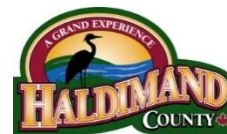

HALDIMAND COUNTY

Report PED-PD-20-2018 Zoning By-law Amendment to Permit Expansion of Walpole Yard



For Consideration by Council in Committee on May 15, 2018

OBJECTIVE:

To rezone the subject lands from Agricultural to Rural Industrial to permit the expansion of the existing Walpole yard.

RECOMMENDATIONS:

1. THAT Report PED-PD-20-2018 Zoning By-law Amendment to Permit Expansion of Walpole Yard be received;
2. AND THAT application PLZ-HA-2018-040 to amend the City of Nanticoke Zoning By-law NE 1-2000 to change the zoning of the subject property from 'Agricultural' (A) to 'Rural industrial' (MR) be approved for reasons outlined in Report PED-PD-20-2018;
3. AND THAT the Zoning By-law Amendment attached to Report PED-PD-20-2018 to amend the City of Nanticoke Zoning By-law NE 1-2000 be presented for enactment;
4. 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.

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

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

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The subject proposal is to amend the City of Nanticoke Zoning By-law NE 1-2000 to rezone lands that were recently acquired by the County from the adjacent farm to expand the Walpole Yard at Haldimand Road 55. The zoning will be changed from 'Agricultural' (A) to 'Rural Industrial' (MR) to allow the use of the land as a works yard. The County is obtaining the lands subject to this application in exchange for the property that makes up an existing Public Works yard near Highway 6 in Jarvis. The land exchange represents an opportunity to consolidate operations of the Public Works Department at one property in the service area. This application has been filed to establish the required zoning for the consolidated Public Works yard. The expansion area that is proposed for the Haldimand Road 55 location will be used for material storage such as culverts and guide rails. The principle of use aligns with Provincial Policy and the County Official Plan, and as such, is supported by staff. Technical details relating to the expansion of the site will be addressed through a subsequent site plan application.

BACKGROUND:

The lands subject to this application are part of a larger agricultural holding and are shown as Part 1 on Attachment 1. The parcel is in the process of being transferred to the County and will be amalgamated with the existing Haldimand County Public Works yard which abuts to the immediate south. The intended use of the lands in the immediate term is for the purposes of expansion of the Public Works operation in that location for the purposes of material storage such as culverts and guide rails. To facilitate the expansion, the parcel is proposed to be rezoned to Rural Industrial (MR), from the current zoning which is Agricultural (A). The lands subject to this application are shown in Attachments 1, 2 and 3. Plans for any future buildings on this property have not been developed at the time of writing this report, however, the MR zone is automatically included under Site Plan Control, and at such time as the plans are developed, a site plan review will be conducted to ensure that technical matters are addressed.

The subject lands are located east of Jarvis, have an area of approximately 0.405 hectares (1 acre), and front onto Haldimand Road 55, north of the intersection with Highway 3.

The lands to the north, east and west are all being used for agricultural purposes, and the adjacent lands to the south contain the current extent of the Walpole Yard. The newly consolidated works yard will be 2.2 hectares (5.5 acres) in size.

ANALYSIS:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides direction for municipalities to establish and support opportunities for establishment and expansion of uses. The subject proposal constitutes a removal of land from the agricultural land base of the County, and the zone change process to implement a boundary adjustment in a rural area that would be subject to meeting the technical justification required by Provincial Policy as set out below the proposed lands are not intended for residential use.

