

Subject: Recommendation Report for Application AM-06-2021, 588 Chantler Road Zoning By-law Amendment

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2021-0189 – Recommendation Report for Application AM-06-2021 – 588 Chantler Road Zoning By-Law Amendment;

AND THAT Council direct Planning staff to prepare the necessary By-law for approval of the Zoning By-law amendment 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 588 Chantler Road. The rezoning is a condition of consent approval granted by the Committee of Adjustment on August 3, 2021 (file B21-2021P) 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:

- Part 1
 - *From Agricultural – 25 (A-25) to Site-specific A (Agricultural) to amend the maximum lot coverage and maximum height for accessory residential structures; and*
- Part 2
 - *From Agricultural – 25 (A-25) and Light Industrial – 25 (M1-25) to Site-specific APO (Agricultural Purposes Only) to prohibit further residential construction in perpetuity.*

Location:

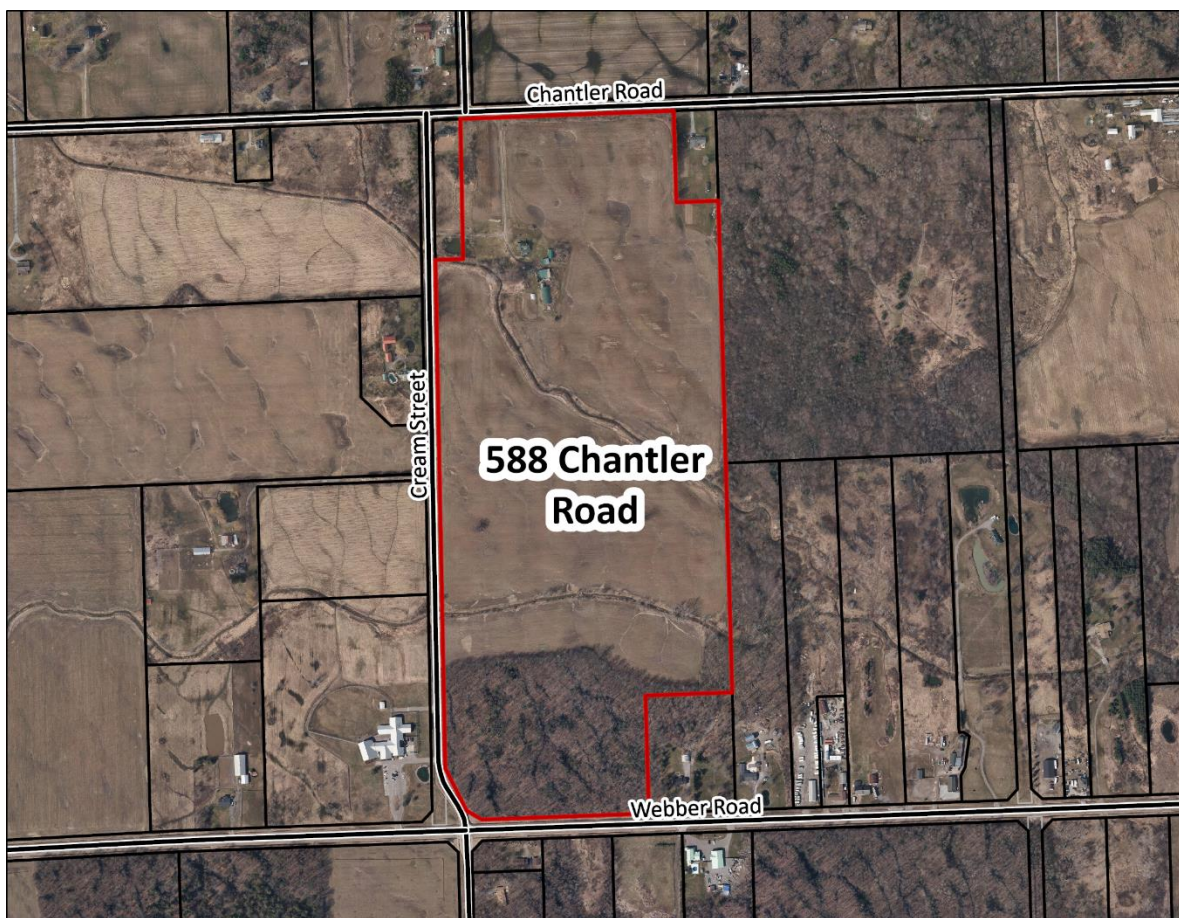
The subject lands are located on the south side of Chantler Road, lying east of Cream Street (Figure 1). Municipally known as 588 Chantler Road, in the Town of

Pelham. The property currently supports one single detached dwelling, agricultural barns and productive farmland on a 38.3 hectares lot.

The subject lands are surrounded by:

- North – Agricultural / *key natural heritage features*
- East – Agricultural / rural residential dwellings / Harold S. Bradshaw Memorial Park
- South – Agricultural / rural residential dwellings / *key natural heritage features*
- West – Agricultural / rural residential dwellings

Figure 1: Subject Lands (588 Chantler Road)



Project Description and Purpose:

An application for Zoning By-law Amendment was received for 588 Chantler Road to facilitate a surplus farm dwelling severance. The Committee of Adjustment conditionally approved the severance (Figure 2) on August 3, 2021 (file B21-2021P).

