

DATE: July 7, 2023

REPORT NO: PD-36-2023

SUBJECT: Recommendation Report - Zoning By-law Amendment Application
Brad Snippe – 7005 Concession 4 Road (File No. 1601-005-23)

CONTACT: Dave Heyworth, Manager of Planning
Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for rezoning was submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 39 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 7005 Concession 4 Road (see attachment 1 for a location map).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling severance application B2/2023WL, that was conditionally approved by the Township of West Lincoln's Committee of Adjustment on March 29th, 2023.
- This zoning amendment application proposes to rezone the severed residential lot from an Agricultural 'A' zone to a Rural Residential 'RuR' zone and the remaining agricultural lands from an Agricultural zone 'A' to an Agricultural Purpose Only zone 'APO' with a site specific provision to recognize the deficient lot area.
- Subject to any comments raised through the public meeting process, Planning Staff recommend approval of this application for zoning amendment as it meets the applicable provincial, regional and local planning policy.
- Staff have prepared this Recommendation Report without a Technical Report since the application is simple in nature and this is an approach that may need to be used to meet Bill 109 timelines.

RECOMMENDATION:

1. That, Recommendation Report PD-36-2023, regarding "Recommendation Report - Zoning By-law Amendment Application, Brad Snippe 7005 Concession 4 Road – File No. 1601-005-23", dated July 17th, 2023, be RECEIVED; and,
2. The application for Zoning By-law Amendment 1601-005-23 submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 39 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 7005 Concession 4 Road be APPROVED in accordance with the attached Amending By-law.

3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2

- **Champion** – strategic and responsible growth

BACKGROUND:

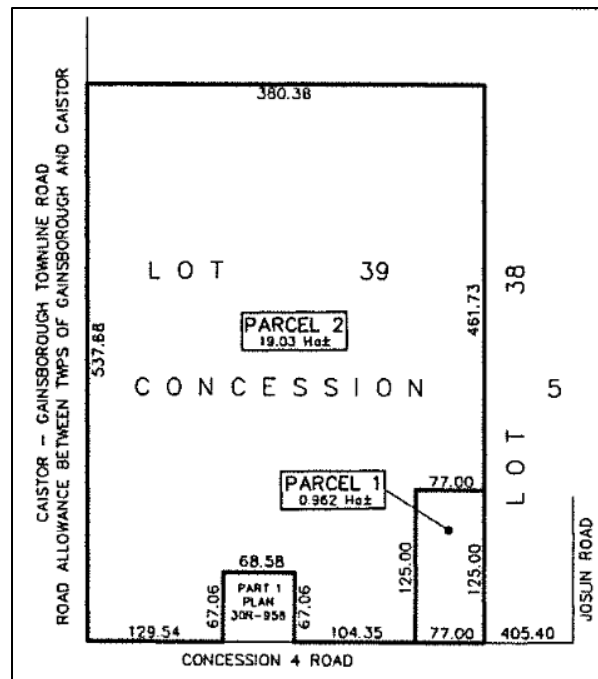
An application for a Zoning By-law Amendment has been submitted by Brad Snippe for the property municipally known as 7005 Concession 4 Road (see Attachment 2 for a survey sketch).

This application for Zoning By-law Amendment has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B2/2023WL, that was conditionally granted approval by the Committee of Adjustment on March 29th, 2023.

The Zoning By-law Amendment requests to rezone the severed residential lot (Parcel 1) from an Agricultural 'A' zone to a Rural Residential zone 'RuR' to recognize that the lot is no longer agricultural. This application also proposes to rezone the remaining agricultural land (Parcel 2) from an Agricultural zone 'A' to an Agricultural Purpose Only zone 'APO' with a site specific provision to recognize the deficient lot area, being 19 hectares, whereas the zoning bylaw requires 39 hectares. The APO zone is a requirement of Provincial, Regional and Local planning policy to preclude any future residential uses on the remaining farmland following a surplus farm dwelling severance.

Township staff had reviewed the consent application and provided a recommendation of support to the Committee of Adjustment as the surplus farm dwelling severance met all the requirements set out in the Township's Official Plan.

Figure 1. Severance Sketch



CURRENT SITUATION:

Township Staff have reviewed the application for zoning amendment to determine alignment with the relevant Provincial, Regional and Local policies.

1. Provincial Policy Statement (PPS) and Provincial Growth Plan

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.1 c) of the PPS, lot creation in prime agricultural areas is discouraged and

may only be permitted for a residence surplus to a farming operation as a result of farm consolidation. This support is provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and, the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The proposed zoning amendment is to ensure that provincial policy is being maintained and that no new residential dwellings will be permitted on the remaining farmland. As such, the proposed application meets the intent of the PPS and the Growth Plan as it provides long term protection of agricultural lands within the agricultural system.

