
HALDIMAND COUNTY

Report PED-PD-13-2018 Official Plan and Zoning By-law Amendment to Permit Landscaping Business

For Consideration by Council in Committee on March 27, 2018



OBJECTIVE:

To consider an Official Plan and Zoning By-law amendment to facilitate the establishment of a landscaping business and associated contractor's yard.

RECOMMENDATIONS:

1. THAT Report PED-PD-13-2018 Official Plan and Zoning By-law Amendment to Permit Landscaping Business be received;
2. AND THAT application PLOP-HA-2017-137 to amend the Haldimand County Official Plan designation of the subject lands to a site-specific 'Agricultural' designation to facilitate the establishment of a landscaping business and associated contractor's yard, be approved for the reasons outlined in Report PED-PD-13-2018;
3. AND THAT the By-law attached to Report PED-PD-13-2018 to adopt the Official Plan Amendment to the Haldimand County Official Plan be presented for enactment;
4. AND THAT application PLZ-HA-2017-138 to amend the Town of Haldimand Zoning By-law 1-H 86 to add a landscaping business and associated contractor's yard to the permitted uses on the subject property through a site specific zoning provision be approved for reasons outlined in Report PED-PD-13-2018;
5. AND THAT the Zoning By-law Amendment attached to Report PED-PD-13-2018 to amend the Town of Haldimand Zoning By-law 1-H 86 be presented for enactment;
6. AND THAT the subject lands be placed under site plan control for reasons outlined in Report PED-PD-13-2018 and the Site Plan Control By-law attached to the report be presented for enactment;
7. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2014, Provincial Growth Plan 2017 or other matters of provincial interest.

Prepared by: Benjamin Kissner, Planner

Reviewed by: Mike Evers, MCIP, RPP, BES, Manager, Planning & Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

Approved: Karen General, CPA, CGA, Deputy Chief Administrative Officer

EXECUTIVE SUMMARY:

This official plan and zoning by-law amendment has been proposed to facilitate the establishment of a landscaping business and associated contractor's yard on the subject property. The lands are

located east of Highway 6, between Hagersville and Caledonia and receive direct access from 3rd Line Road. The proposed use has been reviewed against provincial policy, which gives direction to municipalities when evaluating the suitability of a proposal in instances where the end result will constitute removal of land from the agricultural land base of the municipality. In addition, the proposal has been evaluated against the relevant sections in the Haldimand County Official Plan, and Town of Haldimand Zoning By-law 1 H 86, and in planning staff's opinion, is satisfied that the proposal conforms to the Provincial and County policies in effect and the land use is considered compatible in the context of existing surrounding development. Site specific zoning will prescribe the range and extent of the use, while site plan control will be applied to all future development. These implementing tools will ensure the use remains appropriate in its design and intensity.

BACKGROUND:

An application to amend Haldimand County's Official Plan and the Town of Haldimand Zoning By-law 1-H 86 has been received to permit a landscaping business and contractor's yard on the subject lands shown in Attachments 1 and 2. The components of the business would include: office space, warehouse (for materials, equipment and maintenance activity), vehicle compound, landscape material storage and nursery. The proponents have proposed to establish limited retail sales on the site which would include the sale of materials that the business would have available (i.e. bulk soil, stone and mulch), but not to the scale of the nearby landscaping centre. The area to be dedicated to this portion of the business operation is approximately one third of the site (i.e. 1.86 hectares of 4.45 hectares total). The proponents have indicated that they also plan to use the existing fields to grow stock for the business in the future. This component of the proposal is permitted as of right in the Town of Haldimand Zoning By-law 1-H 86. However, the additional contractor's yard use is not currently addressed in the Zoning By-law.

The subject property is described as Oneida Range East of Plank Road Part Lot 16, Haldimand County; known municipally as 4690 Highway 6, Haldimand County. The property is located north of Hagersville, on the east side of Highway 6. The property is identified as the 'Subject Lands' on Attachment 1.

The subject lands have an area of approximately 4.45 hectares (11 acres) in size with direct frontage onto 3rd Line Road. An aerial view of the subject lands is included as Attachments 1 and 2. The subject lands were used as a poultry operation in the past, and since that use was discontinued the barns have been vacated. The area immediately surrounding the barns is primarily grassed, with access pathways that are graveled. The land at either end of the barns are graveled more extensively, and are proposed to contain the parking for the business. The balance of the property exists as farm fields, and are not proposed to be altered in terms of new construction. The owners have indicated that some of the fields are used for raising evergreen trees, and the remainder will be grassed and maintained until such time as it is needed for a more traditional agricultural use.