The zoning by-law amendment is a condition of severance approval. The zoning by-law amendment would amend the existing Agricultural - 25 (A-25) and Light Industrial - 25 (M1-25) zone to a site-specific Agricultural (A) zone for Part 1 as well as rezone the retained lands (Part 2) to an Agricultural Purposes Only (APO) zone to prevent further residential construction.

Analysis:

Planning Act

Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The 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.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

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.

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 stated the rationale for the larger parcel size proposed for Part 1 in the cover letter and Planning Justification Brief. 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. These accessory structures are anticipated to remain and will become accessory structures to the residential use.

West of the driveway lies a large open space area, as this area is unfarmed, it is proposed to remain with the proposed lot, and is a contributing factor for the configuration and size of the residential lot, along with the existing setback of the dwelling. This open space area is not applicable for the applicant's farming needs and specifically the lot geometry and on-site natural heritage features create an obstacle for them to properly utilize this area of land for agricultural purposes and therefore, this open area is to remain with the newly created lot.

Based on the above information, the proposed zoning by-law amendment is consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The subject land is located outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan (2017)

The subject land is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

The Growth Plan for the Greater Golden Horseshoe (2020)

The subject land is located outside of a Settlement Area, however, key natural heritage related policies continue to apply.

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.

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Upper Coyle Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, Significant Valleyland, and Type 2 Fish Habitat.

The proposed lot is 1.69 ha in size and contains one vacant dwelling that will be serviced by the existing on-site private sewage system, three accessory buildings and a silo.

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 exhibit composite potential for deeply buried archaeological resources according to the Town's Heritage Master Plan, Town Planning staff are of the opinion that this requirement can be waived given that there will be no new disturbance of the land associated with lot creation and the proposed rezoning will restrict new development.

Regional staff provided comments on the consent application (file B21-2021P) and offered no objections pending the remnant lands (Part 2) be rezoned to preclude further residential construction, and the Town is satisfied with any cultural heritage and Minimum Distance Separation requirements.

In conclusion, Regional staff are satisfied that the proposed development is consistent with Regional policies, and offer no objections and comments.

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 majority of 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* or existing vacant building lots. However, this policy does allow for the creation of new lots in certain circumstances, specifically provision b), which states the lot 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 provides consideration of consents related to farm consolidations. Existing farm dwellings rendered surplus as a result of a farm consolidation may be severed, regardless if the farm parcels subject to the consolidation are abutting or independent. Applications to sever a surplus farm dwelling should provide for a maximum lot area of 0.4 hectares. A larger lot size will be considered if an additional area is necessary to accommodate a private water and sewage disposal system. In addition, it shall be a requirement that the residual or consolidated farm parcel be zoned to preclude future residential use in perpetuity.

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 the farmer's nature of business (cash cropping) and storage of farm equipment on other nearby farm property.

Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned 'Agricultural-25' (A-25) and 'Light Industrial-25' (M1-25) according to Schedule 'A' and Schedule 'A6' of the Zoning By-law, respectively. 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%	1.58%
Maximum Building Height	3.7 m	5.9 m (19 feet)

The site specific exceptions to the maximum lot coverage and maximum building height are required due to differing requirements for accessory structures for a residential use vs. accessory structures for an agricultural use. While there will be no physical change to the accessory structures and they met the by-law requirements as accessory structures to an agricultural use, they do not meet these requirements for an accessory structure to a residential use and therefore the zoning by-law will recognize these as opposed to creating a legal non-complying circumstance as result of the severance.

Part 2 – Permitted uses (Section 7.1)

- Agricultural purposes only to prohibit new residential construction.

The height restrictions provided by the existing 'Agricultural -25' (A-25) and 'Light Industrial -25' (M1-25) zones will continue to apply as they relate to limiting the height on properties that are in proximity to the airport.

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: Strong Organization

The efficient use and preservation of Prime Agricultural Land and resources supports the local and regional agricultural economy and helps build towards creating a strong community. The rezoning is required as a condition of severance approval which was granted by the Town's Committee of Adjustment on August 3, 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. 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, no adverse comments were received from circulated Town departments or agencies. A public meeting to consider the proposed zoning by-law amendment application was held on October 12, 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:

A pre-consultation was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 1, 2021 to discuss the subject applications.

Regional and Town staff conducted a site visit on June 23, 2021 to meet with the applicant to better understand existing site conditions and the applicant's farming operation.

The applicant (River Bend Farms) operates a long standing, registered farming business growing cash crops such as corn, soybeans and wheat crops. The applicant owns approximately 409.7 hectares of land with another \pm 526 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.

In conclusion, Town staff have evaluated the rezoning application against the Provincial Policy Statement, applicable Provincial Plans, Region of Niagara Official Plan and Town Official Plan. The proposed rezoning is acceptable from a planning perspective and should be approved for the following reasons:

1. The proposed rezoning application is consistent with the Provincial Policy Statement (PPS), conforms with applicable provincial plans and policies;
2. The proposed uses and lots are in conformity with the Regional and Town Official Plan and are compatible with the existing adjacent uses of land.
3. The proposed zoning standards are appropriate to accommodate the consent application based on the submitted plan.

Other Pertinent Reports/Attachments:

Information Report 2021-0170, Zoning By-law Amendment Application AM-06-2021.

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