

DATE: February 12, 2024

REPORT NO: PD-08-2024

SUBJECT: **Application for Zoning By-law Amendment for 1738 Caistor-Gainsborough Townline Road**

CONTACT: Stephanie Pouliot, Planner

OVERVIEW:

- Planning Staff are bringing this Recommendation Report at the same time as the Public Meeting due to the straight forward nature of the application. The application for consent was heard previously by the Committee of Adjustment and no comments have been brought forward by members of the public on this application at the time of writing this report.
- An application for rezoning was submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 1 30R8445 PART 1, in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 1738 Caistor Gainsborough Townline Road (please see Survey Sketch found in Attachment 1).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling Severance application B05/2023WL, that was conditionally approved by the Township of West Lincoln's Committee of Adjustment on August 30th, 2023. Please see Report [COA-015-23](#).
- The conditional Surplus Farm Dwelling Severance severed a dwelling with 0.51 hectares (1.26 acres) of land (Parcel 1 on the attached sketch) from the remnant farmland, (Parcel 2), being 18.5 hectares (45.7 acres). As a condition of the consent, the severed portion will be rezoned from an Agricultural 'A' zone to a Rural Residential 'RuR-232' with site specific provisions recognizing three zoning deficiencies, including a deficient front yard setback for the existing dwelling, maximum lot coverage for all accessory buildings and structures on the lot, and an existing accessory building that exceeds the maximum ground floor area for an 'RuR' zone.
- This application proposes to rezone the retained lands from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-233' zone, with a site specific provision to recognize the deficient lot area. The APO zoning will restrict future residential use and is required by Provincial Policy.
- The existing environmental zones on the retained parcel will be maintained.
- From the date of complete application, being January 12, 2024, 90 days would result in a decision having to be made by April 12, 2024 to avoid fee refund.

RECOMMENDATION:

1. That, Recommendation Report PD-08-2024, regarding “Application for Zoning By-law Amendment for 1738 Caistor-Gainsborough Townline Road”, dated February 12, 2024, be received; and,
2. That, the application for Zoning By-law Amendment submitted by Brad Snippe owner of 1738 Caistor-Gainsborough Townline Road be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-laws; and,
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 & #3

- **Champion** – Strategic Responsible Growth
- **Enrich** – Strong Agricultural Legacy

BACKGROUND:

An application for a Zoning By-law Amendment has been submitted by Brad Snippe for the property legally described as Concession 5, Part Lot 1 30R8445 PART 1, being Parcel 1 and 2 shown on Consent Sketch, in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 1738 Caistor Gainsborough Townline Road (please see Survey Sketch found in Attachment 1).

This application for rezoning has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B05/2023WL, that was conditionally granted approval by the Committee of Adjustment on August 30th, 2023. Please refer to Committee of Adjustment Report [COA-015-23](#) for more information.

The Zoning By-law Amendment proposes to rezone the severed parcel (Parcel 1 –0.51 hectares (1.26 acres) from an Agricultural Zone ‘A’ to a Rural Residential ‘RuR-232’ with a site specific provision to recognize three resulting zoning deficiencies from the related consent application (B05/2023WL):

- A front yard setback of 14 metres for the existing dwelling whereas, Table 14 found in Part 6 of the Township’s Zoning Bylaw 2017-70, as amended, identifies 15 metres as the minimum front yard setback within an ‘RuR’ zone.
- Maximum lot coverage of 220 square metres for all accessory buildings and structures on the lot whereas, Table 1-2 found in Part 3 of the Township’s Zoning Bylaw 2017-70, as amended, identifies a maximum of 200 square metres or 8 percent of the lot area.
- Maximum ground floor area of 195 square metres for an existing accessory building in an ‘RuR’ zone whereas, Table 1-2 found in Part 3 of the Township’s Zoning Bylaw 2017-70, as amended, identifies 120 square metres as the maximum floor area permitted.