- The intent of the rezoning is to establish permission to use the lands for a Public Works yard, not for residential purposes.
- The lands do not comprise a specialty crop area.
 - The subject lands have been evaluated as having a rating of '3' in the Canada Land Inventory Soils (CLI) which means that the soils have moderately severe limitations when it comes to characteristics pertaining to suitability for crops. This value is similar to the majority of soils within Haldimand County, which predominantly range between 1 and 3 on the CLI land classification scale.
- There is an identified need for additional land to accommodate the proposed use.
 - This zoning by-law amendment will result in a consolidation of lands and infrastructure for Haldimand County. Currently, there are two Public Works yards in Jarvis, one that is accessed from Highway 6, and the subject location. The property near Highway 6 is currently neighboured by residential uses, which is a longstanding situation. Ownership of the lands along Highway 6 will be transferred to a private owner, and plans for the site have not been disclosed to or evaluated by planning staff. Additionally, the lands subject to the zoning by-law amendment provide an opportunity to expand an existing yard which currently has an area of approximately 1.8 hectares (4.5 acres) and will expand to 2.2 hectares (5.5 acres) to meet long term growth in Jarvis. The current facility is constrained by size in terms of its ability to add equipment, materials and buildings necessary to address expected growth.

- Alternative locations have been evaluated and no reasonable alternatives exist that would avoid prime agricultural lands, or be identified as having lower priority for agricultural uses.
 - The subject lands have been identified for their opportunity to allow for an expansion of the use where it already exists. While it removes 1 acre of agricultural land from production, it also represents a cost effective and appropriate approach to service delivery, as it recognizes/builds upon existing County infrastructure and preserves a service in a long standing location in the community.

The Provincial Policy Statement also outlines instances where boundary adjustments can be used to provide additional lands to better accommodate a proposed use. In this instance, the proposed changes would need to provide either a legal or technical justification. It is staff's opinion that the expansion of the existing Public Works yard provides a technical rationale that would support the addition of land to this property. The use has been legally established and is permitted as of right in the zoning in effect, and the use has been identified for its necessity to expand to better service the community.

Growth Plan

The Growth Plan for the Greater Golden Horseshoe provides similar policy direction for the uses that would be supported in agricultural areas. Typically, uses are to be directed to areas that have the policy support in effect, however with appropriate justification new locations can be identified for the use. This land is adjacent to property zoned 'Rural Industrial' within the City of Nanticoke Zoning By-law NE 1-2000 and as such, has been identified to accommodate the proposed expansion of the Public Works yard that services this community. This proposal aligns with the direction of these policies in that this use has been established here, and it is staff's opinion that an expansion will not offend these policies.

Haldimand County Official Plan

The lands subject to this application are designated 'Agricultural' in the Haldimand County Official Plan. This designation is shared with the lands that are currently used for the Public Works yard. The use was in existence prior to the approval of the current Official Plan (OP) and thus the provisions outlined in section 8.G.3 of the OP are applicable. Section 8.G.3 provides direction for assessing proposals to expand uses that are legal non-conforming in nature and sets out the following when considering requests for such expansions:

- Expansion or enlargement of the use will not unduly aggravate an incompatibility situation.
 - This use is well established in this area and has been located here since as early as 1965. The location is well segregated from any sensitive uses with the nearest dwelling being over 235 metres (770 feet) away from the enlarged property. This represents an adequate setback that insulates against any operational impacts noise, odour, dust, vibration, etc. An expansion to the operations is not expected to have any additional impacts, benefiting largely from the large land use separation and the fact that the type of operations will remain the same.
- Neighbouring conforming uses will be protected, where necessary, by the provisions of areas for landscaping buffering or screening, appropriate setbacks for buildings and structures and other measures to reduce nuisances; wherever feasible, this policy shall apply not only to extension of enlargement of the use or site but also to the established use in order to improve its compatibility with the surrounding area.
 - The lands surrounding those subject to this application are located outside of the urban boundary for Jarvis, and are zoned and designated 'Agriculture'. The main use/activity surrounding the operation is agricultural, in particular active/planted fields. Also as noted above, there are large separations to the nearest residential use. With this in mind, in staff's opinion,

the likelihood for land-use conflicts to arise is minimal. Through the technical review of the works proposed for the site, staff will assess whether any buffering should be provided.

- The County may require the completion of an Environmental Impact Study to determine the suitability and extent of any mitigation measures that may be deemed necessary to protect the Natural Environment Area.
 - Staff is satisfied that this expansion will not have an effect on the Natural Areas of the County. Further, regulation limits as set out by the Long Point Region Conservation Authority do not affect lands that are subject to this application. Thus, it is staff's opinion that there will be minimal, if any impact on the surrounding natural environment.

