

DATE: June 29th, 2020

REPORT NO: PD-058-20

SUBJECT: **Technical Report**
Leonard & Lynn Snippe
Zoning By-law Amendment
File No. 1601-002-20

CONTACT: Alexa Cooper, Planner I
Brian Treble, Director of Planning and Building

OVERVIEW:

- An application for rezoning was submitted by Leonard & Lynn Snippe for the lands legally described as Concession 4, Part of Lot 10, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5657 Regional Road 65.
- This application for rezoning is required as a condition of consent for surplus severance application B01/2020WL, that was conditionally approved by the Township of West Lincoln's Committee of Adjustment on February 27th, 2020.
- The severed residential lot is proposed to be rezoned to Rural Residential 'RuR' with no site specific exceptions.
- The retained agricultural lot is required to be rezoned from Agricultural 'A' to Agricultural Purposes Only 'APO' with a site specific exception to recognize a deficient lot size of 21.6ha whereas 39ha is the required minimum.
- A Recommendation Report will be prepared by Township Staff following input from the public meeting and any agency comments, and will be presented at a future Planning/Building/Environmental Committee or Council Meeting.

RECOMMENDATIONS:

1. That, report PD-058-20, regarding "Leonard & Lynn Snippe Zoning By-law Amendment File No. 1601-002-20", dated June 29th, 2020 be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee meeting.

ALIGNMENT TO STRATEGIC PLAN

- Strategic, Responsible Growth

BACKGROUND:

The subject lands are legally described as Concession 4, Part of Lot 10, Gainsborough, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5657 Regional Road 65 (see attachment 1 for a survey sketch).

This application for rezoning has been submitted to fulfil a condition of consent for application B01/2020WL, a surplus farm dwelling severance which was conditionally granted approval by the Committee of Adjustment on February 27th, 2020. This will enable the applicants to retain the farm parcel and dispose of the surplus farm dwelling on the property.

The Zoning By-law Amendment proposes to rezone the ±0.4 hectare severed lot with an existing dwelling to a Rural Residential 'RuR' zone with no site specific exceptions. The remaining ±21.6 ha parcel of agricultural land to be retained is required to be rezoned to Agricultural Purposes Only 'APO' with a site specific exception to recognize a deficient lot area of 21.6 ha whereas 39 ha is the required minimum.

CURRENT SITUATION:

1. Provincial Policy Statement (PPS)

The PPS guides the growth and development of the Province and provides the general framework for planning in the Province. All planning decisions must be consistent with the PPS. The policies regarding Agriculture are within the 'Wise Use and Management of Resources' section of the PPS. The lot creation policies in the PPS for the Agricultural area are very specific and limited in the number of instances where severances in the agricultural area can occur. The PPS allows for surplus farm severances in the following instances:

As a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant 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 retained agricultural lands will need to be rezoned to Agricultural Purposes Only, which will meet the intent of the PPS to prohibit a new residential dwelling on the vacant severed agricultural parcel. The severed residential property will need to be rezoned to Rural Residential 'RuR' to recognize the continued residential use on the property.

2. A Place to Grow – Provincial Growth Plan (P2G)

Applications filed after June 16, 2006 must conform to the A Place to Grow – Provincial Growth Plan. Section 1.2.3 of the P2G provides direction on how to read the Growth Plan, specifically noting that: *This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography.*

Section 4.2.6 of the Growth Plan contains policies for the Agricultural System in Ontario. These policies aim to preserve, protect and enhance Ontario's Agricultural System. Where agricultural uses and non-agricultural uses interact outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed (4.2.6.3). The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced (4.2.6.4). The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged (4.2.6.5).

3. Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the Greenbelt Plan does not apply.

4. Regional Policy Plan (RPP)

The Regional Policy Plan (RPP) provides general policies that are to be applied across the Niagara Region. The policies regarding severances in the agricultural area are similar to those found in the PPS. The policies allow for surplus farm severances as a result of a farm consolidation, so long as residential dwellings are prohibited in perpetuity on any vacant remnant parcel of agricultural land.

The policies in the RPP also permit surplus residential lot sizes to be a maximum of 1 acre, or 0.4 hectares, unless it has been identified that additional lands are required for legal or technical reasons. The consent application was approved conditionally to sever ± 0.4 hectares (± 1.0 acres) of residential land.

