

Subject: Recommendation Report for Application AM-01-2021, 855 Chantler Road Zoning By-law Amendment

Recommendation:

BE IT RESOLVED THAT Council receive Report #2021-0062 as it relates to AM-01-2021; and

THAT Council direct Planning staff to prepare the Zoning By-law Amendment for 855 Chantler Road for Council's consideration.

Background:

The purpose of this report is to provide Council with a recommendation regarding an application to amend Zoning By-law No. 1136 (1987) for the property known as 855 Chantler Road. The rezoning is a condition of consent approval granted by the Committee of Adjustment on February 2, 2021 for the severance of an existing dwelling that is surplus to the owners needs due to farm consolidation from the acquisition of additional farmland. The proposed zoning would rezone:

- Parts 1
 - From A (*Agricultural*) to a site-specific A (*Agricultural*) to amend the *maximum lot coverage and maximum height for accessory residential structures*; and

- Part 2
 - From A (*Agricultural*) to a site-specific agricultural purposes only, A (*Agricultural*) zone to amend the *minimum lot frontage* and prohibit further residential construction.

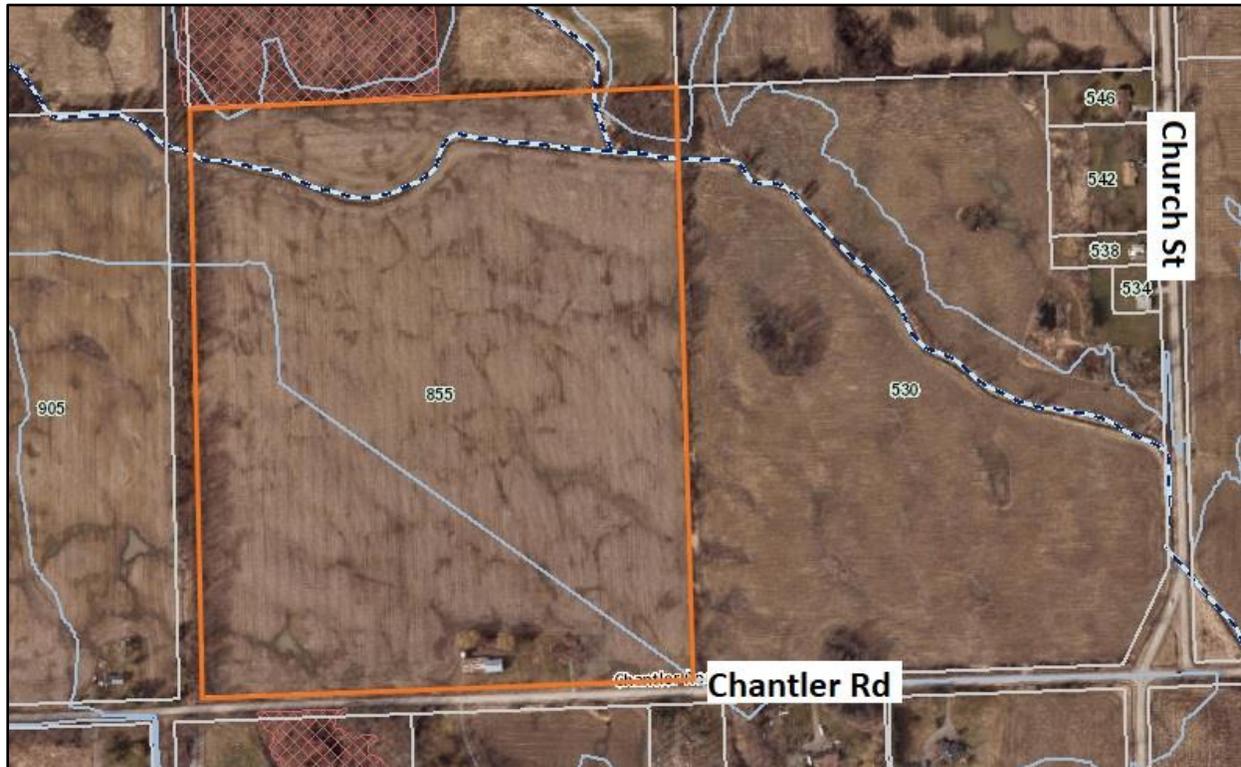
Location

The subject land is located on the north side of Chantler Road, lying west of Church Street (Figure 1). Locally known as 855 Chantler Road, in the Town of Pelham. The property currently supports one single detached dwelling, agricultural barns and productive farmland on 20.8 hectares.

