
HALDIMAND COUNTY

Report PDD-53-2021 Zoning By-law Amendment to Repeal Existing Special Provision - Sheppard



For Consideration by Council in Committee on December 7, 2021

OBJECTIVE:

To fulfill a condition of consent related to the severance of a surplus farm dwelling by repealing a Special Provision that allows two dwellings on a lot.

RECOMMENDATIONS:

1. THAT Report PDD-53-2021 Zoning By-law Amendment to Repeal Existing Special Provision - Sheppard be received;
2. AND THAT application PLZ-HA-2021-171 to amend the Haldimand County Zoning By-law HC 1-2020 remove Special Provision A.1 from the subject lands be approved for reasons outlined in Report PDD-53-2021;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2020), and the Growth Plan (2020) for the Greater Golden Horseshoe;
4. AND THAT the by-law attached to Report PDD-53-2021 be presented for enactment.

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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 subject to an historical Special Provision permitting multiple dwellings on a single farm parcel.

Planning staff are of the opinion that this proposal is in conformity with the Provincial Policy Statement 2020, complies with the Provincial Growth Plan 2020, conforms to Haldimand County's Official Plan, and maintains the general intent and purpose of the Haldimand County Zoning By-law HC 1-2020. There is sufficient justification for the related consent 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.

BACKGROUND:

The proposed zoning amendment is required to fulfill a condition of consent within surplus farm dwelling severance application PLB-2021-046, which was conditionally approved by the Committee of

Adjustment at its meeting on April 19, 2021. The severance resulted in the creation of a 0.46 hectare (1.14 acre) parcel as a surplus farm dwelling and the retention of an agricultural parcel of approximately 19.74 hectares (48.78 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 subject to a special provision that permits two dwellings on the subject lands. Given the severance, special provision A.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 site is legally described as Concession 3, Part 20, Geographic Township of Walpole, known municipally as 1077 Concession 2 Walpole, and is located on the north side of Concession 2 Walpole. The proposed severed lands contain a dwelling, and 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 subject lands are currently permitted to have two dwellings on one property, which is a historic Special Provision, and due to the regulations that are in force and effect today, Planning staff are recommending that Council repeal this special provision such that the development opportunities are limited in the future which maintains conformity with County and Provincial policies.

ANALYSIS:

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

Provincial and County Land Use Policy:

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, and that the proposed lot configuration will not negatively impact the functionality or viability of the farm parcel. Planning staff are of the opinion that the subject proposal for a zoning amendment to repeal the Special Provision which allows for two (2) dwellings on a property, is consistent with the PPS.

Provincial Growth Plan, 2020

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.

County Policy

Haldimand County Official Plan

The subject lands are designated '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 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 0.46 hectares (1.14 acres), which fall within the allowable range of lot sizes for surplus farm dwelling severances within the agricultural area. The related Consent application was conditionally approved by the Committee of Adjustment at the April 19, 2021 meeting. Additionally, Planning staff are of the opinion that the 'Criteria for Surplus Farm Dwelling Consents' tests have been met by satisfying the following criteria:

- the dwelling is surplus and more than 10 years old (based on MPAC data);
- private services are available (septic system and cistern);
- 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 for both the severed and retained parcels; 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 A.1 which permits two dwellings on the lot, will implement the Official Plan policy by limiting residential opportunities. The amendment conforms to the Haldimand County Official Plan.

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.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural' (A)' with Special Provision A.1 in the Haldimand County Zoning By-law HC 1-2020. The intent of this proposal is to fulfill a condition of consent related to a surplus farm dwelling severance.

Special provision A.1 was intended to allow for a second dwelling (retained dwelling built in 1930, severed dwelling demolished and rebuilt in 2011) to be constructed on the lands in order for additional help to be located near the agricultural operation; and at present 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 A.1 be repealed, and the permitted uses of the A zone be returned to supporting one dwelling per property. A draft Zoning By-

law has also been completed and included within Attachment 3, and Planning staff recommend that the subject application be approved for the reasons outlined above.

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.

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.

Emergency Services – No objections.

The application was circulated to the public, Mississaugas of the Credit First Nation, Six Nations Council, Hydro One, MPAC, and Union Gas, however, no comments were received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: Yes

ATTACHMENTS:

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