5. Township of West Lincoln Official Plan (OP)

The Township OP allows for severances in the agricultural area where two or more farms, being contiguous or non-contiguous, have been amalgamated under the ownership of a bona fide farmer and an existing house, which is capable of habitation and is considered surplus to the needs of the farmer. The remaining agricultural lands must be rezoned as Agricultural Purposes Only in perpetuity to prevent any future houses on the agricultural lands. As such, the severed agricultural land is being rezoned to Agricultural Purposes Only, which will prevent any future houses from being constructed on the agricultural lands.

The policies in the Township's OP state that a new residential lot being created through a surplus farm dwelling severance should not be larger than 0.4 hectares, nor include more Good General Agricultural land than is required to support the residence and private services required to serve that residence. The application proposes a residential lot size of ± 0.4 hectares. The Township's OP also requires the residential dwelling to be a minimum of 10 years of age. The existing residential house on the subject property

was built in 1900 according to Municipal Property Assessment Corporation (MPAC) data.

6. Township of West Lincoln Zoning By-Law (ZBL)

The majority of the property is currently zoned Agricultural 'A' in the Township's Zoning By-law. The proposed application is to rezone the severed ±0.4 hectare (±1.0 acre) residential lot from Agricultural 'A' to Rural Residential 'RuR', with no site specific exception.

Additionally, the application proposes to rezone the remaining ±21.6 hectares (±53.5 acres) of retained Agricultural land to Agricultural Purposes Only 'APO' with a site specific exception to recognize the deficient lot area whereas 39 hectares (96 acres) is the required minimum. The APO zoning will preclude any new residential dwellings in perpetuity.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Agencies were notified by way of e-mailed and mailed notice on May 1st, 2020. Notice was also posted on the Municipality's website and through the posting of a Yellow Sign on the subject property once the notice was sent out to the public.

Township Public Works had comments regarding the proposed application.

The Niagara Region commented on the original severance application, and addressed the rezoning application through those comments. The Region has no objection to the rezoning provided the severed agricultural lands are re-zoned to preclude any new dwellings in perpetuity. This is proposed to be done by rezoning the remnant lands to Agricultural Purposes Only (APO).

The Niagara Peninsula Conservation Authority (NPCA) also commented through the original consent application and provided no objections to the application as proposed.

Agency Comments can be found at attachment 2 to this report.

PUBLIC COMMENTS

Public Notice was provided via regular mail to all property owners within a 120m distance of the property lines. No public comments have been received as of June 26th, 2020.

CONCLUSION

Township Staff have completed a preliminary review of this application against the applicable planning policy.

The residential lot will need to be rezoned to a Rural Residential 'RuR' zone with no site

specific exception. The ±21.6-hectare parcel of agricultural land to be retained is required to be rezoned to Agricultural Purposes Only 'APO' with a site specific exception to recognize a deficient lot size whereas 39 hectares is the required minimum.

A future staff report will provide a recommendation to Planning/Building/Environmental Committee for this application following input received through the public meeting process.

ATTACHMENTS

1. Survey Sketch
2. Agency Comments
3. Draft By-law

Prepared by:



Brian Treble, RPP, MCIP
Director of Planning and Building



Alexa Cooper
Planner I



Beverly Hendry
CAO

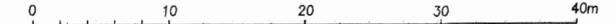
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SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

