



## Planning Advisory Committee Report

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**To:** To the Chair and Members of the Planning Advisory Committee  
**From:** Marcus Davidson, Senior Planner  
**Date:** March 1, 2016  
**Report:** PA-16-14  
**Subject:** ZBA19/17/MD – 137 Langford Church Road – Vanderwoude  
**Purpose:** Information Report to rezone a portion of the subject lands from Agricultural (A) to Rural Residential (RR) to facilitate the creation of a residential lot fronting on Langford Church Road.

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### Recommendation

That Application ZBA19/17/MD from Snodgrass Consulting Services on behalf of Donna Vanderwoude, Owner of lands described as Brantford Range 2, SHR, Part Block A and Part of road allowance, Plan 2R-3291 Parts 1 and 2, and Plan 2R-5732 Part 1, geographic Township of Brantford, County of Brant, located at 139 Langford Church Road to amend the Zoning By-Law 61-16 to change the current zoning from Agricultural (A) to a Rural Residential (RR) zone, **BE RECEIVED AS INFORMATION.**

### Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

### Financial Considerations

Not applicable.

### Executive Summary

The purpose of the report is to provide the Committee with information from Staff on the details of an Application to amend the County of Brant Zoning By-law 61-16. This application proposes to change the zoning on a portion of the subject lands from Agricultural (A) to Rural Residential (RR) to reflect the location of the Rural Residential designation, to facilitate the creation of a residential lot fronting on Langford Church Road. The planning analysis will focus on literature reviews of applicable policy (i.e. Planning Act, PPS, Official Plan, and Zoning By-law), consultation with departments, an inspection of the subject lands and surrounding neighbourhood and discussions with both the agent/public. This report is to be received for information purposes, after allowing for feedback from both Committee and members of the Public.

## **Background Proposal**

The Applicants have requested to modify the zoning on a portion of the subject lands from Agricultural (A) to Rural Residential (RR). Presently, the subject lands have a Rural Residential designation along Langford Church Road. This application proposes to rezone a portion of the lands, where the existing residence is situated, to Rural Residential (RR) to facilitate the creation of a new residential lot, on the remainder of the land holding. Concurrent application to the Committee of Adjustment, which will deal with the severance of the property, will be required, if successful in this rezoning application.

## **Location**

The subject lands are situated are located on the south side of Langford Church Road, west of the intersection of White Swan Road, Baptist Church Road, McBay Road and Landford Church Road.

## **Area Land Uses**

The subject lands are approximately 10 hectares (24.85 acres) in size and presently house an existing residence and related equestrian operation. The lands are predominantly surrounded by Agricultural uses, with Rural Residential uses situated to the east and west.

## **Services**

The lands are presently serviced by private septic system and well. As part of the review of this application, and the concurrent severance application, additional technical information will be required to ensure that private services could adequately service the proposed range of uses in the Rural Residential zone.

## **Report**

### Planning Act

Section 34(1) of the Planning Act establishes that Zoning By-laws may be passed by Councils of local municipalities:

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Staff will review this Section to ensure that the proposal is consistent with the provisions of Section 34 of the Planning Act.

## Provincial Policy Statement (PPS)

There are a variety of Sections of the PPS that will be reviewed in relation to the proposed development. Notably, Sections 1.1.4, 1.1.5, 1.3 and 2.3. Staff will ensure that the proposal is consistent with the provisions of the PPS prior to scheduling the application for a recommendation report.

## County of Brant Official Plan (CBOP)

The lands are designated as Rural Residential in the CBOP. The Rural Residential designation permits single detached dwellings and related accessory structures. In this regard the proposed rezoning would be subject to Sections 3.7 (Rural Residential) and 5.2.1 (Servicing Hierarchy). Staff will review the above noted policies to ensure that the proposal is consistent with the CBOP.

## Zoning By-Law

The subject lands are presently zoned Agricultural (A) and Natural Heritage (NH). The Applicants propose to change the zoning on a portion of the property to Rural Residential (RR) to be reflective of the Official Plan designation on the subject lands, and to facilitate the creation of a new residential lot.

## **Interdepartmental Considerations**

The application has been circulated to the following departments and agencies for comments. Their comments will be included in a future staff report to PAC for consideration:

- Development Engineering
- Building Division
- Treasury Division
- Fire Department
- Zoning Administrator
- Legal Division
- Grand River Conservation Authority
- Bell
- Union Gas
- Brant County Hydro
- Six Nations
- Canada Post

## **Public Considerations**

No formal comments have been received at this time. Any correspondence received after the generation of this report will be attached to the addendum.

## **Summary and Next Steps**

The subject lands are designated Rural Residential and Natural Heritage System and are to continue to be serviced by private well and septic systems. The proposal is to

change the zoning on a portion of the lands to Rural Residential (RR) to reflect the existing Official Plan designation that exists on the subject lands.

