

DATE: September 12, 2022

REPORT NO: PD-78-2022

SUBJECT: **Recommendation Report – Zoning Bylaw Amendment – Leonard Snippe – 5444 Concession 4 Road (File No: 1601-010-22)**

CONTACT: Gerrit Boerema, Senior Planner
Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for rezoning was submitted by Leonard Snippe for the lands legally described as Concession 4, Part Lot 12, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5444 Concession 4 Road. (See Attachment 1 for a survey sketch)
- This application for rezoning is required as a condition of consent for a surplus farm dwelling severance (application B04/2022WL) that was conditionally approved by the Township Committee of Adjustment on July 27th 2022.
- The conditionally approved severance has proposed to sever a 1.5-acre residential lot with a dwelling from the remnant 9.1 hectare retained agricultural lands which are proposed to be merged with an abutting farm parcel also owned by the Snippes.
- The retained Agricultural 'A' lot will remain in an Agricultural 'A' zoning and no site specific exceptions are required as the property will meet the frontage and lot area requirements as part of a merged new lot. A zoning amendment is required to zone the severed residential lot to a rural residential zone.
- A public meeting was held on August 11, 2022. No members of the public or Committee provided oral or written submissions.
- Planning Staff have reviewed the application for Zoning Bylaw Amendment against the applicable planning policies and can recommend support of the bylaw as found in Attachment 2.

RECOMMENDATION:

1. That, Recommendation Report PD-78-2022, regarding "Zoning Bylaw Amendment – Leonard Snippe – 5444 Concession 4 Road, File No. 1601-010-22" dated September 12, 2022, be RECEIVED; and,
2. That, an application for Zoning By-law Amendment 1601-0010-22 submitted by Leonard Snippe, and a corresponding Zoning By-law be APPROVED and passed; and,
3. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic, Responsible Growth** – Welcoming new residents and businesses and respecting the heritage and rural identity that people value.

BACKGROUND:

An application for a Zoning Bylaw Amendment has been submitted by Leonard Snippe for the property legally described as Concession 4, Part Lot 12, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5444 Concession 4 Road. The property is located at the south east corner of Concession 4 Road and Regional Road 20.

On July 27, 2022 the Township Committee of Adjustment granted conditional approval to Mr. Snippe for a surplus farm dwelling severance which proposed to sever a 1.5-acre residential lot with a dwelling from a 9-hectare agricultural lot. The retained agricultural lands are proposed, and are required by way of condition of consent, to be merged with the abutting agricultural lot also owned by Mr. Snippe.

An additional condition for the severance requires Mr. Snippe to apply for, and obtain approval of a Zoning Bylaw Amendment to rezone the severed agricultural lot to Rural Residential 'RuR', as the lot will no longer function as part of an agricultural lot, and to address any site specific zoning deficiencies.

Typically, when considering a surplus farm dwelling severance, a condition to rezone the retained agricultural lands to 'Agricultural Purposes Only – APO' is required, however, in this application, the retained farmlands will be merged to an abutting agricultural parcel and 'APO' is not needed as no new lot is being created.

The resulting agricultural lot will meet the minimum lot area requirements of 40 hectares and the minimum lot frontage of 100 metres for an agricultural 'A' zoned lot and therefore the Snippe's have not requested any additional site specific zone exceptions.

Planning staff have reviewed this application against the applicable Provincial, Regional and Local planning policy and can recommend support. A summary of staff's review can be found below.

CURRENT SITUATION:

Township Staff have reviewed and are providing the relevant Provincial, Regional and Local policy that applies to surrounding Agriculture related properties.

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 subject property is within the agricultural area of the Township of West Lincoln. 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 as a result of

farm consolidation and where the severance does not result in the allowance of new non-residential dwellings and uses being established.

A full review of the severance was completed for the Committee of Adjustment, however, in summary, Mr. Snippe is a bona-fide farmer who has farmed this land for many years as a tenant farmer, but only recently was able to purchase the property. The remnant farmland is required to be merged with the abutting farmland that Mr. Snippe owns, resulting in no lots or dwellings as only one residential dwelling is permitted on the combined agricultural lot.

The rezoning to Rural Residential 'RuR' for the 1.5 acre severed lot with a dwelling is to recognize that the property will no longer be tied to agricultural uses and will function as a residential lot.

