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# HALDIMAND COUNTY

## Report PDD-07-2024 Zoning By-law Amendment to Rezone the Retained Subject Lands at 1675 Concession 3, Walpole, as a Condition of Consent

For Consideration by Council in Committee on April 30, 2024

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### OBJECTIVE:

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

### RECOMMENDATIONS:

1. THAT Report PDD-07-2024 Zoning By-law Amendment to Rezone the Retained Subject Lands at 1675 Concession 3, Walpole, as a Condition of Consent be received;
2. AND THAT application PLZ-HA-2024-039 to amend Haldimand County Zoning By-law No. HC 1-2020 to prohibit future residential development and home occupation opportunities on the retained farm lands at 1675 Concession 3, Walpole, be approved for reasons outlined in Report PDD-07-2024;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement, 2020 (PPS) and the Growth Plan for the Greater Golden Horseshoe, 2020;
4. AND THAT the by-law attached to Report PDD-07-2024 be presented for enactment at the May 6, 2024 Council meeting.

**Prepared by:** Mark Andrews, M.A., MCIP, RPP, Senior Planner

**Reviewed by:** Shannon Van Dalen, MCIP, RPP, Manager of Planning and Development

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

**Approved:** Cathy Case, 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. As a result, the retained lands shall be rezoned to remove a single detached dwelling and accessory uses thereto (i.e., home occupation, secondary suite, etc.) as permitted uses in accordance with Provincial Policy.

Planning staff are of the opinion that the proposal is in conformity with the Provincial Policy Statement (PPS), 2020, complies with the Growth Plan for the Greater Golden Horseshoe, 2020, conforms to Haldimand County's Official Plan and maintains the general intent and purpose of Haldimand County Zoning By-law No. HC 1-2020, as amended.

## **BACKGROUND:**

The proposed Zoning By-law Amendment is required to fulfill a condition of consent for the severance of a surplus farm dwelling (Consent Application No. PLB-2024-005), which was conditionally approved by the Committee of Adjustment on February 20, 2024. The severance resulted in the creation of a 1.34 hectare (3.3 acre) parcel as a surplus farm dwelling and the retention of an agricultural parcel of approximately 19.02 hectares (47 acres) in size, as shown in Attachments 1 and 2.

The subject proposal is required to fulfill a condition of consent as the severed surplus farm dwelling parcel has an area that exceeds the 0.6 hectare (1.5 acre) size limit that is permitted through the automatic zoning provisions of Haldimand County Zoning By-law No. HC 1-2020, as amended.

The subject property is legally described as Concession 4, Part Lot 21, Geographic Township of Walpole and municipally known as 1675 Concession 3 Walpole. The severed lands contain an existing single detached dwelling, three accessory structures (barns) and a small pond. The surrounding land uses are predominantly agricultural uses. A General Location Map can be found in Attachment 1, while Attachment 2 (Owner's Sketch) illustrates the lot configuration (both the severed and retained lands).

Planning staff are recommending approval of the subject application, which will restrict development opportunities on the retained lands in the future, save and except for agricultural purposes, which is consistent with and conforms to the Official Plan and Provincial Policies.

## **ANALYSIS:**

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

### **Provincial Policy Statement, 2020 (PPS):**

The Provincial Policy Statement, 2020 (PPS) contains prohibitive and restrictive policies in relation to the creation of lots within prime agricultural areas in an effort to protect agricultural lands for long-term use. However, the PPS permits lot creation within prime agricultural areas for limited purposes including the severance of a residence surplus to a farming operation as a result of 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: Growth Plan for the Greater Golden Horseshoe, 2020:**

The policies of the Growth Plan 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 lot creation for a residence surplus to a farming operation, as a result of farm consolidation.

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 policies pertaining to a residence surplus to a farming operation, 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 in limited circumstances such as addressing natural features, physical/structural attributes, or servicing requirements. The proposed severed lot will have an area of 1.34 hectares (3.3 acres) and is sized such, that the lot will accommodate the existing onsite

sewage disposal system (septic) for the existing single detached dwelling and accessory structures without resulting in the unnecessary loss of lands under active agricultural production. Including the septic and outbuilding features with the severed lot is also critical to functionality. This section of the Official Plan also requires that the retained lands be rezoned such that residential development on the retained lands is prohibited, in accordance with Provincial Policy.

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)” in accordance with Haldimand County Zoning By-law No. HC 1-2020, as amended 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 (Surplus Farm Dwelling Severance Properties) of the Zoning By-law. 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 agricultural (farm) lands.

Planning staff are of the opinion that the subject application maintains the intent of Haldimand County Zoning By-law No. HC 1-2020, as amended. A draft Zoning By-law amendment (text and map) has been included within Attachment 3.

**FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

**STAKEHOLDER IMPACTS:**

Building and Municipal Enforcement Services – No comments or concerns.

Development Technologist – No comments or concerns.

Canada Post Corporation – Please be advised that Canada Post does not have any comments on this application for severance as this will not affect mail delivery. If there is any development on the severed lands, please advise so that I may comment on that file.

Six Nations of the Grand River – No comments received.

Mississaugas of the Credit First Nation – No comments received.

Public – No concerns or comments received.

**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.