The subject lands are surrounded by:

- North – Agricultural / *key natural heritage features*
- East – Agricultural
- South – Agricultural / rural residential dwellings / *key natural heritage features*
- West – Agricultural

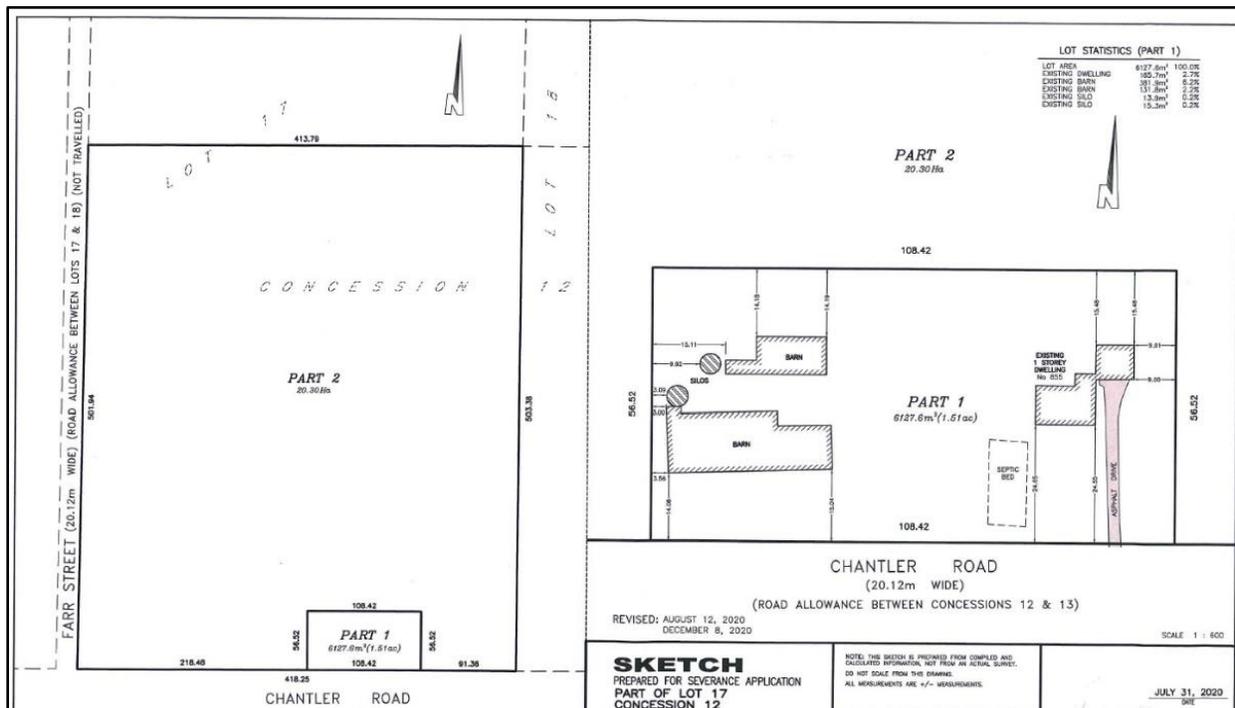
Figure 1: Subject Lands (855 Chantler Road)



Project Description and Purpose

An application for Zoning By-law Amendment was received for 855 Chantler Road to facilitate a surplus farm dwelling consent. The Committee of Adjustment conditionally approved the severance (Figure 2) on February 2, 2021 (file B4-2021P). The rezoning would amend the existing A zone to a site-specific A zone as well as rezone the retained lands (Part 2) for *agricultural-purposes only* (APO) to prevent further residential construction, consistent with Provincial, Regional and Town planning policies. The zoning by-law amendment is a condition of consent approval.