This rezoning application proposes to rezone Parcel 2 (retained lands) from an Agricultural ‘A’ zone to an Agricultural Purposes Only ‘APO-233’ zone, with a site specific provision to

recognize the deficient lot area. The remnant farmland will be 18.5 hectares (45.7 acres) in size, which is deficient of the minimum lot area requirement for an APO lot which the Township's Zoning Bylaw identifies as 39 hectares (96.37 acres). The remnant farmland (Parcel 2) will continue to be used for ongoing agricultural use and the 'APO' zoning will restrict future residential uses and is required under Provincial Policy.

The existing environmental zoning will be maintained on Parcel 2 (retained lands).

CURRENT SITUATION:

Township Staff have reviewed the application to determine alignment with the relevant Provincial, Regional and Local policies. A full planning review of the consent application can be found in the Committee of Adjustment Report [COA-015-23](#).

Provincial Policy Statement –2020 / A Place to Grow, Growth Plan for the Greater Golden Horseshoe – 2020 Consolidated

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. Section 2.3.4 *Lot Creation and Lot Adjustments* is applicable for this application. In accordance with Policy 2.3.4.1(c) of the PPS, lot creation in *prime agricultural areas* may be permitted for a residence surplus to a farming operation if they meet a number of criteria outlined in the PPS, including but not limited to the new lot being limited in size to accommodate appropriate sewage and water services, protecting the natural and built environment and prohibiting new residential dwellings on any remnant parcel of farmland created by the severance. This rezoning application is to meet the provincial requirement to prohibit new residential dwellings on the remnant farmland.

The *Place to Grow Plan* provides a framework for managing growth within the region by incorporating key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4.2.6 *Agricultural Systems* applies for this application. Specifically, Policy 4.2.6(5) notes the retention of existing lots of record for agricultural uses is encouraged and the use of these lots for non-agricultural uses is discouraged which is the case as the remnant farmland, Parcel 2 –18.5 hectares (45.7 acres) will be retained for continuous agricultural purposes and zoned accordingly to restrict future residential development on the lands.

Parcel 2 (Retained lands) will be zoned appropriately to Agricultural Purposes Only (APO) while keeping the existing Environmental Conservation 'EC' and Environmental Protection 'EP' zones in place on the lands. The size of the new residential lot (Parcel 1- Severed lands) is limited in size to accommodate existing private services and provide adequate space if a replacement system is required in the future. Therefore, Planning Staff consider this application consistent with the intent and objectives of Provincial policies outlined in the *PPS* and *A Place to Grow*.

Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the subject lands are outside of the identified Greenbelt Plan, the PPS is the Provincial policy that applies for this application.

Niagara Official Plan

The Niagara Official Plan (NOP) provides long-term strategic policy planning and framework for managing the anticipated growth for the Niagara Region. The subject lands are located within the *Prime Agricultural Area* and Section 4 of the NOP provides the objectives for *The Agricultural System* which is facilitating a strong, diverse, and resilient agricultural economy and protecting the Region's agricultural land base. The intent is also ensuring long term sustainability of the agricultural system and provide a limited amount of non-agricultural (residential development) on rural lands.

As per Policy 4.1.1.2, the lands within *The Agricultural System* shall be protected for long-term agricultural use which is the case with this application as Parcel 2 (Retained lands) will be preserved with the appropriate zoning to Agricultural Purposes Only 'APO' and the remnant farmland will have 18.5 hectares (45.7 acres) which still provides an adequate lot size to support long-term agricultural flexibility and use on the lands.

In addition, lot creation is permitted as per Policy 4.1.6.2(a) where a residence is surplus to a farming operation with a habitable residence which existed as of June 2006. According to MPAC (Municipal Property Assessment Corporation), the existing dwelling was built in 1925 therefore in alignment with the NOP.

Furthermore, the NOP notes that the retained farmland parcel be zoned to preclude its use for residential purposes as per Policy 4.1.6.2(c). The remnant farmland would be rezoned to Agricultural Purposes Only through this application, which will restrict future residential use and purposes on the lands.

