



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Amanda Wyszynski, Planner
Date: March 2, 2021
Subject: RPT-21-43
Zoning By-Law Amendment Application ZBA3/21/AW
209 Pleasant Ridge Road, Former Township of Brantford
Purpose: **Recommendation Report** for an application proposing to rezone the subject lands from Agriculture (A) to Agriculture with site specific provision 168 (A-168) to recognize an undersized farm parcel of approximately 27.3 hectares (67.5 acres).

Recommendation

That Application ZBA3/21/AW from Lefebvre and Lefebvre LLP and Neil Sisler on behalf of Joyce and Daniel Chapin, Owner of lands described as TRACT KERR PT BLK 4 TO 5 RANGE 2 WMP PT LOT 10 PT ROAD ALLOW REG 72.40AC FR D, in the Former Township of Brantford, known as 209 Pleasant Ridge Road, County of Brant, seeking to rezone the subject lands from Agriculture (A) to Agriculture with site specific provision 168 (A-168) to recognize an undersized farm parcel of approximately 27.3 hectares (67.5 acres), whereas 40 hectares (98.8 acres) is required, as a condition of severance, **BE APPROVED**.

The following site specific provisions are being recommended for approval:

1. To permit an undersized farm parcel with an area of approximately 27.3 hectares (67.5 acres), whereas a minimum of 40 hectares (98.8 acres).

THAT the reason(s) for approval are as follows:

- The application is consistent with the *Provincial Policy Statement* (2020).
- The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2020).
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012); and,
- The applicant maintains the intent of the County of Brant Zoning By-Law 61-16.

Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

None

Executive Summary / Proposal

The purpose of this report is to provide Council and the Public with information from the applicants and staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16.

The applicant is undertaking a rezoning application as a condition of approval of severance application B38-20-AW. The applicant sought a lot line adjustment of an area of approximately 1 hectare (2.47 acres) with the abutting parcel. This severance application was presented and approved by the Committee of Adjustment in September 2020.

The proposed rezoning application is proceeding straight to a recommendation report rather than having an information meeting as the proposed use is not changing, only the total lot area has changed as a result of the severance. This undersized farm parcel of approximately 27.3 hectares (67.5 acres) needs to be recognized through a site specific provision.

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), Brant County Official Plan (2012) and Zoning By-Law 61-16, consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and are recommending approval of the application.

Location

The subject lands are located on the west side of Pleasant Ridge Road, immediately northwest of the Pleasant Ridge Road and Arthur Road intersection, east of the Oak Park Road and Paris Road intersection, within the Former Township of Brantford.

The subject lands are irregular in shape, and have a broken frontage of approximately 542.8 metres (1,780.8 feet) along Pleasant Ridge Road, a maximum depth of approximately 710 metres (2,329.4 feet) along Arthur Road, and an area of approximately 27.3 hectares (67.5 acres).

Report

Planning Act R.S.O (1990)

Section 34(10) of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-Law Amendment Applications.

The proposal is in keeping with the policies of *Planning Act* as it meets the criteria for an amendment to the Zoning By-Law.

Provincial Policy Statement “PPS” (2020)

Section 2.3.4.1 of the PPS describes how the creation of lots in prime agricultural areas is discouraged and may only be permitted for:

- (a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations
- (b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*

(c) a *residence surplus to a farming operation* as a result of farm consolidation, provided that

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and,
2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective

The applicant sought a lot line adjustment and no new residential building lots are being created. The retained lands which are being rezoned to acknowledge an undersized farm parcel currently is occupied by a dwelling and is being farmed.

Section 2.3.4.2 of the PPS allows for Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The additional lands were merged with the abutting parcel as the applicant was not able to farm them with modern farming equipment.