Figure 2: Proposed Consent Sketch



The site-specific zoning provisions are described in greater detail in this Report. The existing residential dwelling and southern most barn / silo on Part 1 are proposed to remain. However, the smaller barn and silo located just to the north will be removed.

Analysis:

Planning Act

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- The protection of ecological systems, including natural areas, features and functions;
- The protection of the agricultural resources of the Province;
- The conservation of significant cultural, archaeological or scientific interest;
- The efficient use and conservation of energy and water;
- The adequate provision and efficient use of transportation, sewage & water services and waste management systems;
- The minimization of waste;
- The orderly development of safe and healthy communities;
- The protection of the financial and economic well-being of the Province and its municipalities;
- The protection of public health and safety;

- p) The appropriate location of growth and development;
- r) The promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaption to a changing climate.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, municipalities "shall be consistent with the policy statements" and "shall conform to the Provincial plans that are in effect on that date, or shall not conflict with them, as the case may be."

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The Provincial Policy Statement (PPS) designates the subject land within the 'Prime Agricultural Area'. The permitted uses (among others) include agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

Policy 2.3.1 states that *prime agricultural areas* shall be protected for long-term agricultural use.

Policy 2.3.4.1 c) states that lot creation in *prime agricultural areas* is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation. Provided that, the new lot is limited to the size necessary to accommodate private water and sewage services and that new residential dwellings are prohibited on the remnant parcel of farmland created by the severance.

The applicant has indicated the rationale for the somewhat larger parcel size proposed for Part 1. Similar to the existing single detached dwelling, the existing

barns and silos are considered surplus to the consolidating farmer's business needs as their equipment is stored nearby.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Good General Agricultural Area'. The predominant use of land will be for agricultural of all types.

Policy 5.B.8.1 c) states consents to convey may be permitted for a residence surplus to a farming operation as a result of a farm consolidation provided new residential dwellings are perpetually prohibited on any vacant remnant parcel of land created by the severance. As a condition of severance the applicant must rezone the remnant farm parcel to preclude its use for residential purposes.

The proposed lot is 0.61 ha in size and contains one existing dwelling that is considered surplus to the applicant's farming needs purported in their application and the *Planning Justification Brief*. Specifically, the existing dwelling poses a financial burden to the applicant as it significantly raises the cost of property carrying costs, (i.e. debt servicing, property tax etc.).

Policy 10.C.2.1.13 states that *development and site alteration* shall only be permitted on lands containing *archaeological resources or areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Development, by definition, includes lot creation according to the PPS. Although the subject lands exhibits high potential for deeply buried archaeological resources according to the Town's Heritage Master Plan, Town Planning staff are comfortable waiving this fairly typical requirement. Under normal circumstances of lot creation, development is normally induced automatically, as a result of the default zoning provisions. For instance, the default 'Agricultural' zone stipulates one single detached dwelling is permitted, per lot. However, in this case, because an *agricultural purposes only* zoning is required as a condition of severance approval, (to prohibit further residential construction), no deep excavation from building or servicing would result from the lot's creation, beyond that which is already currently permitted today.

Regional staff provided comments on the consent application (file B4-2021P) offered no objections pending the remnant lands (Pat 2) be rezoned to preclude further residential construction, and the Town is satisfied with any cultural heritage and Minimum Distance Separation requirements.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Good General Agricultural' according to Schedule 'A'.

Policy B2.1.3.1 restricts lot creation in the *Good General Agricultural* area in an effort to maintain and protect agricultural resources of the Town, and by directing new residential growth to *urban settlement areas*. However, this policy does allow for the creation of one new lot if it is necessary to accommodate a surplus dwelling resulting from a farm consolidation in accordance with policy B2.1.3.3.