The subject application maintains the general intent of the Provincial Policy Statement.

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 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).

As the dwelling in this situation is existing, and as surplus farm dwelling severances are permitted in the PPS, planning staff are of the opinion that this proposal meets the intent of the Provincial Growth Plan.

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 located outside the area designated in the Greenbelt Plan, the PPS is the provincial policy that applies in this situation.

4. Current Niagara Region Official Plan and Adopted New Regional Official Plan

The new Niagara Region Official Plan was adopted by Regional Council earlier this year, but still awaits Provincial Approval at the time of writing this report. As such, this section will summarize both the current and the newly adopted Regional Official Plan policies with respects to surplus farm dwelling severances.

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.

Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of the RPP and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

Policy 5.B.8.1 sets out the circumstances under which consents within Good General Agricultural Areas may be permitted. In accordance with Policy 5.B.8.1 c) lot creation for 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 land created by the severance and conditional upon obtaining approval of a rezoning to preclude its use for residential purposes is permitted.

The ROP also states that the size of any new lot does not exceed an area of 0.4 hectares except to the extent of any additional area deemed necessary to support a private water supply and sewage disposal system.

The newly adopted Regional Official Plan contains similar policy requirements in Section 4.1.6.2. The newly adopted plan provides more specific policies in regards to lot area and dwelling age. Surplus farm dwelling lots shall be 0.4 hectares in size and the dwelling is now required to have existed prior to June 16, 2006 to be eligible for severance. Additionally, the new Official Plan requires that remnant lots be merged where possible.

The dwelling according to MPAC was constructed in 1988 and the lot size approved was 1.5 acres (0.6 hectares) which was needed to satisfy the NPCA. The Region provided comments that they do not object to the severance and subsequent zoning amendment.

As such, planning staff believe this application meets the intent of both the current and newly adopted Regional Official Plan.

5. Township of West Lincoln Official Plan (OP)

The subject property is designated Good General Agriculture in the Township's Official Plan. 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 policy also requires that the application meet any applicable zoning requirements within the Township's Zoning Bylaw and that the retained agricultural lands be zoned to preclude any future residential uses. As discussed earlier in this report, a zoning amendment to APO for the retained agricultural lands has not been required as those lands will be merged to an abutting agricultural parcel zoned Agricultural 'A'. Therefore, no new lot will be created and no new residential uses introduced.

The residential lot is slightly larger than contemplated in the Official Plan, however, this was done to address NPCA concerns regarding keeping the lot line outside of an environmental feature.

As such, planning staff believe this application meets the intent of the Township's Official Plan.

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

The property located at 5444 Concession 4 Road is currently zoned Agriculture 'A'. The severed lot will need to be rezoned from Agricultural 'A' to Rural Residential 'RUR' to recognize the non-agricultural uses of the property. This amendment does not have any site specific exceptions as the applicant has previously removed the accessory buildings that didn't meet the zoning provisions of a Rural Residential zone.

The applicants abutting property located at 1735 Regional Road 20 is currently zoned agricultural. This property has a single detached dwelling located on it and the applicants are currently reconstructing the house. This parcel will remain farmed and will also remain in an agricultural designation with no site specific exceptions as the newly merged lot will meet the minimum lot area and frontage requirements.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

Notice of Public Meeting was circulated to all relevant agencies on July 21st, 2022. A yellow sign was posted on the property and a notice of hearing was posted to the website on July 21st, 2022

A public meeting was held on August 11, 2022 where no members of the public or Committee provided any oral or written comments.

The Region, NPCA, Township Public Works and Septic Inspector provided comments as part of the consent application and had no objections.

CONCLUSION:

Township staff have completed a review of this application against the applicable planning policy. The previously severed 1.5-acre parcel will need to be rezoned from Agricultural (A) to Rural Residential (RUR) The 22.5-acre parcel of agricultural land to be retained will merge on title with the applicant's existing farmland located at 1725 Regional Road 20.

Planning Staff recommend approval of the subject application and associated zoning amendment bylaw found in attachment 2.

ATTACHMENTS:

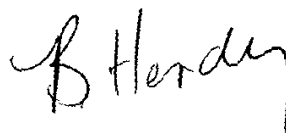
1. Survey Sketch
2. Draft By-Law

Prepared & Submitted by:



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CAO



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