Staff will review the proposal with regard to local Planning documents and Provincial Policy to ensure that it is consistent with those documents.

The intent of this report is to provide the necessary background to both Committee and members of the public. The merits of this planning application will be determined by the Planning Advisory Committee at a later date. The date to consider the Committee Report with recommendations has not been scheduled at this time.

## **Attachments**

Aerial photograph, legislative excerpts and correspondence

## **Copy to**

Heather Boyd, Clerk – Clerk Council Committee Services  
Manager

Mark S. Pomponi, General

Rob Trotter, Director of Planning  
Applicant/Agent

Jennifer Mayhew, Planning Clerk

## **File # ZBA19/17/MD**

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

By-law required (No)

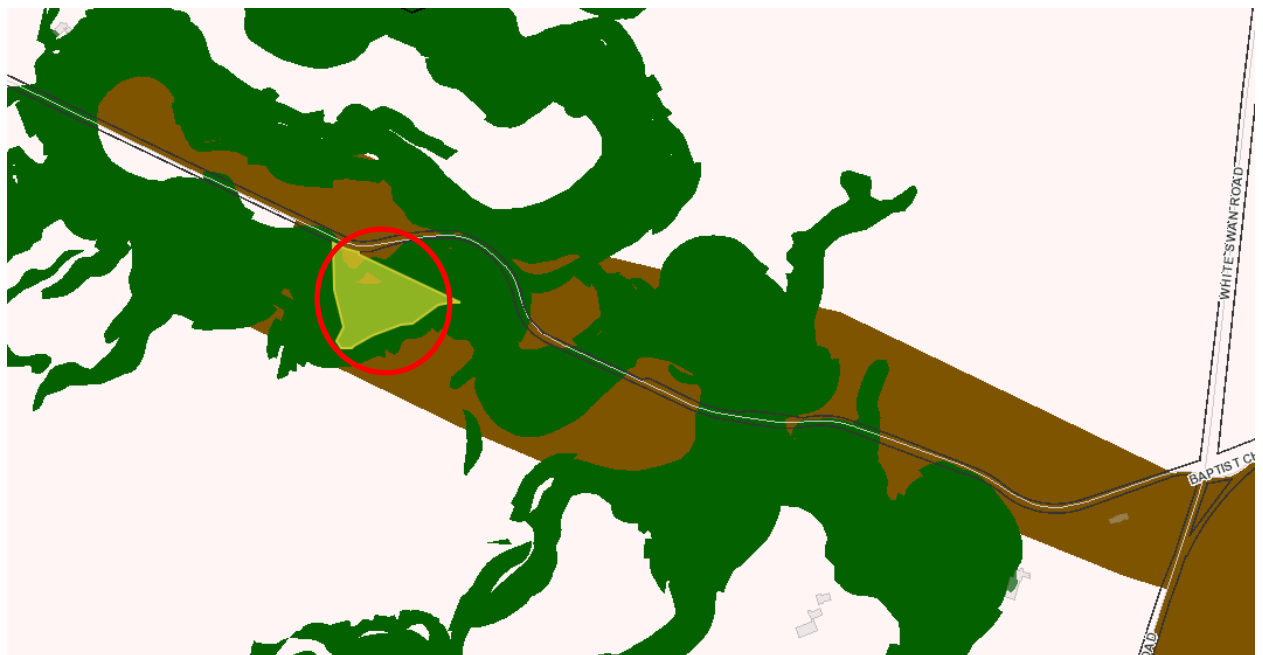
Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (No)

**Vanderwoude Orthoimagery:**



**Vanderwoude Official Plan Excerpt:**



## Legislative Excerpts

### **Section 34 – Ontario Planning Act R.S.O. 1990:**

#### Zoning by-laws

[34. \(1\)](#) Zoning by-laws may be passed by the councils of local municipalities:

#### Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

### **Provincial Policy Statement (PPS):**

#### **1.1.4 Rural Areas in Municipalities**

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
  - h) conserving biodiversity and considering the ecological benefits provided by nature; and
  - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.
- 1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.
- 1.1.5 Rural Lands in Municipalities**
- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
  - b) resource-based recreational uses (including recreational dwellings);
  - c) limited residential development;
  - d) home occupations and home industries;
  - e) cemeteries; and
  - f) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.
- 1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

### **1.3 Employment**

- 1.3.1 Planning authorities shall promote economic development and competitiveness by:
- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
  - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
  - c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
  - d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

#### **1.3.2 Employment Areas**

- 1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.
- 1.3.2.2 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for



employment purposes over the long term and that there is a need for the conversion.

1.3.2.3 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

1.3.2.4 Planning authorities may plan beyond 20 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

## **2.3 Agriculture**

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

*Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

### **2.3.3 Permitted Uses**

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formula*