
HALDIMAND COUNTY

Report PDD-55-2021 Zoning By-law Amendment as Condition of Consent – Sheppard/Kienitz



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.

RECOMMENDATIONS:

1. THAT Report PDD-55-2021 Zoning By-law Amendment as Condition of Consent – Sheppard/Kienitz be received;
2. AND THAT application PLZ-HA-2021-139 to amend Haldimand County Zoning By-law HC-1-2020 to prohibit future residential development and home occupation opportunities on the retained farm lands be approved for reasons outlined in Report PDD-55-2021;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, and the Growth Plan for the Greater Golden Horseshoe 2020;
4. AND THAT the by-law attached to Report PDD-55-2021 be presented for enactment.

Prepared by: Neil Stoop, Planner

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

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

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

EXECUTIVE SUMMARY:

The Zoning By-law Amendment is required as a condition of consent for a surplus farm dwelling severance where the lands to be severed exceed the maximum lot size provisions, and as a result, the retained lands need to be rezoned in order to remove a one family dwelling and home occupation as a permitted use to comply with Provincial Policy.

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 By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons set out within this report. A public notice sign was posted at the site and visible when the Planner conducted a site visit.

BACKGROUND:

The proposed zoning amendment is required to fulfill a condition of consent within the surplus farm dwelling severance application PLB-2021-138, which was conditionally approved by the Committee of Adjustment at its meeting on September 21, 2021. It is noted that for the severance application,

Planning staff recommended deferral of the application to provide an opportunity to reduce the lot size and reduce the amount of land being removed from the farm parcel. The Committee did not support the staff recommendation and the consent application was conditionally approved based upon the location of the access lane and the difficulty in creating another access lane to service a reduced sized lot. Although the Committee did not support the staff recommendation, with the Committee establishing the issue of the size of the property and in the process determining this property conformed to the Official Plan (OP), Provincial Policy Statement (PPS) and Growth Plan (GP), the implementing zoning is appropriate and ensures that future residential use is not permitted on the farmlands. The irregular shaped severed lands will have a frontage of approximately 107.6 metres (353 feet) and contain an area of approximately 0.85 hectares (2.1 acres). The retained farm parcel will contain an area of approximately 30.1 hectares (74.4 acres), as shown on Attachments 1 and 2. The subject amendment is required because the severed parcel is larger than the maximum lot size of 0.6 hectares (1.5 acres) and as such, the retained lands are not subject to the automatic zoning provision of the Haldimand County By-law HC 1-2020. The automatic zoning prohibits residential development on the retained farm parcel when surplus farm dwelling severances are more than 0.6 hectares (1.5 acres). The larger severance size is due to the inclusion of a second entrance, servicing a shop on the severed lot.

The site is located on the north side of Concession 3 Road, east of Haldimand Road 53. The lands are legally described as Part Lots 1 and 2, Registered Plan 18R5389 Parts 1, 3 & 4, Geographic Township of Rainham, and known municipally as 87 Concession Road 3. A General Location map can be found on Attachment 1; with the overall lot configuration being shown in Attachment 2 (the owner's sketch). Planning staff supports this rezoning, and has not received any concerns through circulation of the proposal.

ANALYSIS:

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

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020 policies are generally prohibitive when it comes to the creation of new residential lots within prime agricultural areas, in order to protect the agricultural land resource and minimize potential land use conflicts. However, the PPS permits lot creation in prime agricultural areas for limited purposes, including severances related 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 minimize the impact of non-farm dwellings on agricultural operations. In the context of this proposal, it is Planning staff's opinion that the proposed size of the severed lands could be reduced to exclude a proposed additional entrance to the property, however, staff is supportive of the zoning application to implement the severance as approved by Committee of Adjustment. The subject proposal for a zoning amendment to prohibit future residential opportunities on the retained lands ensures that the proposed severance is in keeping with 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.

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 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.

Haldimand County Official Plan

The subject lands are designated 'Agriculture' and subject to the related policies within the Official Plan. The intent of this designation is to protect and preserve prime agricultural lands within the County and set out specific criteria for permitting the severance of a surplus farm dwelling.

Specifically, Haldimand County's Official Plan, similar to the Provincial Policy Statement (2020), permits new lot creation in agricultural areas for dwellings made surplus through farm consolidation, provided that future residential development on the retained farm lands is prohibited. The intent of the subject proposal is to ensure that Provincial and local policy requirements are met. 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. The minimum age requirement of the dwelling is satisfied as the home was constructed in 2010 as confirmed by the current owner. In the subject proposal, the size of the severed lands is 0.85 hectares (2.1 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 large lots when there are demonstrated constraints. In this situation, the location of a second entrance to the lot was included to service an accessory building on the property. The lot size was considered appropriate by Committee of Adjustment in this situation, due to constraints in relocating an access to the shop.

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. Therefore, MDS is not applicable for the subject lands or the requested zoning amendment.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural' (A) in the Haldimand County Zoning By-law HC 1- 2020. The balance of the (A) zone provisions are being met and Planning staff are satisfied that the proposal meets the general intent of Haldimand Zoning By-law HC 1-2020. The subject lands will receive a special provision number to reflect the amendment.

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. A draft Zoning By-law has also been completed and included within Attachment 3.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

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 HC 1-2020.
4. Zoning Confirmation Chart.