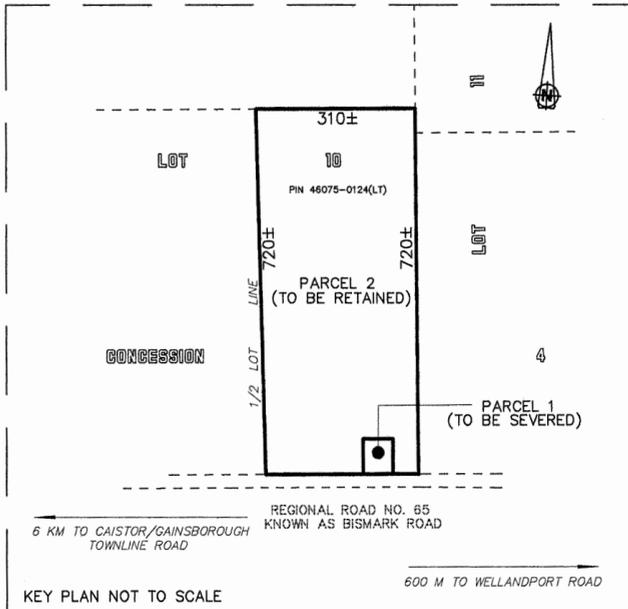
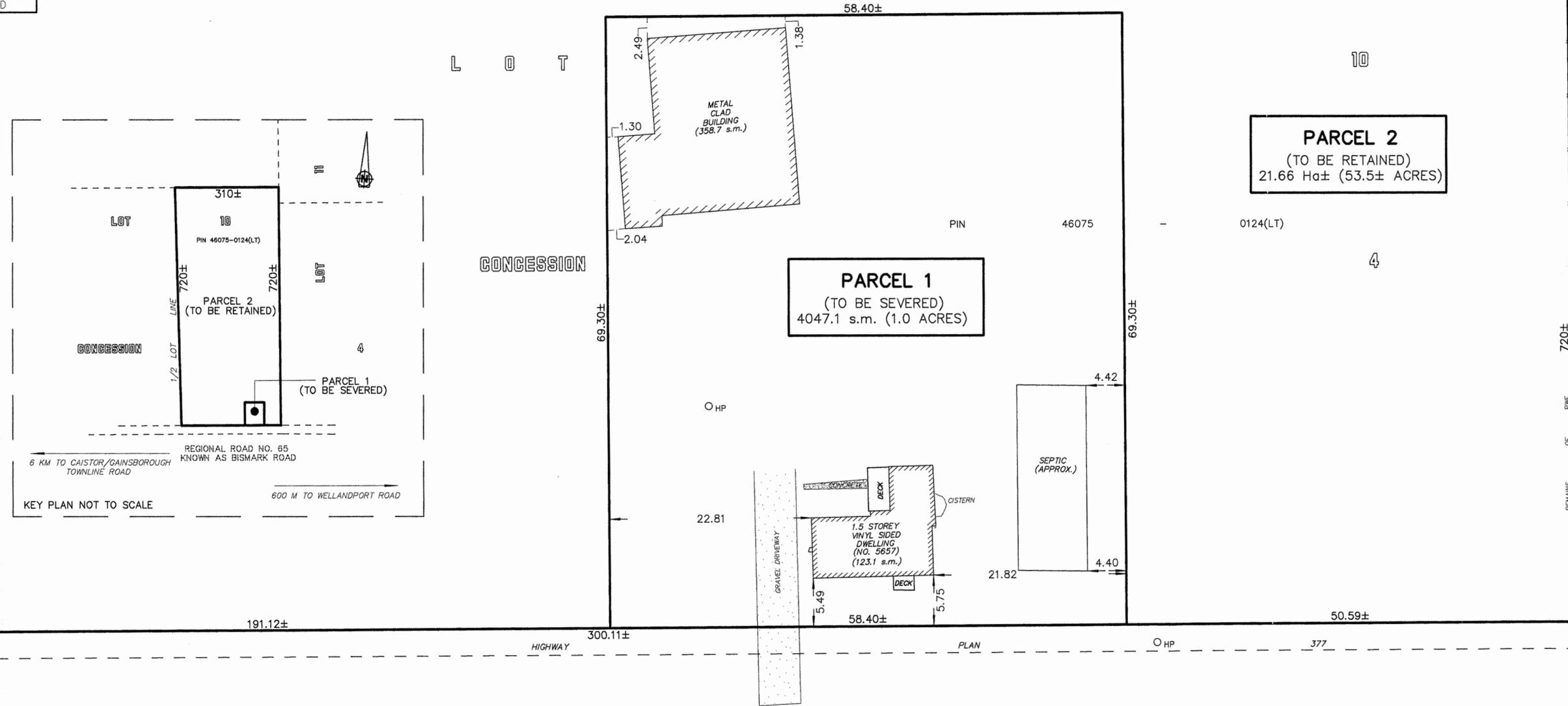
SKETCH FOR SEVERANCE APPLICATION



SCALE 1 : 400

RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

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PROPERTY DESCRIPTION

PART OF LOT 10
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46075-0124(LT)

LEGEND & NOTES

PIN DENOTES PROPERTY IDENTIFIER NUMBER
PWF DENOTES POST AND WIRE FENCE
HP DENOTES HYDRO/UTILITY POLE

ALL DISTANCES AND AREAS ARE APPROXIMATE

BOUNDARY NOTE

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR MORTGAGE OR TRANSACTION PURPOSES. BOUNDARY INFORMATION HAS BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND PLANS AND FROM ACTUAL FIELD WORK.