2. Niagara Official Plan

The Niagara Official Plan provides general policy direction for planning in the Niagara Region. The Plan, in alignment with the PPS, permits surplus farm dwelling severances provided they meet several criteria. Based on the review completed as part of the Committee of Adjustment hearing, the severance met the policies outlined in the Niagara Official Plan provided a condition be implemented through the severance requiring that the remaining farmland be rezoned to preclude residential uses.

As such, the proposed zoning meets the intent of the Niagara Official Plan.

3. Township of West Lincoln Official Plan (OP)

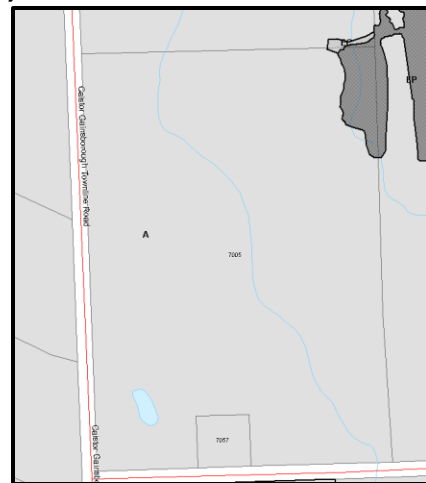
The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). The Township Official Plan allows for surplus farm severances in the Good General Agricultural area where it can meet a number of criteria including, the requirement that the residence is surplus to a farm operator, and that the remaining farmland be rezoned to Agricultural Purposes Only to preclude future residential uses.

This application for consent has been made by a bona-fide farmer and as a condition of consent the applicant is proposing a rezoning on the remaining farmland to preclude future residential uses. As such, the proposed zoning bylaw amendment maintains the intent of the Township's Official Plan.

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

The property is currently zoned Agricultural 'A', 'A-215', A(H-10), Environmental Conservation 'EC', and Environmental Protection 'EP'. A condition of the consent application is for the applicants to apply for, and receive approval of, a Zoning by-law amendment application.

A Zoning By-law Amendment was submitted by former owners and approved by Council in 2022 to permit a home industry on the property. Since that time the property has been purchased by Mr. Snippe and all business activity has been removed. As Mr. Snippe only has interest in farming the remaining farmland, there is no need to retain the zoning that permits the home industry.



The Zoning By-law Amendment proposes to rezone the severed parcel containing a dwelling (Parcel 1) from an Agricultural zone 'A' to a Rural Residential zone 'RuR'. This application also proposes to rezone the remaining agricultural parcel from an Agricultural zone 'A' Zone, 'A-215' Zone and 'A(H-10) Zone, to an Agricultural Purpose Only Zone 'APO-223' with a site specific provision to recognize the deficient lot area (Parcel 2). The existing environmental zoning in the northeast corner of the property is to be maintained.

The Township Zoning By-law requires that agricultural lots zoned APO have a minimum lot area of 39 hectares (± 96 acres), however, following the severance Parcel 2 will be only 19 hectares (± 47 acres). The total lot area is 20 hectares, so the remaining farm parcel, parcel 2, is not significantly smaller than what has existed.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report as this application for zoning amendment has been submitted prior to July 1st, 2023. Under Bill 109, the *More Homes for Everyone Act, 2022*, starting on July 1st, 2023, the municipality will be required to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions. Council must make a decision within 90 days of complete application or they will be required to refund.

	Zoning and Official Plan Combined	Zoning Bylaw Amendment	Site Plan
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 90 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1st, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

INTER-DEPARTMENTAL COMMENTS:

Notice of Public Meeting was circulated to all relevant agencies on June 20th, 2023. A yellow sign was posted on the property and a notice of hearing was also mailed out on June 20th, 2023.

The Niagara Region provided comments on the previous consent application which was made on March 30th 2022. The Regional Planning and Development Services staff have offer no objection to the proposed surplus farm dwelling severance. The Region does not provide separate comments on the associated zoning bylaw amendment to Agricultural Purposes Only.

Township Building Department, Septic Inspector, and Public Works Department, had no objections to the application during the consent process.

No members of the public provided comments with respect to the consent application or the zoning bylaw amendment application.

CONCLUSION:

Township staff have completed a preliminary review of this application against the applicable planning policy. This application has been submitted to fulfil a condition of consent for a surplus farm dwelling severance, to ensure that the remaining agricultural lands are not used for residential purposes in the future, as per the Provincial Policy Statement requirements. The consent was reviewed and conditionally approved based on the proposed severance meeting the general intent of the applicable planning policy.

As this application meets the applicable provincial, regional and local planning policy, Planning Staff are recommending that the application be approved, subject to any comments raised in the public meeting.

ATTACHMENTS:

1. Location Map
2. Survey Sketch
3. Draft Zoning Amendment Bylaw

Prepared & Submitted by:



Dave Heyworth
Manager of Planning

Approved by:



Bev Hendry
CAO



Brian Treble,
Director of Planning & Building