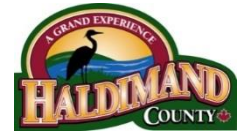


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# HALDIMAND COUNTY

## Report PED-PD-18-2018 Zoning Amendment to Fulfill a Condition of Consent – Clark



For Consideration by Council in Committee on April 24, 2018

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### OBJECTIVE:

To fulfill a condition of consent related to a surplus farm dwelling severance by removing two dwellings as a permitted use on both the surplus farm dwelling lot and farmlands.

### RECOMMENDATIONS:

1. THAT Report PED-PD-18-2018 Zoning Amendment to Fulfill a Condition of Consent – Clark be received;
2. AND THAT application PLZ-HA-2018-046 to amend the Town of Haldimand Zoning By-law 1-H 86 to remove a special provision that permits two dwellings on the subject lands, be approved for reasons outlined in Report PED-PD-18-2018;
3. AND THAT the proposal is deemed to be consistent with the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe;
4. AND THAT the By-law attached to Report PED-PD-18-2018 be presented for enactment.

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**Reviewed by:** Mike Evers, MCIP, RPP, BES, Manager, Planning and Development Division

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

**Approved:** Donald G. Boyle, Chief Administrative Officer

### EXECUTIVE SUMMARY:

The subject zoning amendment is required as a condition of a recently approved consent application. The purpose of the consent application was to sever one of two existing dwellings from the farmlands through the surplus farm dwelling severance policies because the farmhouse was made surplus to the farm operation as a result of farm consolidation. The consent application was consistent with Provincial and County surplus farm dwelling policies, subject to the approval of this application.

The subject lands are currently subject to a special zone provision which permits two dwellings. The subject zoning amendment is required to remove the special zone provision in order to comply with the Provincial Policy Statement which prohibits additional residential opportunities on the subject lands after a surplus dwelling is severed. The lot creation and existing development complies with the Zoning By-law. It is planning staff's opinion that the proposal as a whole is consistent with the Provincial Policy Statement (2014), conforms to the Provincial Growth Plan (2017), generally conforms to the Haldimand County Official Plan and Town of Haldimand Zoning By-law.

## **BACKGROUND:**

The subject zoning application is required as a condition of severance application PLB-2017-170, which was approved by the Committee of Adjustment on October 17, 2017. The subject lands are described as Part Block of Land Southeast of Lot 30, in Front of Concession on the Grand River, Township of Seneca, now in Haldimand County and are municipally known as 2094–2096 Haldimand Highway 54 (Attachment 1). The subject lands consist of two parts. Part 1 is the surplus farm dwelling lot of 0.45 hectares or 1.11 acres (also referred to as the severed lands) and Part 2 is the retained farmlands of 12 hectares or 29.7 acres. (Attachments 1 and 2). The subject lands contain two dwellings, a livestock facility (beef), and a number of agricultural and residential structures (Attachments 1 and 2). One agricultural structure houses cows and is the northern most agricultural structure, located 190 metres from the new surplus farm dwelling lot. This agricultural structure typically houses thirty (30) to forty (40) cows and has the design capacity to house fifty (50) cows.

The purpose of the consent application was to sever one (of two) of the dwellings from the farmlands. One dwelling is to be severed and included on Part 1 of the subject lands and one dwelling is to be retained and included on Part 2 (see Attachment 1). The consent application was reviewed and recommended for approval based on compliance with the Provincial and County surplus farm dwelling policies. The purpose of the subject zoning amendment is to fulfill a condition of consent by removing the special zoning provision that permits two dwellings on the subject lands. It is not clear how the special provision was applied to the subject lands. However, given that both dwellings existed prior to the passing of the Zoning By-law in 1986 and that as the special provision is the first special provision listed, this is likely a historical provision that served to recognize/legalize the existing situation. Regardless, if the special provision were maintained on the subject lands following the completion of the severance, an additional dwelling could be built on both the severed and retained lands. Thus, the end result could be two dwellings on each lot for a total of four dwellings in this location. Thus, this must be rectified to be consistent with Provincial and County planning policies such that the settlement areas are the focus of growth and development and prime agricultural areas are protected in the long-term for agricultural purposes.