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION

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FIELD WORK COMPLETED: NOVEMBER 13, 2019

NOVEMBER 29, 2019

Date

HAROLD D. HYDE
ONTARIO LAND SURVEYOR

RASCH + HYDE LTD.
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
DUNNVILLE, ONT, N1A 2X1
905-774-7188
(FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street
FORT ERIE, ONT, L2A 5Y1
905-871-9757
(FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 400

SURVEY : 19-321

DRWN BY : J. H.



Memo

To: Alexa Cooper, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: May 22, 2020
Re: File No. 1601-002-20 – 5657 Regional Rd 65

A review has been completed on the application for a Zoning By-law Amendment to rezone the property legally described as Concession 4, Part of Lot 10, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5657 Regional Road 65.

Public Works has no comments to provide on this application.



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
 Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

January 31, 2020

Our File No.: PLCON202000100

BY E-MAIL ONLY

Planning Department/Committee of Adjustment
 318 Canborough St. P.O. Box 400
 Smithville, ON L0R 2A0

Attention: Alexa Cooper, Secretary-Treasurer Committee of Adjustment

Subject: Application for Consent, B01/2020WL
 CON 4 PT LOT 10
 5657 Regional Road 65, West Lincoln ON L0R1Y0
 ARN 260202001019500

Further to your request for comments for the Application for Consent pertaining to the above noted property, the following is offered.

An application to sever the off the existing residential use from the agricultural land at a size of 0.4 hectares (1.0 acres). The remaining agricultural land will be 21.7 hectares (53.5 acres) in size.

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the NPCA Mapping of **5657 Regional Road 65**, in the Township of West Lincoln and notes that property is impacted by the NPCA Regulated Area with a several watercourses including one draining over 125 hectares, and a Provincially Significant Wetland (PSW) and buffer area.

NPCA Policy

NPCA Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies for the Administration of Ontario Regulation 155/06 and the Planning Act* (NPCA policies) provides direction for managing NPCA regulated features.

The NPCA's Regulation Mapping illustrates that the subject lands contain Provincially Significant Wetland (PSW) associated with the St. Ann's Slough Forest Wetland Complex. The PSW provides for natural flood attenuation during storm events and, as such, it is important to maintain the hydrologic function of wetlands to assist in minimizing flooding impacts downstream. The severance is well outside of the PSW and buffer zone. As such the NPCA is satisfied that the proposed consent will have no negative impact on the adjacent wetland feature.

The subject parcel is impacted by Parkers Creek watercourse and several small tributaries regulated by the NPCA. Parkers creek is draining over 125 hectares, however upon internal review the NPCA does not have a flooding concern. Any works or site alterations within 15 metres of a watercourse may require approval from the NPCA and should be discussed with NPCA staff prior to commencement of said works or site alteration.

