
HALDIMAND COUNTY

Report PDD-46-2022 Zoning By-law Amendment as a Condition of Consent - Strobosser



For Consideration by Council in Committee on December 6, 2022

OBJECTIVE:

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

RECOMMENDATIONS:

1. THAT Report PDD-46-2022 Zoning By-law Amendment as a Condition of Consent – Strobosser be received;
2. AND THAT application PLZ-HA-2022-100 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 reason outlined in Report PDD-46-2022;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement 2020, and the Growth Pan for the Greater golden Horseshoe 2020;
4. AND THAT the by-law attached to Report PDD-46-2022 be presented for enactment.

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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 severed exceed the maximum lot size of the Surplus Farm Dwelling provisions, and as a result, the retained lands need to be rezoned in order to remove a single detached 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 Zoning By-law HC 1-2020. Planning staff recommend approval of this amendment for the reasons set out in this report.

BACKGROUND:

The proposed zoning amendment is required to fulfill a condition of consent for the severance of a surplus farm dwelling severance application (PLB-2022-099) which was conditionally approved by the Committee of Adjustment on August 16, 2022. The severance resulted in the creation of a 0.64 hectares (1.6 acres) parcel as a surplus farm dwelling and the retention of an agricultural parcel of approximately

33.2 hectares (82 acres) in size, and as shown in attachments 1 and 2. The subject proposal is required to fulfill a condition of consent because the severed surplus farm dwelling parcel will have an area that marginally exceed the 0.6 hectares (1.5 acres) size limit that is permitted through the automatic rezoning provisions of the Haldimand County Zoning By-law HC 1-2020.

The site is legally described as Concession 9, Part Lot 15, Geographic Township of Walpole and Parts 3 to 5 plan 18R5429. The lands are municipally known as 1148 Concession 9 Walpole. The severed lands contain an existing dwelling and are surrounded primarily by agricultural uses. A General Location Map can be found in Attachment 1, while Attachment 2 shows the lot configuration in the Owner's Sketch.

Planning staff are recommending approval of the subject application such that development opportunities are limited on the retained lands in the future, which maintains conformity with the Official Plan and Provincial Policies.

ANALYSIS:

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

Provincial Policy Statement:

The Provincial Policy Statement, 2020 (PPS) is generally prohibitive when it comes to creation of lots within prime agricultural areas in an effort to protect prime agricultural lands. However, the PPS permits lot creation within prime agricultural areas for limited purposes including the severance of a dwelling made surplus by farm consolidation subject to certain conditions. The subject application will satisfy section 2.3.4 c) 2. of the PPS which states that, "the planning authority ensures that new residential dwellings are prohibited on any remnant parcel created by the severance".

Planning staff are of the opinion that the subject application is consistent with the PPS.

A Place to Grow, 2020:

The policies of A Place to Grow generally echo those of the PPS, and aim to protect prime agricultural lands within the province. The Growth Plan however, does not provide specific criteria for Surplus Farm Dwelling Severances. It is the opinion of Planning staff that the proposal is consistent with A Place to Grow.

Haldimand County Official Plan

The subject lands are designated 'Agriculture' in the Haldimand County Official Plan. The Official Plan builds on the PPS surplus farm dwelling policies, providing additional details. Section 5H.4 of the Official Plan outlines various criteria for a surplus farm dwelling severance in Haldimand County. Notably, 5H.4(a) requires that the severed lot for a surplus farm dwelling severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size, though consideration can be given to vary the size. The proposed severed lot will have an area of 0.64 hectares (1.6 acres) and is sized such that the lot will accommodate the existing onsite sewage disposal system (septic) and an existing detached garage without resulting in the unnecessary loss of lands under active agricultural production. This section of the Official Plan also requires that the retained lands be rezoned such that residential development on the retained lands is prohibited.

Planning staff are of the opinion that the subject application conforms to the intent of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The proposed severed and retained lots are zoned "Agricultural (A)" and meet the minimum required area, frontage and setback provisions of the by-law. The surplus farm dwelling lot is greater than 0.6 hectares (1.5 acres) in size and as such, the retained lands do not qualify for the automatic zoning, as

outlined in Section 4.59. In cases where the lands are not automatically rezoned, a Zoning By-law amendment application is required to ensure conformity with the Official Plan and Provincial Policy, such as the case with the subject application.

The subject application will result in the prohibition of future residential development and associated home occupations on the retained farm lands.

Planning staff are of the opinion that the subject application maintains the intent of the Haldimand County Zoning By-law. A draft zoning By-law has been included within Attachment 3.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Mississaugas of the Credit First Nation: No objections.

Building & Municipal Enforcement Services: No objections, subject to the fulfilment of conditions of consent including submission of a septic evaluation.

Planning & Development – Development Technologist: No objections or concerns.

No comments or objections were received from the public regarding the subject application.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. General Location Map.
2. Owner's Sketch.
3. Draft Zoning By-law Amendment HC 1-2020.