

DATE: March 8, 2021

REPORT NO: PD-24-2021

SUBJECT: Technical Report - Folia Holdings Inc. – Zoning By-Law Amendment 1601-003-21

CONTACT: Brian Treble, Director of Planning & Building
Madyson Etzl, Planner II

OVERVIEW:

- An application for rezoning was submitted by Brian Gatkke (Agent) on behalf of Folia Holdings Inc. (owner) for the lands legally described as Concession 8, Part Lot 12, Part 3 and Part 1 of 30R5659 formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 6850 Young Street.
- This application proposes to rezone 10.29 hectares (25.4 acres) of land from Agricultural 'A' to Agricultural 'A' with a site specific exception. The site specific exception will permit two farm dwelling units on the property to house greenhouse employees, in addition to an existing unit within the greenhouse. The current zoning bylaw maximum is only one accessory farm dwelling unit permitted per property.
- 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.

RECOMMENDATION:

1. That, Report PD-24-2021, regarding "Folia Holdings Inc. Zoning By-law Amendment File No. 1601-003-21", dated March 8th 2021, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee meeting.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- Strategic, Responsible Growth

BACKGROUND:

The subject lands are legally described as Concession 7, Part Lot 12, Part 3 and Part 1 of 30R5659 in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 6850 Young Street. (see attachment 1 for a survey sketch)

This application for rezoning has been submitted to rezone the 10.29 hectare parcel of land from Agricultural 'A' to Agricultural 'A-###' with a site specific exception.

This site specific exception will permit two farm dwelling units on the property to house greenhouse employees, in addition to an existing unit within the greenhouse, whereas a maximum of only one accessory farm dwelling unit is currently permitted. The newly proposed farm dwelling units are proposed to be 16 feet by 80 feet. Each unit will be able to accommodate 7 workers.

Foliera Holdings Inc. has been approved for 10 offshore workers who arrive at various times throughout the 2021 year, Foliera Holdings Inc. also has an application with FARMS for an additional 7 offshore workers. The farm workers work term cannot exceed 8 months duration. All offshore workers must leave Canada by December 15th. The proposed farm dwelling units will be connected to a new septic system pending the approval of the building permit and septic review with Township staff. The farm dwelling units are proposed to be installed towards the back of the greenhouse, these units will not be visible from Young Street.

CURRENT SITUATION:

1. Provincial Policy Statement (PPS) (2020)

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.

Section 1.1.4.1 in the PPS states that 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; 11 | Provincial Policy Statement, 2020
- 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.

Section 1.1.5.3 of the PPS state that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Section 1.3 of the PPS states that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs.

2. A Place to Grow – Provincial Growth Plan (P2G) (2019)

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). An agricultural operation is proposing expansion within the agricultural system and therefore protected by Provincial Planning Policy.

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. Section 5A of the Regional Policy Plan contains objectives that advocate and support government policies and programs which promote the agricultural industry, and to support uses that enable farming and farmers to"

- a) Become more competitive, sustainable and environmentally friendly;
- b) Adapt to new and changing markets;
- c) Diversify into and take advantage of new agricultural opportunities;
- d) Improve the understanding of agriculture by the general public; and
- e) Broaden operations to diversify economic activity and add value to their primary products.

Policy 5.B.11 of the RPP states that additional permanent or portable farm-related

dwellings may be permitted without severance for full time farm help where the size and/or nature of the far operations makes the employment of such help necessary, where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability.

5. Township of West Lincoln Official Plan (OP)

Section 4.1 of the Township's Official Plan states that agricultural areas shall protect a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln.

The Township's OP states that additional agricultural-related dwellings, whether these dwellings are permanent or modular in nature may be permitted without severance for full time farm help where the size and/or nature of the agricultural operation makes the employment of such help necessary, and where such additional dwelling does not have a significant effect on the tillable area of the farm or its viability. A farm help house shall not be eligible for a severance from the farm operation in the future and the owner shall sign an undertaking to this effect. These uses shall be permitted through a zoning by-law amendment.

All development within all Agricultural Areas shall be supported by private sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln, the Ministry of the Environment and/or the Ministry of Municipal Affairs and Housing:

- i. Approvals for servicing that are less than 10,000 L/day will be issued by the Township as per the requirements in the Ontario Building Code;
- ii. Approvals for servicing that are greater than 10,000 L/day will be issued by the Ministry of the Environment as per the requirements of the Ontario Water Resources Act.

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

The subject property is currently zoned Agricultural 'A' in the Township's Zoning By-law. The proposed application is to rezone the property to Agricultural 'A-###-' with a site specific exception to permit two farm dwelling units on the property, in addition to an existing unit within the current greenhouse. The Agricultural use of the property will not be changing.

Farm dwelling units are permitted on an agricultural lot provided that:

- a) they are on a lot having a minimum lot area of 10 hectares and containing a permitted agricultural use, and an associated single detached dwelling.
- b) A maximum of one dwelling unit shall be permitted within an accessory farm dwelling in addition to the primary single detached dwelling on the lot
- c) An accessory farm dwelling shall be located within (1) of the following
 - i) An accessory building or structure in accordance with Section 3.1 excluding Clause 3.1 (b) that is within 50 metres of the primary single detached dwelling on the lot, or

- ii) An accessory dwelling unit in accordance with subsection 3.2.1 or
- iii) A garden suite in accordance with subsection 3.2.1 of the Township's ZBL.
- d) Access to the required parking for the accessory farm dwelling shall be provided from the same driveway that provides access to the primary single detached dwelling on the lot.

The dwelling units will need to meet the required Minimum Distance Separation from the neighbouring poultry barns.

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 Thursday February 10th 2021. 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, Building Department, Niagara Peninsula Conservation Authority and Niagara Region staff had no comments regarding the proposed application.

PUBLIC COMMENTS:

Public Notice was provided via regular mail to all property owners within a 120m distance of the property lines on February 10th 2021.

Township staff have received one public comment from a neighbouring resident. This comment included questions about the size of the mobile trailers, how many farm workers they will accommodate, and what they are connected to for servicing. This public comment has been added as attachment 3 to this report

CONCLUSION:

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

This Agricultural 'A' lot will need to be rezoned to Agricultural 'A-###' with a site specific exception to permit a maximum of 2 accessory farm dwelling units to house farm workers in addition to an existing unit within the greenhouse whereas the maximum is only one accessory farm dwelling unit.

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. Site Sketch
2. Public Comments
3. Draft By-law

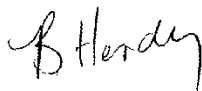
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