



County of Brant Planning & Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Amanda Wyszynski, Planner
Date: December 7th, 2021
Subject: RPT-21-279, Zoning By-Law Amendment Application ZBA38/21/AW
55 Highway #2, Geographic Township of Burford
Purpose: For Approval

Recommendation

That Application **ZBA38/21/AW** from Elder Plans Inc on behalf of Ross Knill, Colin Knill and Mary Lou Knill, Owners of lands described as Burford, Concession 1 Part Lot 3 irregular 98.64 acres, in the geographic Township of Burford, known as 55 Highway #2, County of Brant, proposing to rezone a portion of the subject lands from Agriculture (A) to Agriculture with Site Specific Provision 181 (A-181) to prohibit a dwelling as a permitted use and to recognize an undersized farm parcel with an area of approximately 39.14 hectares (96.7 acres), whereas a minimum of 40 hectares (98.8 acres) is required, and to permit a reduced frontage of approximately 124 metres (406.8 feet), whereas a minimum of 150 metres is required, **BE APPROVED**, subject to the following site specific provision;

- Notwithstanding the provisions of By-Law 61-16 to the contrary, within any area zoned A-181, no dwelling unit shall be permitted.
- To permit an undersized agricultural area of 39.14 hectares (96.7 acres), whereas a minimum of 40 hectares (98.8 acres) is required.
- To permit a frontage of approximately 124 metres (406.8 feet), whereas a minimum of 150 metres is required.
- All other provisions of the By-Law to apply;

AND that the reason(s) for approval are as follows:

- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of *Provincial Policy Statement*.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

Strategic Priority

1. Sustainable and managed growth.

Financial Considerations

None.

Executive Summary

The purpose of this report is to provide the Planning and Development Committee and the public with information from the applicant seeking to rezone the subject lands as a condition of approval for a surplus dwelling severance. Specifically, the applicant is seeking to rezone the retained farm parcel to prohibit a dwelling as a permitted use, to recognize an undersized farm parcel of 39.14 hectares (96.7 acres) and to permit a reduced frontage of approximately 124 metres (406.8 feet) through site specific provision A-181.

The surplus farm dwelling severance application, B42-21-SL, was heard by the Committee of Adjustment in September 2021, and was conditionally approved. Conditions of approval included rezoning the retained lands to prohibit a dwelling, and to rezone the surplus dwelling to recognize the undersized parcel.

This rezoning application is proceeding directly for recommendation as it is a condition of a severance application.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law. This report recommends that the Rezoning Application be **Approved**.

Location

The subject lands are located on the south side of Highway #2, east of the Highway #2 and Maple Avenue North intersection, and are located within the geographic Township of Burford. The lands municipally known as 55 Highway #2 are rectangular in shape, with a frontage of approximately 221 metres (725.1 feet) along Highway #2, and have an area of approximately 39.66 hectares (98 acres).

Through the severance, the surplus farm dwelling is expected to have an area of approximately 0.52 hectares (1.3 acres), and a frontage of 97.1 metres (318.6 feet) along Highway #2. The retained lands, being the farm parcel, are expected to have an area of approximately 39.14 hectares (96.7 acres), and a frontage of approximately 124 metre (406.8 feet).

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.

Provincial Policy Statement (2020)

Section 2.3.1 describes how Prime Agricultural areas shall be protected for long term agricultural use.

Through the severance application, the retained lands are expected to have an area of approximately 39.14 hectares (96.7 acres) and will be farmed as part of a larger farming operation. The rezoning application will prevent new residential dwellings being built.

Section 2.3.3.1 speaks to permitted uses and activities within prime agricultural areas which including agricultural uses, agriculture related uses and on farm diversified use.

Through the severance application, the retained lands will continue to be farmed as part of a larger farming operation and no new residential building lots will be created.

Section 2.3.3.2 describes how in prime agricultural areas, all types, sized and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The retained lands that are proposed to be rezoned to prohibit a dwelling will be farmed as part of a larger farming operation and is expected to grow cash crops.

Section 2.3.4.1(c) describes how lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operations, 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 lands to be severed through severance application B42-21-SL are expected to have an area of approximately 0.52 hectares (1.3 acres) and is able to accommodate all private servicing.

