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# Haldimand County Committee of Adjustment



## Consent

**File Number:** PLB-2024-244

**Property Roll Number:** 2810-153-003-03200-0000

**Applicant:** Villam Ltd. / Clark Poultry Farms Ltd.

**Agent:** Waterous Holden Amey Hitchon LLP; Attn Courtney Boyd

**Property Location:** 394 4<sup>TH</sup> Line, Caledonia Legally Described as OND CON 4 PT LOT 14

**For consideration on: December 17, 2024**

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## Summary

The applicant proposes to sever a parcel of land containing a surplus farm dwelling. Planning staff recommends approval of this application as it is consistent with the Provincial Planning Statement 2024, and conforms to the general intent of Haldimand County Official and Zoning By-law HC 1-2020.

## Recommendation

THAT application PLB-2024-244 be approved, subject to the attached conditions. The application is consistent with the Provincial Planning Statement, 2024 and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

**Prepared by: Chris Tang, MCIP, RPP, Planner, Planning and Development**

**Reviewed by: Krystina Wheatley, Acting Supervisor, Planning and Development**

## Details of the Submission:

### Proposal:

The applicant proposes to sever a parcel of land containing a surplus farm dwelling and two (2) residential accessory buildings (a garage and a shop). The severed lands are proposed to have a frontage of 64.01 meters (196.85 feet) and an area of 0.53 hectares (1.31 acres). The retained lands are proposed to have a frontage of 275.5 meters (903.87 feet) and an area of 39.8 hectares (98.36 acres). The retained farmlands will continue to be farmed by the applicant.

## Site Features and Land Use:

The subject lands are located in the geographic township of Oneida, in the prime agricultural area of the County. The subject lands front onto the south side of 4th Line. The subject lands have a frontage of 340.49 metres (1117.09 feet) and an area 40.33 hectares (99.66 acres).

The subject lands consist of the severed lands and retained lands. The severed lands are proposed to have a frontage of 64.01 meters (196.85 feet) and an area of 0.53 hectares (1.31 acres). The severed lands contain a surplus farm dwelling and two (2) residential accessory buildings (a garage and a shop). The retained lands are proposed to have a frontage of 275.5 meters (903.87 feet) and an area of 39.8 hectares (98.36 acres). The barn and silo shown on the Location Map has been removed and there is no livestock operation on the subject lands. The retained lands are vacant and are in active agricultural (crop) production. The surrounding land uses are generally rural residential and agriculture in nature.**Existing Intensive Livestock Operations:**

Not applicable.

## Agency & Public Comments

### Haldimand County Building & Municipal Enforcement Services:

- 1) Septic to meet minimum setbacks per OBC.
- 2) Septic evaluation to be completed and confirmation of location of well.

**Planning staff comment:** A septic evaluation was not submitted as part of the application. While a septic evaluation was submitted much later in the application process, Building & Municipal Services have not had the opportunity to review. A condition of consent has been included in the condition sheet requiring approval of the septic evaluation prior to finalization of the consent.

- 3) Lot coverage exceeded for accessory buildings proposed on new lot.

**Planning staff comment:** Section 4.59 of the Zoning By-law sets out the regulations for Surplus Farm Dwelling Severance Properties. The Zoning By-law automatically rezones the severed lands and retained lands when the Committee of Adjustment approves surplus farm dwelling lots that are less than 0.6 hectares (1.48 acres) in size. Given the severed lands are 0.53 hectares (1.31 acres) in size, the retained lands would qualify for the automatic rezoning process without the need for a Zoning By-law Amendment application. As part of the automatic rezoning process, any existing accessory buildings on a surplus farm dwelling lot are granted relief of building height, floor area and accessory building lot coverage up to the dimensions at the time of severance and are deemed to comply with the Zoning By-law.

4) Hydro for barn fed off of pole on proposed severed lands.

**Planning staff comment:** The barn has been removed and Hydro One has no comments or concerns.

**Haldimand County Planning & Development Services – Development Technologist:**

Applicant needs to show proof of a legal entrance for the retained parcel.

**Planning staff comment:** A condition of consent has been included in the condition sheet requiring the applicant to obtain a road entrance permit.