For these reasons, Planning Staff considered this application to amend the zoning on the subject lands to be consistent and aligned with the Niagara Official Plan (NOP).

Township of West Lincoln Official Plan

The subject lands are designated as *Good General Agricultural lands* and *Natural Heritage System (Environmental Protection Area and Environmental Conservation Area)* within the Township's Official Plan (OP). The purpose of the Township's *Good General Agricultural* designation is to ensure that these areas are protected and preserved for long term Agricultural purposes.

The Township's Official Plan (OP) permits consents for agricultural purposes and only allows non-farm rural residential lots as part of a Surplus Farm Dwelling Severance which are subject to the regulations found in Section 18.13. The application meets the required criteria including respect for long term agricultural flexibility in West Lincoln.

As outlined in the associated Committee of Adjustment Report ([COA-015-23](#)), the application has been reviewed and meets the required OP Policy. As a condition of the severance, the Applicant is required to zone the remnant farmland to Agricultural Purposes Only 'APO' in alignment with Policy 18.13.2g(viii) of the Township's OP. The remnant farmland will also be greater than 10 hectares which further maintains the intent of Section 18.13 of the Township's OP to preserve the lands for continuous

agricultural use and restrict future residential development on the lot.

Furthermore, the purpose of the Township’s *Natural Heritage System* is maintaining and restoring, and where possible enhancing the long term ecological health and integrity of the areas within the system. As previously noted, the *Environmental Conservation area* and *Environmental Protection area* will be maintained on Parcel 2 (Retained lands) and zoned accordingly in alignment with Section 10 of the Township’s OP.

A portion of the subject lands, along the south property line is located within the area designated for Potential Petroleum resources. The purpose of these areas as outlined by Section 15.2.2 of the Township’s OP are to ensure that abandoned wells are properly remediated and capped to reduce potential groundwater contamination and hazards. As such, the previous consent application (B05/2023WL) included a condition of approval, that any unused wells be decommissioned to the satisfaction of the Director of Planning and Building.

For these reasons, Planning Staff consider this application for amendment to be consistent with the Township’s policies and in alignment with the Township’s OP.

Township of West Lincoln Zoning By-law 2017-70, as amended (ZBL)

The subject property is currently zoned Agricultural ‘A’, Environmental Conservation ‘EC’, and Environmental Protection ‘EP’. As a condition of the related consent application (B05/2023WL), the Applicants are to apply for and receive approval of a Zoning Bylaw Amendment application that recognizes the zoning deficiencies (see the below table) for Parcel 1 (Severed lands) and Parcel 2 (Retained lands).

Regulation	Required	Proposed
Parcel 1 (Severed lands): Front Yard Setback	15 metres	14 metres
Maximum Lot Coverage for All Accessory Buildings/Structures on Lot	200 square metres	220 square metres
Maximum ground floor area per building or structure	120 square metres	195 square metres
Parcel 2 (Retained lands): Minimum lot area within an ‘APO’ zone	39 hectares	18.5 hectares

The rezoning application will rezone Parcel 1 (Severed Lands) from an Agricultural ‘A’ zone to Rural Residential ‘RuR-232’ with site specific provisions recognizing three zoning deficiencies resulting from the related surplus farm dwelling severance. The rezoning to ‘RuR’ will recognize the now residential use of Parcel 1 (Severed lands) with the residence and two existing accessory buildings. The three site specific provisions

will recognize a front yard setback of 14 metres for the existing dwelling whereas, Table 14 found in Part 6 of the Township's Zoning Bylaw 2017--70, as amended, identifies 15 metres as the minimum front yard setback within an 'RuR' zone.