This application is consistent with the Provincial Policy Statement (2020) for the following reasons:

- ***The retained lands will continue to be used for agricultural purposes, and will be farmed as part of a larger farming operation.***
- ***No new residential building lots will be created as the retained lands are to be rezoned to prohibit a dwelling as a condition of severance.***
- ***The dwelling is surplus to the larger farming operation of Knill Farms.***

Growth Plan for the Greater Golden Horseshoe (2020)

Section 2.2.1.2 (b) of the Growth Plan describes how growth will be limited on lands that are not serviced by existing or planned municipal water and wastewater system.

The severed parcel will continue to be privately serviced.

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 are expected to have an area of approximately 39.14 hectares (96.7 acres) and will be farmed as part of a larger farming operation with cash crops.

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.

The retained lands will continue to be farmed as part of a larger farming operation and no new residential building lots will be created as they are being proposed to be rezoned to prohibit a dwelling as a permitted use.

It is my opinion that the proposal is in conformity with the policies in the Growth Plan for the Greater Golden Horseshoe (2020) for the following reasons:

- ***The retained lands will continue to be used for agricultural purposes, and will be farmed as part of a larger farming operation.***
- ***No new residential building lots will be created as the retained lands are to be rezoned to prohibit a dwelling as a condition of severance.***
- ***The dwelling is surplus to the larger farming operation of Knill Farms.***

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 and Natural Heritage in the County of Brant Official Plan (OP). I note, the surplus dwelling is designated as Agriculture.

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 retained lands will continue to be designated as Agriculture, and will be farmed as part of a larger farming operation with cash crops.

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.

As a condition of severance, the applicant is proposing to rezone the retained lands to prohibit a dwelling, in addition to seeking relief for frontage and area.

Section 1.11.2.6.2(i) of the County of Brant Official Plan requires the development of urban and nonfarm-related land uses to the County's Primary and Secondary Urban Settlement Areas and Hamlets and Villages, or areas specifically intended for the proposed land use, in order to protect the long-term operation and economic role of agriculture.

The retained lands will continue to be farmed as part of a larger agricultural operation, with no new residential building lots being created.

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 retained lands will continue to be designated as Agriculture, and will be farmed as part of a larger farming operation with cash crops.

Section 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.

As a condition of severance, the applicant is proposing to rezone the retained lands to prohibit a dwelling, in addition to seeking relief for frontage and area.

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.

As a condition of severance, the applicant is proposing to rezone the retained lands to prohibit a dwelling, in addition to seeking relief for frontage and area.

Section 6.8.2.1(b) of the County of Brant Official Plan speaks to consent applications being denied for the following reasons:

- i. the lot does not front on a public road;
- ii. the lot is situated in an area where the County of Brant (or its designated agent) believes is unsuitable for sanitary services;
- iii. the lot is entirely contained within the Natural Heritage System designation or Provincially significant woodlands; or
- iv. the lot is entirely contained within an area identified as a primary aggregate resource area.

The severed and retained parcels have frontages along Highway #2, with the natural heritage area contained to the retained farm parcel.

It is my opinion that the proposal conforms to the policies in the County of Brant Official Plan (2012) for the following reasons:

- ***Through the severance, no new residential building lots are being created.***
- ***The retained lands are expected to be farmed with cash crops through part of a larger farming operation.***
- ***The severed and retained parcels have frontage along Highway #2.***
- ***The severed parcel is large enough to accommodate private servicing.***

County of Brant Zoning By-Law 61-16

The subject lands are zoned Agricultural (A) and Natural Heritage (NH) within the County of Brant Zoning By-Law 61-16. I note, the surplus dwelling area is currently zoned as Agriculture (A), whereas the retained lands are currently zoned Agriculture (A) and Natural Heritage (NH).

Section 4.29 of the Zoning By-Law speaks to the following requirements for surplus dwellings:

- a) If the lot has a minimum 20.0 metre frontage, then said lot shall be deemed to comply with the requirements of this By-Law with respect to the lot area or lot frontage
- b) The dwelling shall only be considered surplus to the farming operations if it was constructed a minimum of 15 years prior to the date the application for the surplus farm dwelling consent is received
- c) The dwelling must be considered habitable at the time of application, as determined by the local municipal Chief Building Official
- d) Minimum Distance Separation Guidelines shall apply as if the property were zoned or designated as a residential lot

The proposed severance satisfies the provisions above as the dwelling is older than 15 years and is habitable based on Staff's site visit. Additionally, a frontage of 97.1 metres (318.6 feet) is proposed.

