
HALDIMAND COUNTY

Report PDD-20-2023 Removal of Holding By-law for 555 Diltz Road, Moulton For Consideration by Council in Committee on October 10, 2023



OBJECTIVE:

To consider an amendment to Haldimand County's Zoning By-law HC 1-202 to remove a 'Holding – "H"' provision from the lands, known municipally as 555 Diltz Road to facilitate the construction of a concrete pad and pre-fabricated grain bin.

RECOMMENDATIONS:

1. THAT Report PDD-20-2023 Removal of Holding By-law for 555 Diltz Road, Moulton be received;
2. AND THAT the request to remove a 'Holding – "H"' provision from the zoning of the subject lands be approved for reasons outlined in Report PDD-20-2023;
3. AND THAT the removal of Holding By-law attached to report PDD-20-2023 be presented for enactment;
4. AND THAT the proposal shall be considered consistent with the Provincial Policy Statement 2020, Provincial Growth Plan and other matters of provincial interest.

Prepared by: Neil Stoop, MCIP, RPP, Senior Planner

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

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

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

The intent of this report is to obtain Council's approval to remove a Holding (H) Provision from the zoning that was affixed to 555 Diltz Road in 1999. The subject lands were placed under a Holding provision to ensure a site plan was submitted to the satisfaction of the County and concerned agencies. A site plan waiver request was submitted and approved for the proposed construction. Future, more significant, development on the site may still require the submission of an application for Site Plan Control, per current County policy. Staff are recommending the removal of the Holding – "H" provision which will allow for the issuance of a building permit.

BACKGROUND:

The subject lands are described as Part of Lot 9, Concession 2, geographic Township of Moulton, now in Haldimand County and known municipally as 555 Diltz Road.

The property is located on the east side of Diltz Road in an agricultural area of the County. The lands are the subject of previous zoning by-law amendments which resulted not only in the application of the Holding – "H" provision but also permitting Rural Industrial uses, including the processing and sale of

agricultural fertilizers as well as designating the lands a site plan control area. It was previously deemed necessary to place the lands under a Holding – “H” provision to ensure the site plan process was adhered to. Updates to the site plan control process no longer necessitate a Holding – “H” provision to ensure the correct development controls are in place.

The owner of the subject lands contacted Building and Municipal Enforcement Services regarding the construction of a new grain bin with a concrete pad and elevator leg. They were notified of the Holding – “H” provision and the requirement to apply for a planning application under Site Plan Control. In the review of the proposed construction Planning staff determined the proposal did not meet the definition of development under section 41 of the *Planning Act* and a site plan waiver—which is a very scoped technical review process—was appropriate. The request for site plan waiver was reviewed and approved by the General Manager of Community and Development Services on September 5, 2023.

ANALYSIS:

The proposal before Council is to remove the Holding – “H” provision from the subject lands. Planning staff have determined the key planning issues related to this application which are 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. The *Planning Act* directs those decisions affecting planning matters “shall be consistent” with the policies of the PPS.

The subject lands are in an area of the County that is considered to be a prime agricultural area with respect to the PPS. Agricultural and agriculture related activities are permitted and encouraged in prime agricultural areas. The lifting of the Holding – “H” provision is required prior to building of a new grain bin on the property. The proposal is in-line with typical agricultural practices in the County.

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

Haldimand County Official Plan

The subject lands are designated ‘Agricultural’ in the Haldimand County Official Plan. The County’s Official Plan mirrors the policies of the PPS, permitting and encouraging agricultural uses within the ‘Agricultural’ designation.

It is the opinion of Planning staff that the subject application maintains the intent of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned a combination of *Agriculture (A)* and *Rural Industrial (MR)* and subject to a Holding “H” provision in the Haldimand County Zoning By-law HC 1-2020. The applied Holding – “H” provision required the submission of a site plan to the satisfaction of the County. An application for Site Plan Control was received by the County and deemed complete on August 24, 2023. Planning staff reviewed the submitted materials and determined the proposed construction of a grain bin and elevator leg did not meet the definition of development under section 41 of the *Planning Act*. Section 41 of the *Planning Act* requires development to occur for a site plan to be required. Development is defined as:

“the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof...”

As the proposed construction would not “substantially increase the usability”, the application was processed and approved as a site plan waiver, satisfying the requirements of the Holding – “H” provision.

It should be noted that the subject lands are still subject to Site Plan Control, and a planning application would be required for any construction or site alteration meeting the definition of development as set out in the *Planning Act*.

Planning staff recommends the that proposal for removal of the Holding – “H” provision be approved and the related by-law, found in attachment 2, be enacted as the requirements of the provision have been satisfied.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map.
2. Draft Removal of Holding – “H” By-law.