Immediately adjacent to the subject property to the east is an agricultural use and similarly the lands to the north are used for a farming operation. To the west exists the County's Oneida Park baseball diamond, as well as rural residential uses. Immediately south of the subject lands there is a rural residential use and the next southward property is home to an established nursery/garden centre.

The proposed operation is known as Zen Construction Inc. which is an established landscaping business that provides services throughout the County. The business employs a total of 10-15 people depending on the time of year. The business is currently located elsewhere in Haldimand County, and the owners reside in the dwelling located on the subject lands. The subject lands represent an opportunity to use existing structures, and provide a suitable location for the business to grow and meet the needs of the future.

The purpose of the subject report is to introduce the proposal and present draft amendments to the Official Plan and Town of Haldimand Zoning By-law that would establish the principle of use as proposed by the applicant. A future implementation process of site plan control is also proposed to be established through this report in the event that the business expands beyond the capacity of the existing structures, or site works exterior to the buildings are proposed.

ANALYSIS:

The key planning issues are as follows:

Consistency with Provincial Policy

Provincial Policy Statement

Planning Staff has reviewed the proposal relative to the policy framework of the Provincial Policy Statement, 2014 (PPS). The subject lands are classified under a prime agricultural area within the PPS. The overall intent and purpose of the PPS is that wider prime agricultural areas shall be protected for long-term use for agriculture and that non-agricultural uses in these areas should not conflict with or compromise the ability to undertake agricultural operations. The PPS further sets out policies for Permitted Uses; Lot Creation and Lot Adjustments; and Removal of Land from Prime Agricultural Areas.

The last policy described above (Removal of Agricultural Lands) is of particular relevance to this proposal. Specifically, the PPS sets out criteria (Policy 2.3.6.1 (b)) relating to circumstances in which land may be excluded from a prime agricultural area for limited non-residential uses. An analysis of those criteria is included below:

- i. The land does not comprise a specialty crop area;

Planning Comment:

The subject lands do not comprise a specialty crop area and are classified Class 3 under the Canada Land Inventory, Soil Capability Classification for Agriculture. These particular classes are identified with 'Moderately Severe Limitations' and soils in this class have restrictions on the range of crops, or require special conservation practices. These soils are deep and may not hold moisture and nutrients as well as Class 1 soils. Haldimand County soils are generally between soil classifications 2-4, ranging from moderate to severe limitations. The soils in the area affected by the official plan and zoning by-law amendment are further constrained since they have been built upon and had a high intensity agricultural use located here for a lengthy amount of time. The soil has been subject to compaction and surface treatment (gravelling) for a period of time, it is staff's opinion that the soil quality in the area subject to the official plan and zoning by-law amendment has been reduced beyond the original rating. The classification of the subject lands is consistent with the typical composition of the area.

- ii. The proposed use complies with the Minimum Distance Separation (MDS) formulae:

Planning Comment:

The MDS Formulae is a land use planning tool that establishes a recommended separation distance between a livestock barn and/or manure storage facility and another land use. The overall objective of the MDS formulae is to prevent land use conflicts and minimize nuisance complaints from odour. The intent of this proposal is to establish an additional use on the subject lands. The proposed use is commercial in nature and is not classified as a sensitive land use, thus the setbacks required under the MDS guidelines do not apply.

- iii. There is a demonstrated need within the planning horizon provided for in (Policy 1.1.2) for additional land to be designated to accommodate the proposed use;

Planning Comment:

Policy 1.1.2 of the PPS sets out that sufficient land shall be made available through intensification and redevelopment, and if necessary designated growth areas, to accommodate an appropriate range and mix of land use opportunities to meet projected needs for a time horizon of up to 20 years.

Generally speaking, Haldimand County has a sufficient designated employment land supply available to meet the projected needs over the next 20 years. However, the current proposal for the subject land is such that, there are limited opportunities of finding suitable land elsewhere in the County. This is a sprawling operation that has a large land need to accommodate space for equipment maintenance and storage and material storage, but is not intensive, given that operations predominantly take place off-site. It is also not a processing/manufacturing operation which requires water and sanitary services that are typical of an employment area. Thus, it is not an ideal type of use to place on designated/serviced employment lands which are located in the County's urban areas; doing so would be an inefficient use of such lands.

This site is suitable to accommodate the proposed uses in terms of size and capabilities, and as such, justifies this additional land being designated to accommodate the proposed use.