Section 6.1, Table 6.1 speaks to the permitted uses on lands zoned as Agriculture. Permitted uses include:

- 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 - Dwelling	Requested – Surplus Dwelling	Requested – Retained Farm Lands
Lot Area, Minimum (ha)	40ha	0.51ha	39.1ha*
Lot Frontage, Minimum (m)	150m	n/a	124m*
Lot Frontage, Minimum (m) – surplus	20m	97.11m	n/a
Street Setback, Minimum (m)	10m	22.5m	n/a vacant lands
Interior Side Yard Setback, Minimum (m)	4m	35.8m	n/a vacant lands
Rear Yard Setback, Minimum (m)	10m	12.6m	n/a vacant lands
Lot Coverage, Maximum	30%	4%	n/a vacant lands

**Relief being sought through rezoning application*

It is my opinion that the proposal maintains the intent of the County of Brant Zoning By-Law 16-61 for the following reasons:

- ***Through the severance, no new residential building lots are being created.***
- ***The retained lands are expected to be farmed with cash crops through part of a larger farming operation.***
- ***The severed and retained parcels have frontage along Highway #2.***
- ***The rezoning application is proposing to rezone the retained lands to prohibit a dwelling, to permit reduced frontage and area.***
- ***The severed parcel is large enough to accommodate private servicing.***

Interdepartmental Considerations

Development Engineering:

- No comment.

Environmental Planning:

- No comment.

Fire:

- No comment.

Canada Post:

- Canada Post does not have any comments on this application for severance and zoning change as this will not affect mail delivery if no future dwelling is constructed.

GRCA:

- Grand River Conservation Authority (GRCA) staff do not object to the zoning by-law amendment application. The applicant is proposing to rezone the retained farm parcel to prohibit a dwelling as a permitted use and to recognize an undersized farm parcel

The following agencies did not provide comment:

- Building
- Parks and Facilities
- Operations
- Bell Canada
- Brant Haldimand Norfolk Catholic District School Board
- GRCA
- Hydro 1
- Six Nation/Mississaugas of the Credit

Public Considerations

6 Notices were mailed on November 12, 2021. Staff attended the subject lands on November 12, 2021 and posted the notice sign meeting the requirements of the *Planning Act*.

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

Conclusions and Recommendations

As a condition of severance application B42-21-SL to facilitate a surplus dwelling severance application, the applicant is seeking to rezone the retained farm parcel to prohibit a dwelling as a permitted use, to recognize an undersized farm parcel of 39.14 hectares (96.7 acres) and to permit a reduced frontage of approximately 124 metres (406.8 feet) through site specific provision A-181.

The surplus farm dwelling severance application, B42-21-SL, was heard by the Committee of Adjustment in September 2021, and was conditionally approved. Conditions of approval included rezoning the retained lands to prohibit a dwelling, and to rezone the surplus dwelling to recognize the undersized parcel.

I am supportive of the rezoning application as it is consistent with the *Provincial Policy Statement*, conforms to the Growth Plan for the Greater Golden Horseshoe, is in conformity with the County of Brant Official Plan (2012), and meets the intent with the County of Brant Zoning By-Law 61-16, and therefore recommend approval of the application.

Attachments

1. Zoning Figure
2. Official Plan Figure
3. Aerial Figure
4. Draft By-Law

Copy to

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

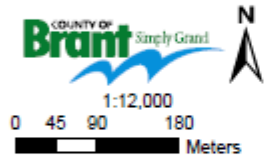
File # ZBA38-21-AW

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

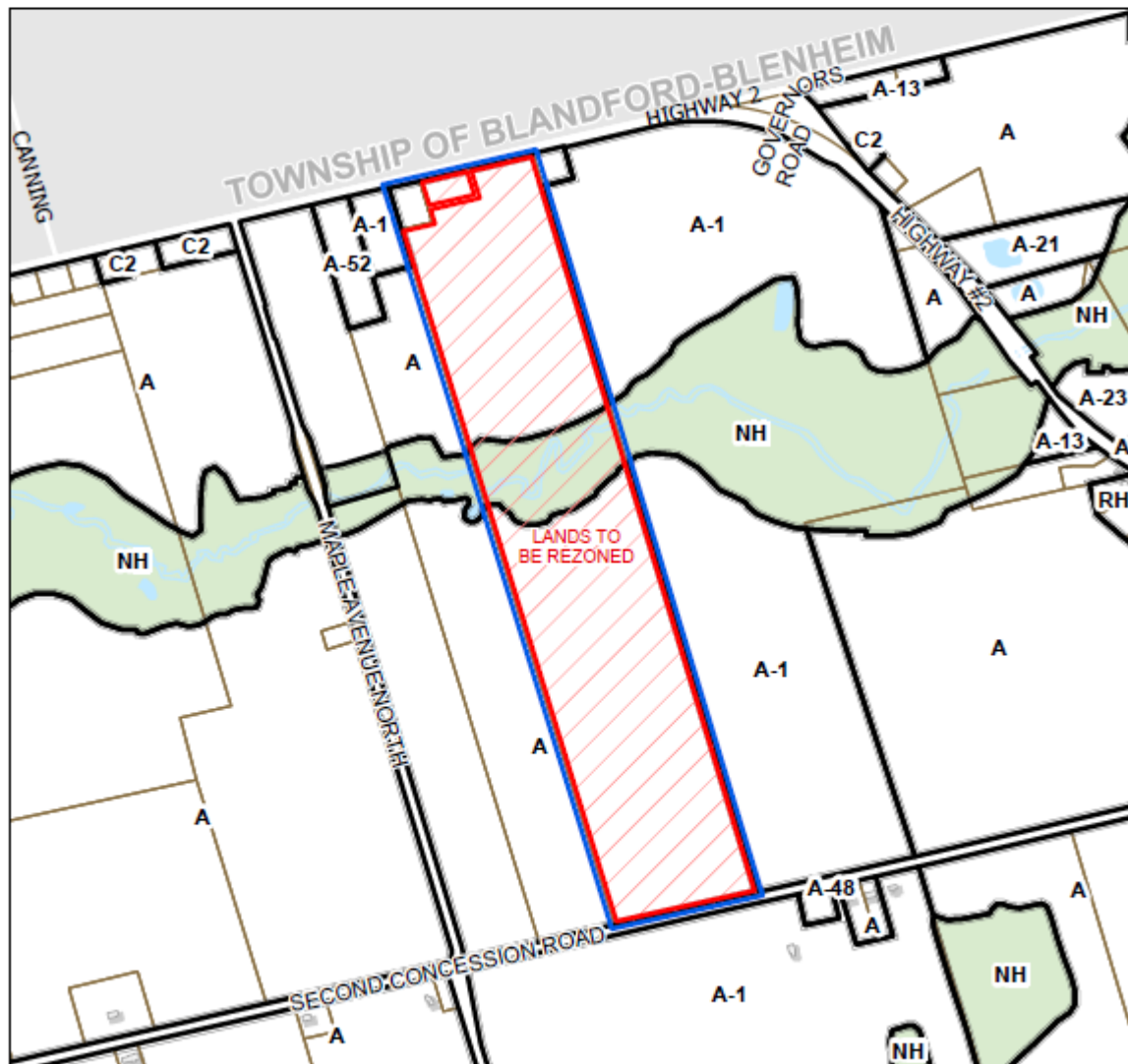
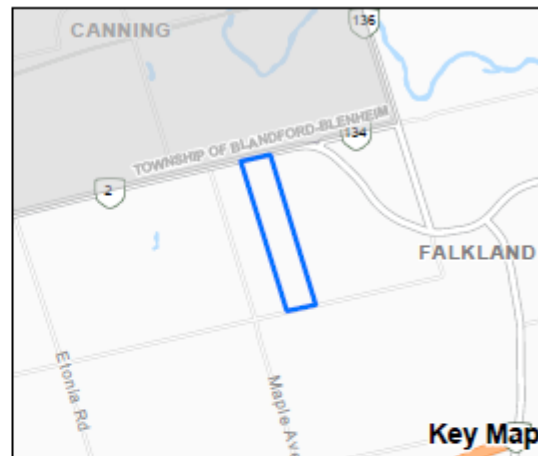
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|--|-------|
| By-Law required | (Yes) |
| Agreement(s) or other documents to be signed by Mayor and /or Clerk | (No) |
| Is the necessary By-Law or agreement being sent concurrently to Council? | (Yes) |

**MAP 1: ZONING
FILE NUMBER
ZBA38-21-AW**

55 HIGHWAY 2
County of Brant
Ontario

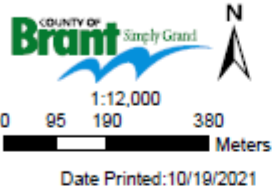


Date Printed: 10/19/2021

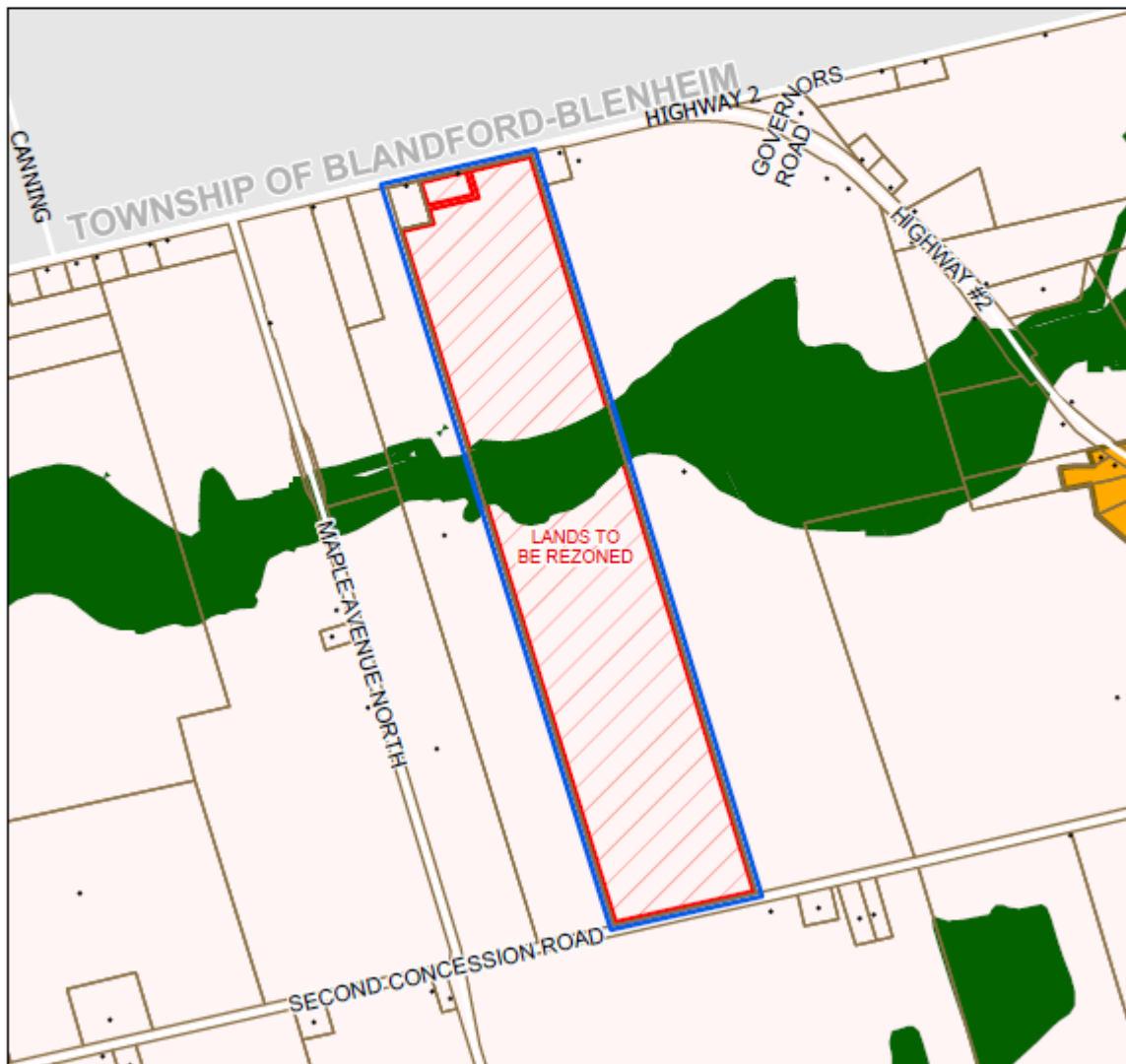


**MAP 2: OFFICIAL PLAN
FILE NUMBER
ZBA38-21-AW**

55 HIGHWAY 2
County of Brant
Ontario



Date Printed: 10/19/2021



MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA38-21-AW

55 HIGHWAY 2
County of Brant
Ontario