Legal or technical reasons are defined in the PPS as:

Means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

It is my opinion that the proposal is consistent with the policies of the Provincial Policy Statement (2020) for the following reasons:

- ***The applicant is not proposing to change the designation or zone of either the severed or retained.***
- ***No new residential building lots will be created, and staff have included appropriate conditions of approval.***

Growth Plan for the Greater Golden Horseshoe (2020)

Section 4.2.6.4 of the Growth Plan describes how the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced.

The retained lands will continue to be farmed by the applicant. The lands subject to the lot line adjustment were being used by the adjacent parcel and could not be farmed with modern farm equipment due to the irregular size of the parcel.

Section 4.2.6.5 of the Growth Plan speaks to the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

No new residential building lots are being created and the retained lands will continue to be farmed.

This application is in conformity with the Greater Golden Horseshoe for the following reasons:

- ***No land that is actively farmed was removed to facilitate the lot line adjustment.***
- ***Prior to the lot line adjustment the subject lands were an undersized farm parcel and were viewed as legal non-conforming. Once the 1 hectare (2.47 acres) of land***

was severed and merged with the abutting parcel, the deficient lot area needed to be addressed through a rezoning application.

Source Water

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.

County of Brant Official Plan (2012)

The subject lands are designated Agricultural in the County of Brant Official Plan (OP).

Section 1.11.2.6.2(a) of the County of Brant Official Plan recognizes the agricultural industry as an important component of the County's economic base and as a contributor to the County's rural character.

The lands being rezoned will continue to be used for agriculture. A site specific provision is being proposed to recognize an undersized farm parcel as a condition to a severance (lot line adjustment) application.

Section 1.11.2.6.2(b) of the County of Brant Official Plan speaks to protecting the County's prime agricultural area for long term agricultural purposes.

The lands subject to the lot line adjustment application were not being farmed and were not able to be farmed with modern farm equipment due to the size and irregular shape.

Section 1.11.2.6.2(c) of the County of Brant Official Plan speaks to protecting the right to farm based on normal farm practices.

The subject lands will continue to be actively farmed and will continue to be designated Agriculture.

Section 1.11.2.6.2(e) of the County of Brant Official Plan restricts the creation of new residential lots and other non-farm development in the County's Agricultural areas.

No new residential building lots are being created. An "A-9" provision was not required as the subject lands contain an existing dwelling.

Section 1.11.2.6.2(k) of the County of Brant Official Plan speaks to permitting farming operations that will help the County as a whole adjust to changing economic and technological conditions.

The subject lands will continue to be actively farmed and will continue to be designated Agriculture.

Section 3.3.1(a) of the County of Brant Official Plan describes how the primary form and predominant use of land in the Agriculture designation shall include all types of farming and normal farm practices, including the growing of crops, the raising of livestock and other animals for food, fur, or fibre; associated on-farm buildings and structures, including accommodation for associated full-time farm labour as required based on the size and nature of the operation; agricultural research operations; uses connected with the conservation of water, soil, wildlife and other natural resources; and resource extraction and resource-based uses.

The subject lands will remain designated and zoned Agriculture and will continue to be farmed.

3.3.1(c) of the County of Brant Official Plan describes how in general, one residential dwelling unit shall be permitted per lot on lands designated as Agriculture.

The subject lands are currently occupied by one single detached dwelling.

Section 6.8.2.1(a) of the County of Brant Official Plan speaks to consents for the diversion of land in the Agriculture designation being discouraged. No consent shall be allowed within the Agriculture designation which may have the effect of creating lots that are not primarily related to agriculture, or agriculture-related commercial/industrial, or as specified by this Plan.

No new residential building lots are being created. An “A-9” provision was not required as the subject lands contain an existing dwelling.