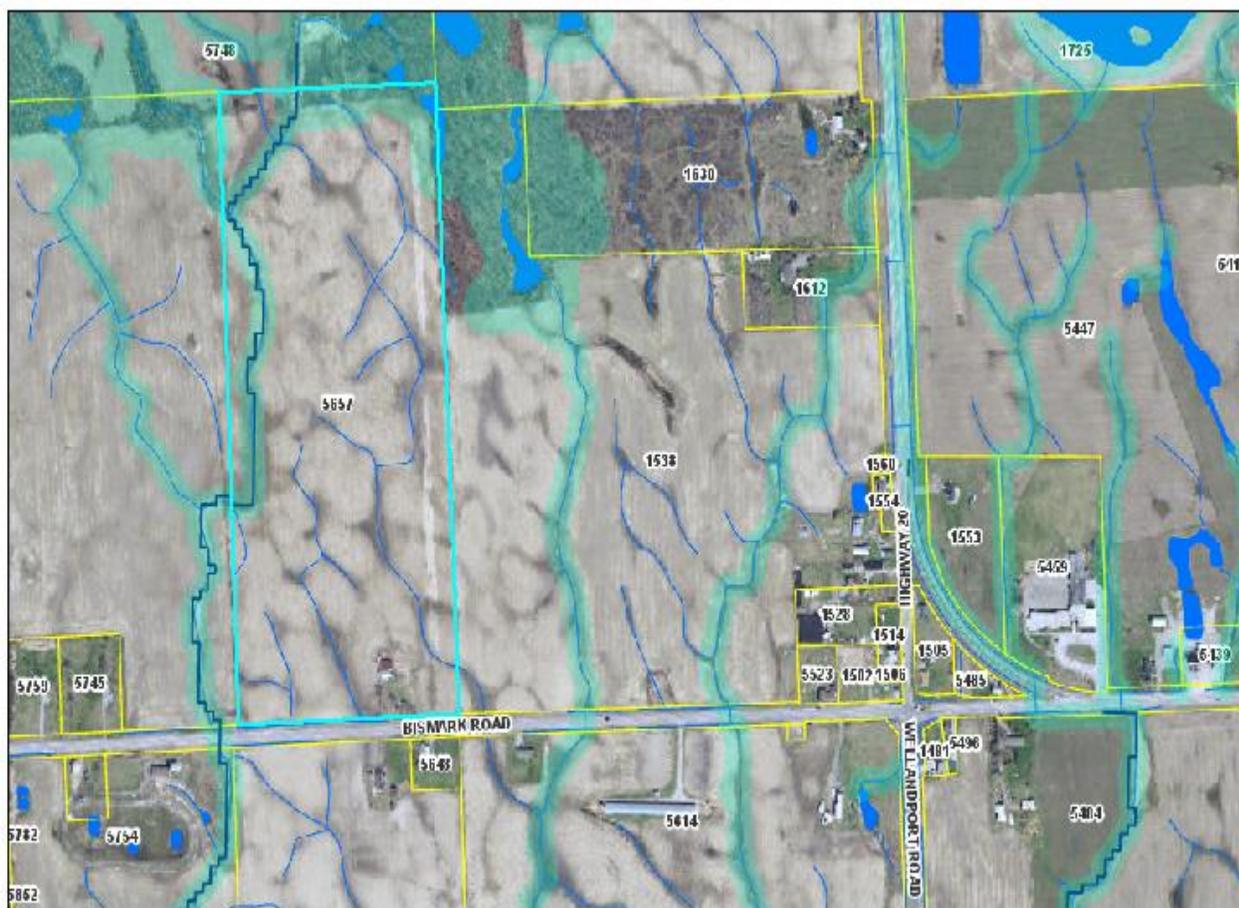
Conclusion

As such the NPCA has no objections to the proposed consent application B01/2020WL.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter. Please send notice of your Committee's decision and notice of any case management hearing.

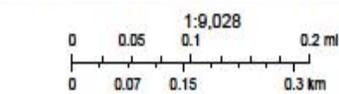
Sincerely,
Jessica Abrahamse
Jessica Abrahamse M.E.S.
 Watershed Planner
 (905) 788-3135, ext. 235

5657 Regional Road #65



2/7/2020, 11:36:22 AM

Roads	NPCA APPROXIMATE REGULATION LANDS	Top of Slope Features
Corporate Watershed Divide NPCA	Top of Slope Allowance	Stable
		Unstable



NPCA, Brian Lee. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, ...

City of Welland, Haldimand County, Niagara Region, Regional Municipality of Niagara, Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METINASA, EPA, USDA, AAFC, NRCAN | Brian Lee | NPCA |



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

February 13, 2020

File No.: D.06.12.CS-20-0012

Alexa Cooper
Secretary-Treasurer, Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Cooper:

**Re: Regional and Provincial Comments
Proposed Surplus Farm Dwelling Severance
Township File No.: B01/2020WL
Applicant: Leonard & Lynn Snippe
Address: 5657 Regional Road 65 (Bismark Road)
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the above-noted consent application, which proposes to sever off the existing rural residential use (Parcel 1) from the agricultural lands (5657 Regional Road 65) at a size of ~0.4 hectares (~1.0 acres). The remaining agricultural land (Parcel 2) will be ~21.7 hectares (~53.5 acres) in size. The submitted consent application represents a surplus farm dwelling severance. A pre-consultation meeting for this proposal was held at the Township of West Lincoln on October 17, 2019 with the applicant, and staff from the Township, Region and Niagara Peninsula Conservation Authority. The following Provincial and Regional comments are provided to assist the Committee in considering this application.