## **ANALYSIS:**

Through the review of this proposal, planning staff have identified the following key issues:

### **Provincial Policy:**

#### ***Provincial Policy Statement (2014)***

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* directs that decisions affecting planning matters “shall be consistent with” the policies of the PPS. The PPS directs that prime agricultural areas shall be protected for long-term use for agriculture. The PPS permits lot creation in prime agricultural areas for a residence surplus to a farming operation as a result of farm consolidation provided that, the new surplus farm dwelling lot is limited to the size needed to accommodate the use and appropriate sewage and water services and new residential dwellings are prohibited on the retained farmlands. These items have been satisfactorily addressed, subject to approval of this application. It is planning staff’s opinion that the proposal as a whole is consistent with the PPS.

#### ***Provincial Growth Plan (2017)***

The purpose of the Growth Plan is to address challenges related to the forecasted growth and changes in the Greater Golden Horseshoe, and to ensure the protection and effective use of finite resources. The Growth Plan establishes a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy

environment, and social equity. One of ten guiding principles for how land is to be developed, resources are to be managed and protected, and public dollars are to be invested, is to support and enhance the long-term viability and productivity of agriculture by protecting agricultural areas and the agri-food network. While the Growth Plan does not specifically speak to surplus farm dwelling severances, it is planning staff's opinion that the proposal to remove the special provision that permits additional residential opportunities on the subject lands maintains the intent of the Growth Plan.

### **County Policy:**

#### ***Haldimand County Official Plan***

The subject lands are predominately designated 'Agriculture'. The Official Plan (OP) provides the avenue through which Provincial Policy is implemented into the local context. It also creates the framework for guiding land use changes in the County to 2026 by protecting and managing the natural environment, directing and influencing growth patterns and facilitating the vision of the County. The OP builds upon the Provincial permissions for surplus farm dwelling severances by permitting surplus farm dwelling severances subject to a list of criteria. The criteria includes the following:

- the dwelling was made surplus through farm consolidation;
- the surplus farm dwelling is a minimum of ten years in age and is habitable;
- the surplus farm dwelling lot is generally 0.4 to 0.6 hectares in size;
- the surplus farm dwelling is privately serviced as per the *Ontario Building Code*;
- the surplus farm dwelling severance does not adversely affect the farm operation;
- the minimum distance separation setback is maintained;
- the surplus farm dwelling lot is located more than 300 metres from licenced pits, 500 metres from licenced quarries, and is well removed from waste disposal sites and other potential land use conflicts;
- the surplus farm dwelling lot has safe and direct access to a permanently maintained road;
- potential impacts on natural environment areas and/or cultural resources have been assessed and addressed, where necessary; and
- no new residential dwelling is permitted on the retained lands.

Through the review of the consent application, planning staff determined that the proposal satisfies the surplus farm dwelling severance policies and general consent to sever policies, subject to approval of this application which prohibits further residential opportunities on the subject lands.

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

The subject lands are predominately zoned 'Agriculture (A)' Zone and are subject to special provision 36.1 which permits two dwellings. The purpose of the subject zoning amendment is to fulfill the requirements of both Provincial and County policy and a condition of the related consent application by removing the special provision such that unintended residential development opportunities are not left in place. Removing the special provision will still allow for a dwelling on the surplus farm dwelling lot and retained farmlands. However, removal of the special provision will serve as a housekeeping amendment that remedies an old zoning framework that is no longer applicable nor supported by policy framework.

The lot creation and existing development comply with the Zoning By-law such that no relief is required. A detailed zoning confirmation chart and draft amending By-law are attached (Attachments 3 and 4).

### **Planning Opinion:**

Planning staff have reviewed this proposal against Provincial and County land use planning policy. It is planning staff's opinion that the surplus farm dwelling severance satisfies Provincial and County policy criteria, subject to approval of this application.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

**Canada Post** – No comments on this application as it will not affect mail delivery.

**Ministry of Transportation (MTO)** – No objections. The applicant should be reminded that the subject property is within the MTO's limits of permit control defined in the *Public Transportation and Highway Improvement Act*.

**Emergency Services/Fire Department** – No objections.

**Public Works (Roads Operations)** – No objections.

**Planning and Development (Development and Design Technologist)** – No objections.

**Health Unit** – No comments.

**Building Controls & By-law Enforcement** – No concerns.

Comments were not received from Bell Canada, Mississaugas of the New Credit Council, Six Nations Council, Hydro One, Union Gas, or the Municipal Property Assessment Corporation (MPAC).

## **REPORT IMPACTS:**

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

## **ATTACHMENTS:**

1. Location Map.
2. Owner's Sketch.
3. Zoning Confirmation Chart.
4. Draft Amending By-law.