This Application conforms to the County of Brant Official Plan (2012) for the following reasons:

- ***The subject lands will continue to be designated as Agriculture and be actively farmed.***
- ***As a result of the lot line adjustment application, the undersized farm parcel was further reduced and the deficient lot area needed to be recognized.***
- ***No new residential building lots were created through the lot line adjustment application.***

County of Brant Zoning By-Law 61-16

The subject lands are zoned Agricultural (A) within the County of Brant Zoning By-Law 61-16. Section 6.1, Table 6.1 speaks to the permitted uses on lands zoned as Agriculture. Permitted uses include the following:

- Agricultural use
- Aviary
- Cannabis Production Facility
- Dwelling, Single Detached
- Farm Labour Housing
- Farm Production Outlet
- Forestry Uses excluding any establishments that either process forestry products or sell processed forestry products such as lumber mills;
- Farm Greenhouse;
- Livestock Facility; and,
- Shipping Container in accordance with Section 4.35.

Section 6.2, Table 6.2 of the County of Brant Zoning By-Law speaks to the development requirements for lands zoned as Agriculture. See chart below for analysis of development standards.

Development Standard	Required – All Other Uses	Requested – Retained
Lot Area, Minimum (ha)	40ha	27.3ha
Lot Frontage, Minimum (m)	150m	542.8m
Street Setback, Minimum (m)	25m	14m – existing dwelling
Interior Side Yard Setback, Minimum (m)	15m	20m

Rear Yard Setback, Minimum (m)	15m	684m
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This Application maintains the intent of the County of Brant Zoning By-Law 61-16 for the following reasons:

- ***No new residential building lots were created and the retained lands will continued to be farmed.***
- ***The existing parcel was an undersized agricultural parcel and minimal land was severed through the lot line adjustment application.***
- ***The Agricultural zoning provisions were satisfied with the exception of lot area and the street setback.***

Interdepartmental Considerations

Community Services:

- No comment.

Development Engineering:

- That road widening be deeded to the County along the entire Pleasant Ridge Road frontage of the subject lands prior to the stamping of the deeds, as per the County of Brant Official Plan (Sept. 2012), Section 5.3.2.1.6, which states that road allowances for Rural Collector Roads shall have a right-of-way width of 24-45 metres. Road widening must be a distance of 13 metres from the centreline of the existing Pleasant Ridge Road right-of-way – see Report Section for additional information.
- That road widening be deeded to the County along the entire Arthur Road frontage of the subject lands prior to the stamping of the deeds, as per the County of Brant Official Plan (Sept. 2012), Section 5.3.2.1.9, which states that road allowances for Rural Local Roads shall have a right-of-way width of 20-24 metres. Road widening must be a distance of 10 metres from the centreline of the existing Arthur Road right-of-way (to achieve a width of 4.67 meters is required from the subject lands) – see Report Section for additional information. Finalizing the widening will ensure infrastructure location and maintenance activity is within the municipal right-of-way and public safety is increased. The requested widening is appropriate to previous road widening/dedication in proximity to the subject lands.
- Although the application makes no mention of future works, an approved Public Works Permit will be required prior to the commencement of works (if any) within the right-of-way.

Development Engineering – Field Services:

- Field Services staff have reviewed the Rezoning Application for 209 Pleasant Ridge Road and have no comments on the application.

Environmental Planning:

- No comment.

Operations:

- Agricultural properties are not eligible for Solid Waste Collection.

Real Estate:

- No comment.

Energy Plus:

- Energy+ Inc., has no objection to the request for a zoning by-law amendment to recognize an undersized farm parcel that resulted from a severance with no physical changes to the existing dwellings or uses.
- If relocation or upgrade is required as a result of this Application, the Applicant/Owner will be responsible for 100 % cost. As per Energy+ Inc., Current Conditions to Service, latest edition, only one service per property is permitted.
- If easement are required as a result of this Application, the Applicant/Owner will be responsible for 100 % cost.

The following departments/agencies did not provide any comments with regard to this application:

- Building Division
- Brant Haldimand Norfolk Catholic District School Board
- Canada Post
- Union Gas
- Infrastructure Ontario
- Six Nation/New Credit

Public Considerations

22 notices were mailed on February 12, 2021.

At the time of writing this report, no public comments were received.