Provincial and Regional Policies

According to the Provincial Policy Statement (PPS) the property is located within a prime agricultural area and is designated as within the Good General Agricultural Area in the Regional Official Plan (ROP). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. Both the PPS and the ROP permit the severance of a residence surplus to a farming operation as a result of farm consolidation, provided that new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of farmland created by the

D.06.12.CS-20-0012

February 13, 2020

severance, and the new lot will be limited to a size required to accommodate the use and appropriate sewage and water services.

The information provided with the consent application indicates that the purchaser (Leonard and Lynn Snippe) are bona fide farmers, with a principal residence located in West Lincoln. The purchaser of the agricultural land at 5657 Bismark Road currently farms 513 acres of owned lands, and 11 rented agricultural parcels throughout the Township.

The ROP provides that the size of any new lot shall not exceed an area of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support private water and sewage services. The proposed surplus farm dwelling severance, if approved, would result in the creation of a 0.4 hectare (1 acre) rural residential parcel, in line with the ROP policy. The remnant agricultural parcel should be rezoned to preclude its use for residential purposes (i.e. through an Agricultural Purposes Only 'APO' zone).

Private Sewage Services

Staff notes that the Township of West Lincoln is responsible for their own private septic system review. As such, the Committee should look to the Township's comments with respect to the private septic system requirements.

Regional Permit Requirements

The applicant should be advised that should a new entrance for the severed farm parcel be proposed from Regional Road 65 (Bismark Road), the applicant will be required to obtain the necessary Regional Construction Encroachment and Entrance Permits from Niagara Region's Transportation Services Division, Public Works Department. Permit applications can be made online through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Conclusion

Regional Planning and Development Services staff does not object to the consent application from a Provincial or Regional perspective, subject to the satisfaction of any local requirements and conditional on the remnant farm parcel (Parcel 2) being rezoned to preclude any new dwellings in perpetuity (i.e. Agricultural Purposes Only 'APO' zone).

Please send notice of the Committee's decision on this application.

D.06.12.CS-20-0012
February 13, 2020

If you have any questions or wish to discuss these comments further, please contact the undersigned at extension 3352 or Aaron Butler, MCIP, RPP, Senior Development Planner, at extension 3264.

Best regards,

A handwritten signature in black ink, appearing to read 'Aimee Alderman', with a long horizontal flourish extending to the right.

Aimee Alderman, MCIP, RPP
Development Planner

cc: Mr. A. Butler, MCIP, RPP, Senior Development Planner, Niagara Region
Mr. R. Alguire, Development Approvals Technician, Niagara Region

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020- XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017- 70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:

1. THAT Schedule 'A' Map 'E6' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 4, Part of Lot 10, in the Township of West Lincoln, known municipally as 5657 Regional Road 65, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'E6' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to a Rural Residential 'RuR' zone.
3. THAT Map 'E6' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural 'A' zone to an Agricultural Purposes Only with a site specific exception 'APO-XXX' zone.
4. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
 APO-XXX
 Permitted Uses:
 As per the parent zone.
 Regulations:
 As per the parent zone, except: a minimum lot area of 21 hectares.
5. THAT all other provisions of By-law 2017-70 continue to apply.
6. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS DAYth DAY OF MONTH, 2020.

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2019-XX**Location:**

This By-law involves a parcel of land located on the north side of Regional Road 65, legally known as Concession 4, Part of Lot 10, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5657 Regional Road 65.

Purpose & Effect:

Part 1 of the subject lands were zoned as Agricultural 'A'. The rezoning for Parcel 1 zoned the subject lands to a Rural Residential 'RuR' Zone with no site specific exception.

Part 2 of the subject lands were zoned Agricultural 'A'. The rezoning for Part 2 rezoned the subject lands to an Agricultural Purposes Only 'APO' Zone with a site specific exception to recognize a deficient lot size of 21.6 hectares whereas 39 hectares is the required minimum.

Public Consultation:

The Public Meeting was held on June 29th, 2020. The Township received verbal and written comments from [REDACTED] neighbour(s) regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-002-20

Applicants: Leonard & Lynn Snippe

DRAFT