
HALDIMAND COUNTY

Report PDD-10-2022 Zoning By-law Amendment to Satisfy a Condition of Consent - Lang



For Consideration by Council in Committee on March 1, 2022

OBJECTIVE:

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

RECOMMENDATIONS:

1. THAT Report PDD-10-2022 Zoning By-law Amendment to Satisfy a Condition of Consent - Lang be received;
2. AND THAT application PLZ-HA-2021-207 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-10-2022;
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-10-2022 be presented for enactment.

Prepared by: Benjamin Kissner, MCIP, RPP, 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 permitted uses 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.

BACKGROUND:

The proposed zoning amendment is required to fulfill a condition of consent within surplus farm dwelling severance application PLB-2021-052, which was conditionally approved by the Committee of Adjustment at its meeting on April 19, 2021. The severance resulted in the creation of a 0.74 hectares (1.84 acres) parcel as a surplus farm dwelling and the retention of an agricultural parcel of

approximately 39.8 hectare (98.36 acre) in size, and as 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 will have an area that exceeds what is permitted through the automatic rezoning provisions of the Haldimand County Zoning By-law HC 1-2020.

The site is legally described as Concession 5, Part Lots 19, Geographic Township of Oneida and known municipally as 650 5th Line. It is located on the south side of 5th Line, east of McKenzie Road. The severed lands contain an existing 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 Attachments 2 & 3 (the owner's sketch).

Planning staff are recommending support of the zoning amendment, 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 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 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.

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 future development of the subject remnant land, i.e. construction of a single detached dwelling, 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 0.74 hectares (1.84 acres), which exceeds the allowable range of lot sizes for surplus

farm dwelling severances within the agricultural area. 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 exist for the existing dwelling (septic system and cistern);
- the proposed lot configuration will not negatively impact the functionality or viability of the farm;
- 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 requested zoning amendment. The lot size is slightly above the County preference and automatic zoning criteria, however, given the location of the septic system and two accessory buildings, the increase was considered acceptable. The application has considered the agricultural lands and the proposed severed lot will not be removing additional farmlands. It is noted that 2 agricultural buildings are being retrained on the farm parcel. The amendment conforms to the Haldimand County Official Plan.

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 4.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services – As per By-law 1243-HC/21 #15 – Livestock can be kept on any property over 2 hectares.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch 1.
3. Owner's Sketch 2.
4. Draft Zoning By-law Amendment.