
HALDIMAND COUNTY

Report PDD-13-2022 Zoning By-law Amendment as a Condition of Consent – Smith-Almas



For Consideration by Council in Committee on April 19, 2022

OBJECTIVE:

To fulfill a condition of consent related to the boundary adjustment of an agricultural parcel.

RECOMMENDATIONS:

1. THAT Report PDD-13-2022 Zoning By-law Amendment as a Condition of Consent – Smith-Almas be received;
2. AND THAT application PLZ-HA-2022-004 to amend Haldimand County Zoning By-law HC 1-2020 to prohibit future residential development and home occupation opportunities on the severed farmlands, be approved for reasons outlined in Report PDD-13-2022;
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-13-2022 be presented for enactment.

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Reviewed by: Shannon VanDalen, MCIP, RPP, 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:

The subject Zoning By-law Amendment application is required as a condition of consent for a boundary adjustment approval. The purpose of the consent application is to boundary adjust farmlands measuring 19.42 hectares (48 acres) in size to the adjacent farm parcel, while retaining a residential parcel measuring 0.81 hectares (1.99 acres). The subject application proposes to add a special provision to the severed lands which will serve to prohibit residential and home occupation uses on the lands. It will also align the zoning of the lands with the parcel to which they will be added and prevent the establishment of a new residential building opportunity that would be contrary to Provincial and local policy.

Planning staff are of the opinion that the subject application is consistent with the Provincial Policy Statement 2020 and the Provincial Growth Plan 2020, conforms to Haldimand County's Official Plan, and maintains the general intent and purpose of Haldimand County Zoning By-law HC 1-2020. Planning staff recommend approval of the subject application for reasons set out within this report. A public notice sign was posted at the site.

BACKGROUND:

The subject application is required to fulfill a condition of consent for consent application PLB-2021-150, which was conditionally approved by the Committee of Adjustment at the November 15, 2021 meeting. The purpose of the conditionally approved consent application is to sever farmland and add it to an adjacent farm parcel, while retaining a residential lot. The adjacent farm parcel is zoned "Agricultural (A)" with a special provision that prohibits residential uses. The purpose of the subject application is to provide consistency such that the lands being added will match the zoning of the benefitting parcel, and eliminate the opportunity for a new residential use. Further, the subject application has the same intent and effect as a surplus farm dwelling severance, albeit processed in a different way (boundary adjustment as opposed to new lot) and so it is required to be subject to the aforementioned zoning freeze under Provincial Policy.

The subject lands front onto the south side of Concession 13 Walpole in the geographic township of Walpole. The lands are legally described as Walpole Concession 12 Part Lot 4 and are known municipally as 262 Concession 13 Walpole. A general location map can be found as attachment 1 to this report.

Planning staff supports the rezoning, and have not received any comments or concerns through the circulation of the proposal.

ANALYSIS:

Planning staff have determined the key planning issues related to this application as follows:

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development in Ontario. It is intended to be read in its entirety.

Policy 2.3.1 states, "Prime agricultural areas shall be protected for long-term use for agriculture."

The subject lands are part of the prime agricultural area. The severed lands will be used for agriculture, with no new non-agriculture uses permitted.

Policy 2.3.3.1 states, "In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses."

No new non-farm uses are being created through the subject application. The severed lands are intended to be used for crops, and the retained lands contain an existing single detached dwelling.

Policy 2.3.4.1 states, "Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended

by the Province, or based on municipal approaches which achieve the same objective;
and

- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.”

Policy 2.3.4.2 states, “Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.”

The PPS defines “legal or technical reasons” as “severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot”. Planning staff reviewed the related consent application and determined that it can be considered a minor boundary adjustment which does not result in the creation of a new lot. The subject zoning by-law amendment would have the effect of prohibiting residential uses on the severed lands, and a single detached dwelling already exists on the retained lands. No new lots will be created.

It is also noted that staff worked with the proponent to ensure the retained residential lot was an appropriate size and did not unnecessarily incorporate prime or functional agricultural lands. To that end, the resultant residential lot is deemed suitable and meets the intent of Provincial policy relative to protection of agricultural lands.

The subject application is consistent with the PPS.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020

A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) was reviewed by Planning staff in relation to this proposal. The Growth Plan’s policies address the protection of prime agricultural lands both directly and indirectly. Based on Planning review, staff is of the opinion that the subject proposal is in keeping with the overall intent of the Growth Plan.

Haldimand County Official Plan

The subject lands are designated “Agricultural” in the Official Plan.

Policy 3.A.1)5. states, “The predominant use of lands within areas designated Agricultural shall be agriculture. Agriculture is defined as all forms of farming, including the growing of crops, market and nursery gardening, woodlot management, the raising of livestock and the raising of poultry, fish and other animals for food, fur or fibre, aquaculture, apiaries, aviaries and maple syrup production.”

The lands are currently used for agricultural purposes and will continue to be used in the same way. As noted in the PPS section above, the retained residential lot does not unnecessarily remove any potential or functional agricultural lands thus protecting the primacy of the agricultural use and land base.

Policy 5.H.3. states, “Generally consent to sever land in the Agricultural designation may be considered in accordance with the following criteria: c) Severances for legal or technical reasons, including minor boundary adjustments, easements or rights-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm.”

The proposed Zoning By-law amendment will facilitate a boundary adjustment of farmland to an adjoining farm. An additional separate lot will not be created, and the functionality and viability of the farm are not anticipated to be compromised.

The subject application conforms to the intent of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned “Agricultural” (A) Zone in Haldimand County Zoning By-law HC 1- 2020. The proposed severed and retained lands conform to the provisions of the A Zone. 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 severed 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 as attachment 3 in this report.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building & Municipal Enforcement Services: No objections.

Planning & Development – Development & Design Technologist: No objections.

Forestry: Forestry doesn't have any concerns with the proposed by-law amendment as there will be no impacts on County owned trees or Woodlands regulated pursuant to the County's Forest Conservation By-law 2204/20.

Trans-Northern Pipelines Inc.: We can confirm that TNPI has NO infrastructure in the mentioned area.

Emergency Services/Fire Services: No comments received.

Six Nations of the Grand River: No comments received.

Mississaugas of the Credit First Nation: No comments received.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

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