Additionally, the Official Plan directs that there needs to be suitable justification for a boundary adjustment. As outlined in the section pertaining to the review of the relevant sections of the Provincial Policy Statement, staff is of the opinion that the increased demands for services provided by the Public Works yard, coupled with the long standing operation in this location and the negligible impact to surrounding land uses/users, constitute the technical justification for the expansion of the use.

It is staff's opinion that the proposed zoning change will not negatively impact the viability or function of the remnant farm parcel. The subject lands have an area of approximately 0.4 hectares (1 acre), and the remaining farm parcel will have approximately 14.97 hectares (37 acres) of arable lands. The storage use that will be established on the lands subject to this application will not constrain potential uses that could be established on the farm parcel. In particular, Minimum Distance Separation is assessed relative to sensitive receptors, which are predominantly described as residential uses. This storage structure would not be impacted by constructing livestock facilities and the reverse would also be the case in that the work yard would not impose restrictions on any existing or future planned livestock facilities. Conversely, the 70 metre setback that would be applied to the Class 1 industrial use that defines the storage building in the resulting zone would result in very little impact to the surrounding area.

Zoning By-law

The zoning on the subject lands is currently 'Agricultural' (A)', and the proponents are seeking to rezone the lands to 'Rural Industrial' (MR). This zoning change will permit an expansion of the existing Public Works yard onto the subject lands.

At present the 'A' zone permits uses that are entirely agricultural in nature, and would not support an expansion of the Public Works yard. By changing the zoning, it will establish as-of-right permissions to be able to locate the desired use on the subject lands, subject to the provisions of the zone.

At this point in time there has been no request to amend any of the provisions (e.g. setbacks, building height, etc.) that are required in the 'MR' zone. Final layout/design plans for any new buildings or structures or a building expansion have not yet been developed and as such this cannot be assessed. Technical matters relating to particulars such as entrance location and sizing, parking, stormwater management, etc., will be addressed through a site plan review once development of the site is clarified. The lands adjacent to those subject to this application are zoned 'Rural Industrial' without any special provisions. In the City of Nanticoke Zoning By-law NE 1-2000, the MR zone includes a Public Works yard as an as-of-right permitted use. No additional restrictions to the use have been applied on the neighbouring site, and thus staff is not recommending any additional development restrictions than what is provided in the MR zone.

Provision 7.4.4 of the City of Nanticoke Zoning By-law NE 1-2000, directs that any new proposals to amend or alter the by-law such that a new MR zone will be established, must have regard for the Ministry of Environment and Climate Change D-Series Guidelines. In this case, D-1 "Land Use Compatibility" and D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses" have been examined as part of the application review. Staff has concluded that the proposed land use would be best described as a Class

I industrial land use which is akin to a small scale business, self contained in nature, with low probability of fugitive emissions, infrequent outputs of noise, odour, and/or dust nuisances. This type of use carries with it a recommended setback of 70 metres (230 feet) to sensitive uses. As noted earlier in this report, the nearest dwelling (sensitive use) is more than 235 metres (770 feet) away from the enlarged property and thus is well separated from any of the impacts that a Public Works operation could have.

Conclusion:

Planning Staff recommends that the Zoning By-law Amendment application be approved on the basis that the proposed use is consistent with the Provincial Policy Statement, 2014, conforms to the Provincial Growth Plan, 2017 and maintains the intent and purpose of the Haldimand County Official Plan and the City of Nanticoke Zoning By-law NE 1-2000 with respect to the change of zoning.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Emergency Services – No objections.

Planning and Development (Development and Design) – No comments.

Building Controls and By-law Enforcement – No objections.

Hydro One – No comments.

Ministry of Municipal Affairs/Ministry of Housing Ontario – No comments.

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.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owners Sketch 1.
3. Owners Sketch 2.
4. Zoning By-law Amendment.