**Haldimand County Emergency Services:**

No comments received.

**Grand River Conservation Authority:**

No objections to the severance application.

**Hydro One:**

No comments or concerns.

**Municipal Property Assessment Corporation:**

No comments received.

**Mississaugas of the Credit:**

No comments received.

**Six Nations:**

No comments received.

**Public:**

No comments received.

## **Planning Analysis**

### **Provincial Policy Statement, 2024 (PPS)**

The subject lands are located in the prime agricultural area of the County. The PPS discourages lot creation in the prime agricultural area. However, the PPS permits lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water service and the

planning authority ensures that new residential dwellings are prohibited on the retained farmland. The application meets this criteria.

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

### **Haldimand County Official Plan (OP)**

The subject lands are designated "Agriculture" in the Haldimand County Official Plan (OP).

The OP states that lot creation in the "Agriculture" designation is generally discouraged and may only be permitted in limited circumstances, including a severance for a habitable farm dwelling of a minimum age of ten years, calculated from the date of occupancy of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County. No new residential dwelling shall be permitted on the retained lands.

**Planning staff comment:** The applicant submitted a declaration of habitability stating the surplus farm dwelling is habitable. The surplus farm dwelling located on the subject lands was constructed in 1890. The applicant has demonstrated that the farm dwelling was made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwelling within the County.

The creation of a surplus farm dwelling lot will be based on the following:

- a) The severance shall generally be 0.4 hectares (1 acre) to 0.6 hectares (1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production;

**Planning staff comment:** The severed lands are 0.53 hectares (1.3 acres) in size.

- b) No severance shall be granted unless the proposed lot can be serviced by an on-site sanitary sewage system designed and installed as per the Ontario Building Code;

**Planning Comment:** The severed lands will be serviced by the existing cistern and septic system. A condition of consent has been included in the condition sheet requiring approval of the septic evaluation prior to finalization of the consent.

- c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;

**Planning Comment:** The retained lands will be 39.8 hectares (98.36 acres) in size, which is sufficient for a viable farming operation. The retained lands will also have frontage and access onto a municipal road.

- d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted.

**Planning Comment:** There is no livestock operation on the subject land. Therefore the MDS formulae does not apply.

- e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;

**Planning Comment:** The severed lands are not located within 300 metres of licensed pits or 500 metres of licensed quarries.

- f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road.

**Planning Comment:** The severed lands and retained lands will have frontage on an existing public road, known municipally as 4<sup>th</sup> Line.

- g) Potential impacts on natural environment areas and / or cultural resources shall be assessed and addressed, where necessary.

**Planning Comment:** The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources

It is Planning staff's opinion that that the application conforms to the OP.

### **Haldimand County Zoning By-law HC 1-2020**

The subject lands are zoned "Agriculture (A)" Zone in the Haldimand County Zoning By-law HC 1-2020. The "A" Zone permits agriculture use, a single family dwelling, and residential accessory buildings. The Zoning By-law automatically rezones the severed lands and retained lands when the Committee of Adjustment approves surplus farm dwelling lots that are less than 0.6 hectares (1.48 acres) in size. Given the severed lands are 0.53 hectares (1.31 acres) in size, the severed lands and retained lands would qualify for the automatic rezoning process without the need for a Zoning By-law Amendment application. As part of the automatic rezoning process, a single detached dwelling will be removed as permitted use on the retained lands. In addition the existing accessory buildings (a garage and a shop) are granted relief of building height, floor area and accessory building lot coverage up to the dimensions at the time of severance.

Further, the severed lands and retained lands satisfy the zone provisions for lot frontage, lot size, and setbacks. The accessory building area very closely approximates the maximum accessory building area and will be permitted through the automatic rezoning process.

It is Planning staff's opinion that the application conforms to the Zoning By-law.

## **Notice Sign and Applicant Discussion**

A public notice sign was posted in accordance with the Planning Act, R.S.O. 1990, c. P.13 on 11/29/2024

The applicant has been satisfied the public consultation requirements as per the Provincial legislation.

A copy of the staff report has been provided to the applicant.

### **Attachments:**

1. Condition Sheet
2. Location Map
3. Owner Sketch 1
4. Owner Sketch 2