Staff attended the site on February 12, 2021 to post the notice sign meeting *Planning Act* requirements.

Conclusions and Recommendations

The applicant is undertaking a rezoning application as a condition of approval of severance application B38-20-AW. The applicant sought a lot line adjustment of an area of approximately 1 hectare (2.47 acres) with the abutting parcel. This severance application was presented and approved by the Committee of Adjustment in September 2020.

The proposed rezoning of the retained lands are to recognize an undersized farm parcel with an area of approximately 27.3 hectares (67.5 acres) needed to be recognized through a site specific provision. The subject lands will continue to be farmed and no new residential buildings lots were created.

Through the circulation of the application, no concerns were raised with the application by any comment agency, including Development Engineering, Environmental Planning and Energy Plus.

Based on the analysis above, Staff can confirm that the appropriate measures have been taken to ensure that the proposed rezoning is consistent with the *Provincial Policy Statement*, in conformity with the Growth Plan for the Greater Golden Horseshoe, conforms to the County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law.

It is my opinion that the Zoning By-Law Amendment has merit and therefore, planning staff is recommending approval of the application.

Prepared by:



Amanda Wyszynski, BATech, MES(PI)

Planner

Reviewed by: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Planning

Submitted By: Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

Attachments

- 1. Zoning Figure
- 2. Official Plan Figure
- 3. Aerial Figure
- 4. Draft By-Law
- 5. B38-20-AW Report

Copy to

- 1. Pam Duesling, General Manager of Development Services
- 2. Mat Vaughan, Director of Planning
- 3. Heather Boyd, Clerk/Director of Council Services
- 4. Alyssa Seitz, Planning Clerk
- 5. Applicant/Agent

File # ZBA3/21/AW

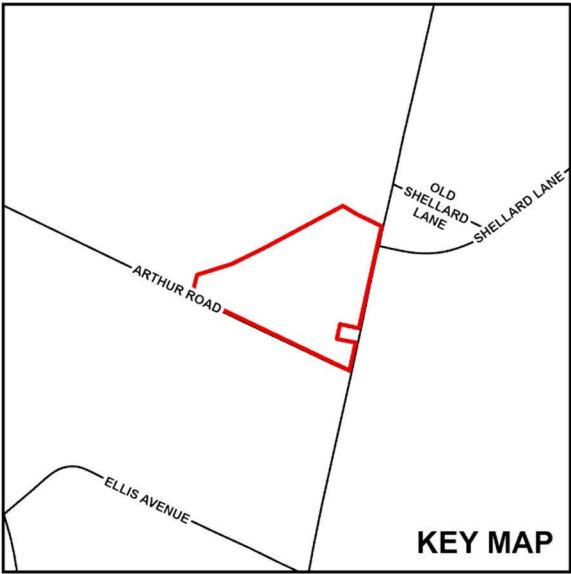
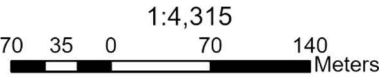
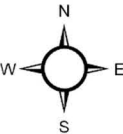
In adopting this report, is a bylaw or agreement required?

If so, it should be referenced in the recommendation section.

