposed use does not conform to this section. This is due to the scale of the use exceeding what is permitted for a home industry - i.e. up to 25% of the gross floor area up to a maximum of 50 square metres (538 square feet). The use is well in excess of these provision, with an approximate floor area of 331 square metres (3,562.8 square feet). As well, the people employed by the use are not restricted to those living on the property, as is the direction of the policies in this section

of the Official Plan. There are 3 off-site employees, and 5 on-site employees. The fact this use goes beyond the initial home industry classification further creates the need for the Official Plan Amendment.

### Land Use Compatibility

Where a new use is proposed on lands which abut a sensitive land use (i.e. in this case a residential dwelling), a compatibility review must be undertaken to ensure the appropriateness of the development and potential for mitigation measures. In this instance, the sensitive land use is located to the east of the lands where the proposed amendments are to affect. The property line for the residential lot is located approximately 90 metres (295.3 feet) from the nearest structure where the proposed use is located. The house is setback approximately an additional 60 metres (197 feet), and is further buffered by its own large accessory structure uses. The review and measures that need to be addressed include the following:

- i. separation of uses by increased setbacks;

**Planning Comment:** The intent of this proposal is to establish permissions to use existing structures on site, with plans to potentially expand in the future. As the lands will be subject to site plan control for the future, any new development on the site and the final details of those designs, will be reviewed and further mitigation measures as may be deemed necessary. The review would include the location and orientation of buildings, orientation of use, grading and drainage, landscaping, vehicular movements and parking. Any expansion would be required to maintain consistency with the on farm diversified use policies.

- ii. screening and buffering such as landscape strips, architectural screenings, fences or berms;

**Planning Comment:** The structure that the cabinetry business operates out of is located in the western portion of an existing cluster of buildings that includes an existing dwelling, a shop (cabinetry business) two sheds and a barn. The cluster of buildings is located centrally on the southern end of the property along Concession 4 Road. The nearest dwelling with a direct sight-line of the cabinetry structure is approximately 270 metres (2,900 feet) away to the west. The nearest dwelling to the east is located ~137 metres (450 feet) away and is architecturally screened by the dwelling on the subject lands and a large accessory structure on the adjacent property. By distance and the existing dwelling, the proposed business is well-buffered from surrounding uses.

- iii. location of lighting so that it is deflected away or shielded from adjacent sensitive uses;

**Planning Comment:** Any lighting installations would be assessed via photometrics plan and mitigation of light spillage, and will be part of any site plan approvals. At present, staff are not aware of any lighting installations existing on the site. As noted above, the nearest potential receptor is located approximately 137 metres (450 feet) away. A photometrics plan would be required at the site plan review stage, if a site plan application is deemed to be required.

- iv. proper location of parking, loading and unloading areas, and outside storage; and

**Planning Comment:** The gross floor area of the building included in this application is approximately 331 square metres (3,562.8 square feet) in size. There is adequate space on the site to accommodate parking for employees. A maximum of 8 would be required and there is a supply greater than that available. Additionally, there is sufficient space on site to accommodate safe loading and unloading of vehicles and equipment. Planned future expansions will include additional/additions to structures, but not to the site area itself; through site plan control, changes/additions to the existing structures will be reviewed to ensure parking, loading, storage, etc. is still adequately provided.

- v. provision of safe, convenient pedestrian access with minimal interference from vehicular movement.

**Planning Comment:** The cabinetry business will not generally be open to the public and does not anticipate pedestrian access; however, there is space within the requested on-farm diversified use area to allow for safe convenient pedestrian access.

Based on the policy framework, Planning staff are of the opinion that this amendment is considered appropriate and will serve to maintain the general intent of the Haldimand County Official Plan by permitting a use on the site that will not have a negative impact on the surrounding land uses, and also, provides a service and benefit to some of those within the agricultural/rural community.

### **Town of Haldimand Zoning By-law 1-H-86**

The subject lands are currently zoned “Agricultural (A)”. The intent of the subject proposal is to establish a site specific zoning provision on the subject lands to permit a millwork and carpentry business on the subject lands subject to the provisions described below.