- iv. Alternative locations have been evaluated, and:
 - a) There are no reasonable alternative locations which avoid prime agriculture areas; and
 - b) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Planning Comment:

Haldimand County considers all agricultural lands, other than lands that do not form part of a settlement area (i.e. hamlet, urban area and resort residential node), as prime agricultural land. The majority of the soil class for Haldimand County ranges between Class 2 to 4, moderate to severe limitations and, the soil classification on the subject lands is Class 3 soils, which is consistent with adjacent lands to the north, south, east and west. The intent of this proposal is to locate a contractor's yard associated with a landscaping business on the proposed lands. In addition to these uses, the proponent has indicated that they intend to grow their own nursery stock on the site for use by their business. The site has a total land area of 4.45 hectares (11 acres), and the land area that is subject to this official plan and zoning by-law amendment measures approximately 1.86 hectares (4.6 acres). The remaining lands measure approximately 2.59 hectares (6.4 acres) and the proponents have indicated that these lands will continue to be used for agricultural purposes, including for growing nursery stock and trees. The farm parcel itself is fragmented in nature, small in size and the developed condition of the lands limit the opportunities for traditional agricultural uses. These factors lend to the site being well suited or alternative uses that can be supported in the agricultural areas of the County.

Provincial Growth Plan, 2017

The Provincial Growth Plan sets out a policy framework that guides development in a compact and vibrant manner, with emphasis on building complete communities while also optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. As the subject lands are considered to be within the prime agricultural area, efforts are to be taken to ensure that

the resource is protected for the long-term economic prosperity, quality of life and environmental health.

Staff have worked with the proponents to determine the amount of land that is required to establish the uses that they desire, while leaving the largest amount of farmland possible unaltered for agricultural uses into the future. Given this approach, plus the fact that existing facilities are being re-used, staff is satisfied that the intent of this aspect of the Growth Plan is not offended.

The Provincial Growth Plan also speaks to the need to provide for an adequate supply of lands for a variety of appropriate employment uses, and that municipalities are to promote economic development and competitiveness. Planned employment areas and lands are identified within the County, but are generally identified as vacant land intended for new developments. The proposed amendments will facilitate the establishment of a landscaping business and associated contractor's yard on the subject lands. This proposal will also ultimately provide an economic opportunity by allowing an existing business within the County to relocate and expand. The application will be providing the opportunity to continue to create a diverse economic base and take into consideration the needs of the operation. As such, the proposal is considered to be in conformity with the Provincial Growth Plan.

Haldimand County Official Plan

The subject lands are designated 'Agriculture' within the Haldimand County Official Plan. Within the 'Agriculture' designation, the land base is to be protected and the use of the lands must be predominately agriculturally oriented. Permitted uses include all forms of farming, as well as land uses compatible with or related to agriculture, including value added uses, secondary uses and agriculturally related uses. As the intent is to expand on the existing permissions in place to accommodate a use that is generally not agricultural in nature, an Official Plan amendment is required to permit the use. The implementing zoning by-law will limit the scale and scope of the use and this is described in further detail in the zoning section below.

The intent of this proposal is to utilize an existing parcel of land to house a commercial business—a landscaping business. Two of the existing buildings will generally function as a contractor's shop containing components of the landscaping business such as office space and a storage area. The remaining two buildings are not affected by the subject official plan and zoning by-law amendment, thus the uses outlined in the 'Agricultural' designation in the Official Plan, and the permitted uses listed in the 'Agricultural' zone in the Town of Haldimand Zoning By-law 1-H 86 would remain in place. In the context of this specific proposed amendment, it is planning staff's opinion that this proposal is appropriate and does not represent a formal removal of land from agricultural production due to two key factors. The first being, that the scale of the additional use is similar to a small scale commercial or industrial agricultural use, which is permitted as of right for the subject property. The point of this being, the effect on the landscape would be similar and the intensity of use not unlike (and likely less than) some of the activities that are currently supported by the Official Plan.

The second factor staff have taken into consideration are the characteristics of the site in terms of its size, shape and location. In this regard, the subject parcel is approximately 4.45 hectares (11 acres) in size, which represents a small parcel of land compared to the scale of agriculture that typically exists within the County. The proposed use is unique in the fact that the site will not only be the location of a landscaping business and the associated structures, but the remaining balance of the land will remain for agricultural uses.