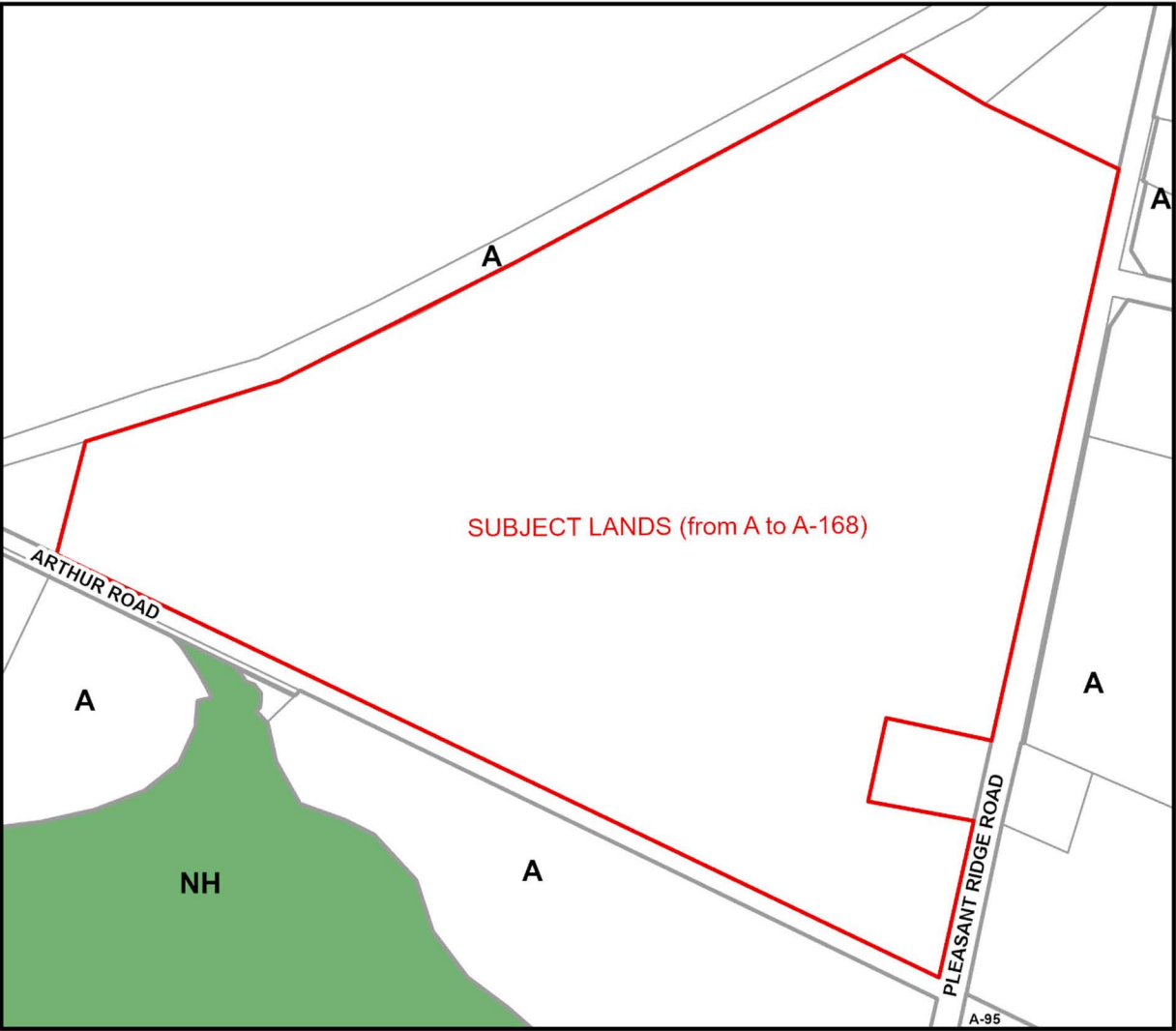
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|--|-------|
| By-Law required | (Yes) |
| Agreement(s) or other documents to be signed by Mayor and /or Clerk | (No) |
| Is the necessary By-Law or agreement being sent concurrently to Council? | (Yes) |

