
HALDIMAND COUNTY

Report PDD-06-2022 Zoning By-law Amendment as Condition of Consent - Hanson



For Consideration by Council in Committee on February 8, 2022

OBJECTIVE:

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

RECOMMENDATIONS:

1. THAT Report PDD-06-2022 Zoning By-law Amendment as Condition of Consent – Hanson, be received;
2. AND THAT application PLZ-HA-2021-203 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-06-2022;
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-06-2022 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 Zoning 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.

BACKGROUND:

The proposed zoning amendment is required to fulfill a condition of consent within the surplus farm dwelling severance application PLB-2021-178, which was conditionally approved by the Committee of Adjustment at its meeting on November 19, 2021. At the same meeting the Committee of Adjustment

conditionally approved consent application PLB-2021-177, to boundary adjust a portion of the neighbouring lands to the subject property to provide sufficient frontage to facilitate the subsequent surplus farm dwelling severance. The boundary adjusted lands are Part 1 on Attachment 1 (Location Map). Parts 2 and 3 on the same map represent the benefitting lands of boundary adjustment. Part 3 represents the severed lands, while Parts 1 and 2 are the retained for the surplus farm dwelling severance. As such the boundary adjusted lands (Part 1) and the balance of the retained lands (Part 2) are subject to the proposed zoning amendment. It is noted that for the severance and boundary adjustment applications, Planning staff recommended deferral of the applications to provide an opportunity to reduce the size of the boundary adjustment. The Committee did not support the staff recommendation and the consent applications were conditionally approved. Although the Committee did not support the staff recommendation, with the Committee discussing the issue of the size of the boundary adjustment and in the process determining the applications, conformed to the Official Plan (OP), Provincial Policy Statement (PPS) and Growth Plan (GP), the implementing zoning is appropriate and ensures future residential use is not permitted on the farmlands.

The irregular shaped severed lands will have frontage of approximately 30 metres (98.42 feet) and contain an area of approximately 0.99 hectares (2.46 acres). The retained farm parcel will contain an area of approximately 47.34 hectares (116.98 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 site is located on the north side of Haldimand Road 17. The lands are legally described as Tract Jones East, Grand River, Part Lots 3 and 6, and Registered Plan 18R6823, Part 1, Geographic Township of North Cayuga, and know municipally as 2026 Haldimand Road 17. A general location map can be found on Attachment 1; with the overall lot configuration being shown on Attachment 2 (the owner's sketch). Planning staff supports the rezoning, and has not received any concerns through the circulation of the proposal.

ANALYSIS:

Planning staff have determined the 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. 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 1937 as confirmed by MPAC records. In the subject proposal, the size of the severed lands is 0.99 hectares (2.46 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 the dwelling relative to the road prohibited reduction of the lot area. The lot size was considered appropriate by Committee of Adjustment in this situation, due to the location of the dwelling.

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. Aerial photography reveals barns that may be suitable to for livestock on an adjacent parcel, approximately 385 metres from the existing dwelling. MDS implementation guideline 9 indicates that an MDS I setback is not required for surplus farm dwelling severances where the dwelling to be severed and the livestock facility exist on separate lots prior to the consent application. 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.