Policy B2.1.3.3 states applications to sever a surplus farm dwelling should provide for a maximum lot area of 0.4 ha. A larger lot size will be considered if an additional area is necessary to accommodate a private water and sewage disposal system. Furthermore, the consolidated farm parcel shall be zoned to preclude future residential use forever.

The proposed site-specific APO rezoning would facilitate the conditionally approved severance allowing for the disposal (selling off) of an existing residential dwelling that the applicant considers surplus to their farming needs. According to the application and *Planning Justification Brief*, this existing dwelling poses a financial burden to the applicant as it significantly raises the cost of property ownership carrying costs, (i.e. debt servicing, property tax etc.). The existing agricultural structures are also not needed due to their nature of business (cash cropping) and storage of farm equipment nearby.

Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned 'Agricultural' (A) according to Schedule 'A0' of the Zoning By-law. A site-specific Zoning By-law Amendment is required as a condition of severance approval to prohibit further residential construction on Part 2 and to address any zoning deficiencies that result from the severance. The following zoning tables outline the regulations at issue.

Part 1 – Regulations for buildings accessory to residential dwellings (Section 7.7)

Zone Regulation	A zone Default	Proposed
Maximum Lot Coverage	1%	6.4%
Maximum Building Height	3.7 m	Existing (as of the date of passing)

Part 2 – Permitted uses (Section 7.1)

- Agricultural purposes only to prohibit new residential construction.

Part 2 – Regulations for agricultural uses (Section 7.2)

Zone Regulation	A zone Default	Proposed
Minimum Lot Frontage	181 m	91 m

The minimum lot frontage reduction being sought is a technicality because of how Part 1 bisects Part 2 resulting in two (2) front lot lines, or lot frontages. Section 5 (Definitions) of the Zoning By-law does not address this particular lot geometry. Therefore, as a precautionary measure, the lot frontage reduction is being captured, despite the combined lot frontage of Part 2 exceeding section 7.2 (a).

Financial Considerations:

The applicant is responsible for all costs associated with the rezoning process.

Alternatives Reviewed:

Council could choose to not approve the proposed zoning by-law amendment, however that would mean that the consent could not be finalized as the proposed zoning by-law amendment is a condition of final consent approval.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The efficient use and preservation of Prime Agricultural Land and resources supports the local and regional agricultural economy. The rezoning is required as a condition of severance approval which was granted by the Town's Committee of Adjustment on February 2, 2021. Allowing the consolidated farming business to dispose of (sell) the existing residential dwelling eases the financial burden normally associated with carrying expensive residential real estate (i.e. via debt

servicing). This barrier to owning affordable agricultural land makes the purchasing of the retained farmland more attainable.

Consultation:

During the consent application review and the proposed zoning by-law amendment review process not adverse comments were received from Town departments or agencies. A public meeting to consider the proposed zoning by-law amendment application was held on March 8th, 2021 and no members of the public attended the public meeting other than the applicant and no public comments were received in writing.

Planning Staff Comments:

Planning staff reviewed aerial photography to understand the surrounding context. Planning staff have also reviewed the *Planning Justification Brief* submitted with the application.

The applicant (River Bend Farms) operates a long standing, registered farming business growing corn, soybeans and wheat crops. Approximately 370 hectares are owned by the applicant with another ± 565 hectares being rented throughout the Township of Wainfleet and Town of Pelham. The personal residence of the applicant is within the Town of Pelham and their farming equipment is located nearby. The dwelling and barns located on the property are surplus to their needs.

As part of the applicant's submission, they provided a written submission outlining the difficulties associated with purchasing affordable farmland in Pelham. The disposal of the surplus farm dwelling will help address those affordability concerns.

It is noted that if any future livestock development were to be proposed on the retained lands (Part 2), they will be required to comply with the current MDS II setback requirements, (section 6.14 (b) of the Zoning By-law), however a livestock operation is not considered to be part of this proposal.

Other Pertinent Reports/Attachments:

Information Report 2021-0053, Zoning By-law Amendment Application AM-01-2021.

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer