

Municipality of Chatham-Kent

Development Services

Planning Services

To: Mayor and Members of Council

From: Ryan Jacques, RPP, MCIP
Director, Planning Services

Date: July 15, 2024

Subject: Expanding Housing Options in Rural Areas

Recommendation

It is recommended that:

1. Administration be directed to carry out public consultation regarding:
 - a) Allowing additional detached houses on existing properties in rural areas;
and,
 - b) Land division in rural areas for the purpose of residential development.with the intent of creating new policies to increase residential housing opportunities while prioritizing the needs of agriculture operations and the protection of agricultural lands, and that recommendations be presented to Council for consideration in Fall 2024.

Background

At its meeting held on March 25, 2024, Council directed that administration prepare draft policy documents and a strategy to consider the following:

- a) Implement policies to permit additional detached dwellings in rural areas, including on farm and non-farm properties; and,
- b) Implement policies to allow the further division of non-farm properties in rural areas for new residential uses.

This direction sets out two paths to increasing opportunities to add new housing in rural areas, particularly on properties currently zoned for agricultural or agricultural related uses. These opportunities include consideration of allowing additional detached housing on existing properties, and the creation of new properties for the purpose of residential development.

Agricultural zoned properties generally consist of farms, typically 50 to 100 acres in area. As well, Agricultural zoned properties include smaller lots containing a residential dwelling as a primary use, typically 0.5-2 acres in area, with most having been separated from a larger farm property in the past. This is a general description of Agricultural zoned properties in the Municipality, however variations on the size and use of properties varies.

In carrying out this land use planning exercise, it is practical to review each opportunity set out in the direction with the understanding that the planning context differs for each. The Provincial interest defined in the Planning Act and Provincial Policy Statement (2020) for the provision of housing and the protection of farmland has shaped Chatham-Kent's current Official Plan policies and Zoning By-law regulations on this matter.

This report will provide information and rationale for the recommended public consultation and planning approach for the two opportunities under consideration, being:

- c) Allowing additional detached houses on existing properties in agricultural areas.
- d) Land division in agricultural areas for the purpose of residential development.

Comments

Additional Detached Houses on Existing Properties in Agricultural Areas

Since 2010, the strategy of the Province of Ontario for the provision of affordable housing includes requirements for Municipalities to provide for the provision of "Additional Dwelling Units" or "ADUs" in local planning documents, such as Official Plans and Zoning By-laws. Over the ensuing years, this strategy has evolved at the direction of successive governments to become increasingly more prescribed and permissive.

Additional Dwelling Units – also known as secondary or accessory units, basement apartments, two-unit housing, granny flats, and in-law flats – are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures ancillary to dwellings.

The primary reasons this strategy was initiated include:

- To increase the stock of affordable rental accommodation.
- To provide homeowners with an opportunity to earn additional income to help meet the costs of home ownership.
- To support changing demographics by providing more housing options for extended families, elderly parents, or for a live-in caregiver.
- To increase densities, which support and enhance public transit, local businesses and to make more efficient use of public infrastructure.

Municipalities are required to implement Official Plan policies and Zoning By-law regulations that allow up to two Additional Dwelling Units where any detached, semi-detached and townhouse dwelling exists in an urban area with municipal water and wastewater services. Up to one unit must be permitted in a building ancillary to one of these dwelling types. Chatham-Kent complies with this provincial direction.

Chatham-Kent has implemented Official Plan policies and Zoning By-law regulation to further expand opportunities for Additional Dwelling Units in residential zoned properties where partial municipal services, or private services are relied upon. Up to one Additional Dwelling Unit is permitted where any detached or semi-detached dwelling exists in a rural area on a residentially zoned property, which can be within the main dwelling or in a building ancillary to a dwelling.

On Agricultural zoned properties, one Additional Dwelling Unit is permitted within a detached dwelling.

Allowing additional detached dwellings on Agricultural zoned properties should be considered. It should be the expectation that if changes are implemented, there must be clearly defined Official Plan policies and Zoning regulations put in place that have clear intent for the provision of additional housing options in agricultural areas, prioritize the needs of agriculture operations and the protection of agricultural lands, address surplus dwelling severance policies, and seek to avoid long term negative outcomes. Broad public consultation, including with farmers and farming interest groups, is key to an outcome which is in the public interest.