MAP 1: ZONING MAP
FILE NUMBER: ZBA3-21-AW

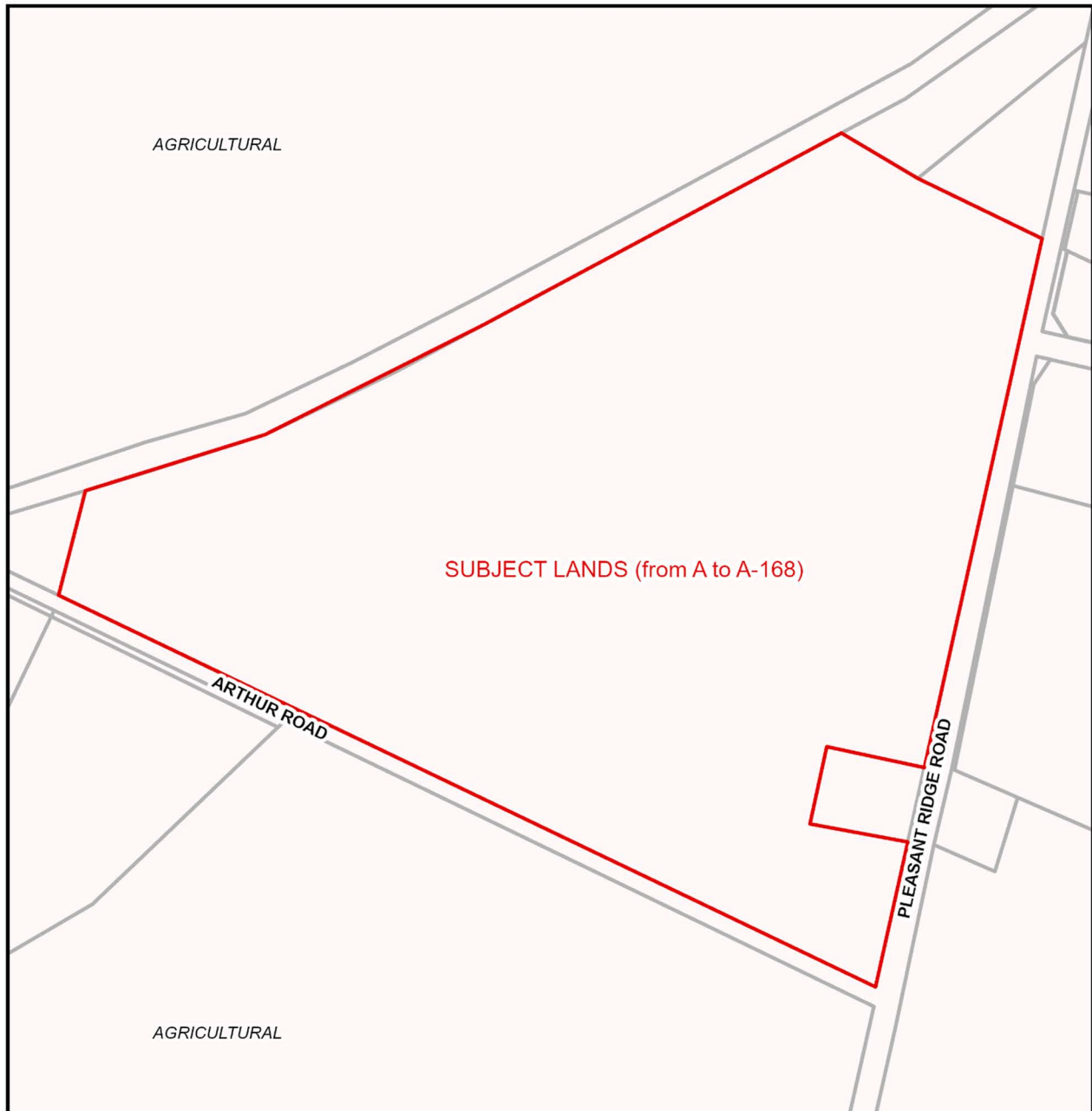
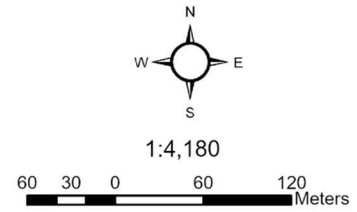
Former Township of
BRANTFORD



KEY MAP



Map 2: Official Plan Map
Address: 209 Pleasant Ridge Road
Former Township of Brantford



Map 3: Aerial Map
Address: 209 Pleasant Ridge Road
Former Township of Brantford