Planning staff are of the opinion that establishment of this additional use is appropriate. More specifically, the type of use is generally commercial in nature, with some of the services taking place off site, so there is a limit to the intensity and potential impact of the additional use to surrounding land uses. Further, the intended use is relatively small in scale and will not employ a night shift. Even after planned expansion, the owners do not intend to employ more staff or operate with additional shifts. The subject lands also provide an opportunity to continue to house a business that has existed for four years, must be recognized due to a by-law complaint, and provides employment for eight individuals. Until 2020, the business served Darbishire Cabinets and now serves Finelli Custom Cabinetry.

To ensure that the scale, layout and approach to development is appropriate, the following special zoning provisions are proposed:

- Carpentry workshop and storage uses will be limited to a maximum area of 1,100 square metres (11,840 square feet) which houses the current workshop portion of the business and allows for potential expansion (although the current operation functions out of an existing 331 square metre/3,352 square feet structure, the applicants have requested an opportunity to expand the business through phasing – should these expansion plans come to fruition, the site plan process will be utilized to ensure that technical site buffering and scale details have been provided to the satisfaction of Haldimand County) – the proposed expansions will consist of an addition to the workshop (11.4 square metres/122.7 square feet) and inclusion of a future workshop/storage building (478 square metres/ 5,145.15 square feet – replacing an existing barn and driveshed);
- Cap the number of employees at 8 which has been identified by the owners as the number of people employed during peak demand; and
- Open storage shall be prohibited in the required front yard.

These provisions would apply to the lands identified in the mapping associated with Attachment 4. The collection of these special provisions will ensure that the use is regulated appropriately and remains small in scale with appropriate land use separations. These regulations apply and will be used in the future if site works are proposed. Any deviation from the above, including expansion to the operation, would require a future application, public process and Council consideration. As proposed, the above-provisions provide a regulatory framework for planned phased expansion while maintaining the Province’s guidelines for on-farm-diversified-uses.

Overall, the proposal is appropriate as the proposed use is generally in keeping with the intent of the Zoning By-law and represents an opportunity to create a new commercial opportunity within the County.

## **Site Plan Control**

As noted previously in this report, any future development of the subject lands, including described proposed phased expansion, will be subject to site plan review and approval from the County. As the subject lands are within an Agricultural (A) zone, a Site Plan Control by-law must be passed by Council given that the 'A' zone is exempt from the Site Plan Control process. The Site Plan Control By-law is attached to this report at Attachment 5.

## **Draft Amendments**

Copies of the proposed draft Official Plan amendment (Attachment 3), and a Zoning By-law amendment (Attachment 4) have been prepared and attached to this report. With the approval of the requested Official Plan and Zoning amendment, the proposed development on the subject lands will have a new site specific policy added to the site and the Zoning By-law will have an added special provision (36.461).

## **Planning Opinion:**

Planning staff has reviewed the proposal in relation to Provincial and County policy frameworks and are of the opinion that the proposed amendments are consistent with and generally maintain the intent and purpose of the Provincial Policy Statement, 2014, the Places to Grow Plan and the Haldimand County Official Plan. Additionally, the proposed amendment to the Zoning By-law maintains the intent and purpose of the Town of Haldimand Zoning By-law 1 H 86. Therefore, Planning staff is supportive of the subject applications.

The proponents have sent notice to the neighbours within 120 metres (~394 feet) of the subject property and hosted an open house on January 29, 2019. There were 4 people in attendance at the open house and no issues or concerns were raised. The attendees were seeking additional information and details on the proposal.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Ministry of Municipal Affairs/Ministry of Housing Ontario** – No objections. The proposed amendments comply with the On-Farm Diversified Guidelines (existing and proposed phased expansion).

**Emergency Services** – No objections.

**Planning and Development (Development and Design)** – No objections.

**Building & Municipal Enforcement Services** – No objections.

**Hydro One** – No objections.

**Six Nations Council** – No comments received.

**Mississaugas of the Credit First Nation** – No comments received.

**Road Operations** – No objections.

**Haldimand-Norfolk Health Unit** – No objections.

**MPAC** – No objections.

**Other** – No objections to the proposal have been received from any other agency or member of the public.



## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: Yes

## **ATTACHMENTS:**

1. Location Map.
2. Owner's Sketch.
3. Official Plan Amendment By-law.
4. Zoning By-law Amendment.
5. Site Plan Control By-law.