Staff also note that the type of use proposed is generally perceived to not be an obnoxious use (i.e. limited to no odour, dust or noise), as the use is commercial in nature (i.e. storage of product/materials) with limited retail selling of materials, and with services/installations completed off site. Therefore, staff is of the opinion that the addition of this particular use to both the Official Plan

and Zoning By-law is appropriate and generally will not have a negative impact on the surrounding land uses, including the overall prime agricultural area. The proposal also represents an instance where existing and vacant agricultural structures are to be reused, which would help to prevent a situation where these structures would become rundown and unkempt over time.

Land Use Compatibility

Where a new use is proposed on lands which abut a sensitive land use (i.e. in this case a residential dwelling), a compatibility review must be undertaken to ensure the appropriateness of the development and potential for mitigation measures. In this instance the sensitive land use is located to the west of the lands where the proposed amendments are to affect. The property line for the residential lot is located approximately 48 metres (158 feet) from the nearest barn that is subject to these amendments. The house is setback approximately an additional 34 metres (112 feet) from the nearest lot line. These measurements total to a setback of 82 metres (270 feet) from the nearest barn included in the amendments, with a structure separating the use from the residence. The review and measures that need to be addressed include the following:

- i. separation of uses by increased setbacks;

Planning Comment:

The intent of this proposal is to establish permissions to use existing structures on site, and no new construction is proposed at this time. As the lands will be subject to site plan control for the future, any new development on the site and the final details of those designs, will be reviewed and further mitigation measures as may be deemed necessary, can be included as part of the site plan approval process. The review would include the location and orientation of buildings, orientation of use, grading and drainage, landscaping, vehicular movements and parking. In addition, the previous use of the barns was to house a poultry operation. This sort of agriculture is associated with a high level of intensity in terms of use on the property, as well as odour. The proposed contractor's yard associated with a landscaping business is anticipated to have little impact on the neighbouring residence due to the separation of the uses, and a relatively low intensity and scale of the proposed use. Furthermore, the proponent has indicated that the business will operate between the hours of 7 a.m. to 6 p.m., Monday to Friday.

- ii. screening and buffering such as landscape strips, architectural screenings, fences or berms;

Planning Comment:

Site Plan Control will be employed to ensure that if concerns arise as a result of future site works, they can be mitigated using site design criteria which will be utilized where needed.

- iii. location of lighting so that it is deflected away or shielded from adjacent sensitive uses;

Planning Comment:

Any lighting installations would be assessed via photometrics plan and mitigation of light spillage, and will be part of any site plan approvals. A photometrics plan would be required at the site plan review stage, if a site plan application is deemed to be required.

- iv. proper location of parking, loading and unloading areas, and outside storage; and

Planning Comment:

The gross floor area of both buildings included in this application is approximately 1,900 square metres (20,530 square feet) in size. The office component will occupy an area of 32.52 square metres (350 square feet) in one of the barns subject to these amendments. The remainder of the floor area in the two buildings is dedicated to the daily operations, repair

shop and storage for the business. There is adequate space on the site to accommodate parking for employees and clients that would visit the facility. A maximum of 15 would be required and there is a supply greater than that available. Additionally, there is sufficient space on site to accommodate safe loading and unloading of vehicles and equipment. Materials will be primarily stored at the rear of the barns (end of structures opposite from 3rd Line road), and in the future the proponents will construct bins for the storage of these materials.

- v. provision of safe, convenient pedestrian access with minimal interference from vehicular movement.

Planning Comment:

In terms of parking location, customer parking is proposed to be located between and behind the existing barns subject to the official plan and zoning by-law amendment. The location of customer parking in these locations will provide safe, convenient and direct access to the main entrance of the building. There is a limited retail component proposed through this development which at this point will include the sale of mulch, gravel and garden soil. As such, clients attending the site will be limited to individuals seeking this sort of material or those seeking services provided by this business.

Another consideration of this proposal as it relates to compatibility is the aspect of traffic. The applicant has indicated that the hours of operation will be between 7 a.m. and 6 p.m. (Monday to Friday), and that the majority of their business will be occurring off-site. As such, the majority of the traffic will occur at times of the day when people would be commuting to and from work, school, etc. with limited activity occurring throughout the day. The departures and arrivals would also be somewhat staggered dependent upon the job type and location, which means, there would not be a major movement of vehicles from or to the site at the exact same time. Given the above, the impact to neighbouring properties is expected to be minimal. The applicants have also indicated that they will be seeking to establish retail sales of some of the bulk landscaping products that they stock, and the hours of operation for this aspect of the business will be the same, 7 a.m. to 6 p.m., weekdays only, as the primary landscaping business.