Land Division in Agricultural Areas for the Purpose of Residential Development

As defined by the Provincial Policy Statement (2020), nearly all of the lands outside of Chatham-Kent's defined settlement areas are Prime Agricultural Lands and within a Prime Agricultural Area. These lands are provided a high level of protection in Ontario for protection over the long term. Division of lands in these areas for residential uses is limited to dwellings surplus to a farming operation as a result of consolidation, or to lands in settlement areas.

In considering new local policies that would allow lot creation in agricultural areas, the intent should be to prioritize the needs of agriculture operations and the protection of agricultural lands while providing for additional areas for residential development, and seeking to avoid long term negative outcomes. Such opportunities may include the further utilization of existing non-farm lots where there exists conducive site characteristics and service levels and where the conversion of lands to productive farmland is less practical. Additionally, there exists several areas of development in the rural area that have evolved over time into "strip development" which may provide logical opportunities for infill development. These areas may exist in proximity to a natural feature on the landscape or in an area of former aggregate extraction.

The process to establishing such land division policies will be more involved compared to implementing Additional Dwelling Unit policies as discussed above, and the extent of what can ultimately be implemented cannot be assumed. However, there is merit in investigating the opportunity. Specifically, there are several provincial policies related to land use patterns in municipalities, settlement areas, and agricultural lands to be considered. Broad public consultation, including with farmers and farming interest groups, landowners, utility service providers, and other public bodies is key to an outcome which is in the public interest.

Public Consultation

Meaningful community and stakeholder engagement is central to public policy development. Chatham-Kent must generate a body of public input to serve as a guide and reference for the development of potential policy changes. Stakeholder groups, public bodies, and government will be engaged directly.

Engagement will include a dedicated Let’s Talk page. This page will be utilized to provide awareness surrounding the proposed goal of increase residential housing opportunities in rural areas while prioritizing the needs of agriculture operations and the protection of agricultural lands. It will also be utilized to obtain input from the community to inform the creation of any potential policies that may be considered for implementation.

Comments can be made in writing at any time to ckplanning@chatham-kent.ca.

Areas of Strategic Focus

This report supports the following areas of strategic focus:

			
Economic Prosperity	Healthy & Safe Community	People & Culture	Environmental Sustainability
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Consultation

Administration began consultation with the Ontario Ministry of Municipal Affairs and Housing (MMAH) and Ministry and Agriculture, Food and Rural Affairs (OMAFRA)¹ in the Spring, as there are matters of provincial interests under consideration. Chatham-Kent provided an overview of the policy areas being considered and met virtually with staff of MMAH and OMAFRA in May. During that meeting it was noted by Ministry staff that a new Provincial Planning Statement (2024) is expected this year. The current draft document includes policies that are supportive of Additional Dwelling Units within the Prime Agricultural Area, however lot creation policies in Prime Agricultural Areas are largely unchanged.

It should be noted that a new Provincial Planning Statement (2024) draft was first issued for public comment in April 2023, a second time in April 2024. It is not certain what the final policies will be, nor when it will be put into effect.

Agricultural Advisory Committee

It is acknowledged that the initial direction of Council was to present this report in June. However, following the March 25 Council meeting it was acknowledged by Administration that this report and the recommended initiatives would be better prepared following an initial meeting with the Agricultural Advisory Committee. Planning staff attended the June 26 meeting of the Committee to preview the planning context surrounding rural housing and engage in productive discussion with its members. It is anticipated that these efforts will continue at the next meeting of the Committee, anticipated to be held in September.

Communication

Communication is proposed to be through the inclusion of this report on the Council agenda and related communications. Additional communications will be undertaken as part of the public consultation period.

Diversity, Equity, Inclusion and Justice (DEIJ)

The recommendation contained in this Report supports the concepts of diversity, equity, inclusion, and justice insofar as it may result in changes to the local housing supply in geographic areas where increased access to housing may be needed to support people and families in the tradition of rural living and farming.

Financial Implications

There are no financial implications resulting from this Report.

¹ Since this initial consultation the Ontario Ministry and Agriculture, Food and Rural Affairs is now separated into the Ministry of Agriculture, Food and Agribusiness and Ministry of Rural Affairs

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