Based on the policy framework, planning staff are of the opinion that this amendment is considered appropriate and will serve to maintain the general intent of the Haldimand County Official Plan by permitting a use on the site that will not have a negative impact on the surrounding land uses, and also, provides a service and benefit to some of those within the agricultural/rural community.

Town of Haldimand Zoning By-law 1-H-86

The subject lands are currently zoned “Agricultural (A)”. The intent of the subject proposal is to establish a site specific zoning provision on the subject lands to permit a contractor’s yard associated with a landscaping business. This requested permission includes various components as follows:

- warehouse
- office
- material storage
- vehicle/fleet and equipment storage and maintenance
- nursery associated with the commercial operation

Planning staff are of the opinion that establishment of this additional use is appropriate. More specifically, the type of use is generally commercial in nature, with most or all types of services provided taking place off site, so there is a limit to the intensity and potential impact of the additional

use to surrounding land uses. The subject lands also provide an opportunity to locate a business in a strategic location to provide services to the operation's client base.

To ensure that the scale, layout and approach to development is appropriate, a series of special zoning provisions are proposed as follows:

- Warehouse or storage buildings will be limited to a maximum area of 1,750 square metres (18,826 square feet);
- A related landscape design and management office shall be limited to a maximum of 32.52 square metres (350 square feet); and
- The retail sale of materials shall be limited to bulk landscaping materials such as mulch, soil and gravel.
- Open storage shall be prohibited in the required front yard.

These provisions would apply to the lands identified in the mapping associated with Attachment 4. The collection of these special provisions will ensure that the use is regulated appropriately and remains small in scale with appropriate land use separations. These regulations apply and will be used in the future if site works are proposed. Any deviation from the above, including expansion to the operation, would require a future application, public process and Council consideration.

Overall, the proposal is appropriate as the proposed use is generally in keeping with the intent of the Zoning By-law and represents an opportunity to create a new commercial opportunity within the County.

Site Plan Control

As noted previously in this report, any future development of the subject lands will be subjected to site plan review and approval from the County. As the subject lands are within an Agricultural (A) zone, a site plan control by-law must be passed by Council given that the 'A' zone is exempt from the site plan control process. The site plan control by-law is attached to this report at Attachment 5.

Draft Amendments

Copies of the proposed draft Official Plan amendment (Attachment 3), and a Zoning By-law amendment (Attachment 4) have been prepared and attached to this report. With the approval of the requested Official Plan and Zoning amendment, the proposed development on the subject lands will have a new site specific policy added to the site and the Zoning By-law will have an added site specific zoning provision. However, for the sake of clarity and brevity, planning staff is proposing to maintain the approved provisions on the subject lands and add additional wording to permit the proposed additional use.

Planning Opinion:

Planning Staff has reviewed the proposal in relation to Provincial and County policy frameworks and are of the opinion that the proposed amendments are consistent with and generally maintain the intent and purpose of the Provincial Policy Statement, 2014, the Places to Grow Plan 2006 and the Haldimand County Official Plan. Additionally, the proposed amendment to the Zoning By-law maintains the intent and purpose of the Town of Haldimand Zoning By-law 1 H 86. Therefore, Planning Staff is supportive of the subject applications.

The proponents have sent notice to the neighbours within 120 metres of the subject property regarding a proponent-run open house that was held on July 27th, 2017. No concerns were raised as a result of the circulation prepared by the applicants or at the open house they hosted.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Ministry of Municipal Affairs/Ministry of Housing Ontario—No objections.

Ministry of Transportation (MTO)—No objections. All access shall be via 3rd line only. Sufficient parking is to be established and maintained on-site. MTO permits are required prior to any construction, grading or sign installations taking place. Based on the proposed use, MTO does not anticipate that a Traffic Impact Study will be required.

Emergency Services—No objections.

Planning and Development Division (Development and Design)—No objections.

Building Controls and By-law Enforcement Division—No objections.

Haldimand County Hydro—No objections.

Six Nations—No comments received.

Mississaugas of the New Credit—No comments received.

Public Works (Road Operations)—No objections.

Haldimand-Norfolk Health Unit—No objections.

MPAC—No objections.

Other—No objections to the proposal have been received from any other agency or member of the public.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owner's Sketch.
3. Official Plan Amendment By-law.
4. Zoning By-law Amendment.
5. Site Plan Control By-law.