The existing accessory buildings on the severed lot exceeds the maximum lot coverage permitted, with a total of approximately 220 square metres whereas, Table 1-2 found in Part 3 of the Township's Zoning Bylaw 2017-70, as amended, identifies a maximum of 200 square metres or 8 percent of the lot area as the maximum lot coverage permitted for all accessory buildings on a lot, provided the lot coverage does not exceed 20% for all buildings and structures on the lot. The total lot coverage for the existing dwelling and accessory buildings results in approximately 6.48% of the new lot area (0.51 hectares), well within the 20% maximum lot coverage permitted for a Rural Residential 'RuR' zone.

Additionally, the severed residential lot should have adequate space to locate and accommodate private septic services. Planning Staff do not anticipate negative impacts with the increased building coverage on the septic and/or the associated condition of approval.

In addition, the rezoning application will recognize an existing accessory building approximately 195 square metres in size whereas, Table 1-2 in Part 3 of the Township's Zoning By-law 2017-70, as amended, identifies 120 square metres as the maximum ground floor area per building or structure within a Rural Residential 'RuR' zone. Upon review of the surrounding land uses, the existing accessory building is compatible with the area as the surrounding land use is vacant agricultural land. There are similar sized accessory buildings in the area and the building itself is in good condition. For these reasons, Planning Staff do not have any concerns with recognizing the larger accessory building size.

The rezoning application will also rezone Parcel 2 (Retained lands) from an Agricultural 'A' zone to an Agricultural Purposes Only 'APO-233', with a site specific provision to recognize the deficient lot size, being approximately 18.5 hectares (45.7 acres) whereas, Table 12 in Part 5 of the Township's Zoning By-law 2017-70, as amended, identifies 39 hectares (96.37 acres) to be the minimum lot area within an Agricultural Purposes Only 'APO' zone.

Furthermore, it is important to note, the existing environmental zoning on a portion of the retained lands (Parcel 2) will be maintained, Planning Staff consider this application for a Zoning Bylaw Amendment to be consistent with the Agricultural and Environmental zone objectives.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report, except for the potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1st, 2023, 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 a complete application or they will be required to grant a refund as per the below table.

	Zoning and Official Plan Combined	Zoning Bylaw Amendment	Site Plan
No refund	Decision is made within 120 days	Decision is made within 90	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	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

Since this application was applied for and paid before January 1st, 2024, the 2023 fee for a Zoning By-law Amendment as condition of consent to B05/2023WL was collected in the amount of \$4,820. If not approved within 90 days, the Township would be required to refund the Applicant \$2,410, at 149 days, \$3,615 and after 209 days, the entire fee.

Given the combined Public Meeting and Recommendation report, Planning Staff do not anticipate a refund to the Applicant being required as approval can be granted within the 90-day timeframe.

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on January 12th, 2024 and a notice of the hearing was also posted to the Township's website.

Regional Staff of the Growth Strategy and Economic Development Services Department and Environmental Planning Staff have provided comments on the previous consent application (B05/2023WL) on August 25, 2023, noting no objections, subject to the Committee being satisfied that the lot size as proposed is necessary to support private on-site services. Regional input was considered by the Committee and the application was conditionally granted approval on August 30th, 2023. Further, as this rezoning application is a condition of consent; as per the memorandum of understanding (MOU) guidelines it is exempt from Regional review.

The Niagara Peninsula Conservation Authority (NPCA) noted on the previous consent application that the subject property is impacted by the Beaver Creek watercourse, Upper Beaver Creek Wetland Complex and associated floodplain as well as, unevaluated wetlands. As the proposed lot lines are not dissecting a regulated feature (as shown on Survey Sketch, see Attachment 2), the NPCA has no objections to the consent or associated Zoning By-law Amendment.

Township Building Department had no objections or comments to provide on the

application during the consent process.

Public Works Department provided comments on the previous consent application (B05/2023WL), noting two conditions as per Policy POL-PW-1-18; for a 1-metre road widening between #7135 Cosby Road and Caistor Gainsborough Townline Road and a daylighting triangle of 7-metre by 7-metre for the inspection of Caistor Gainsborough Townline Road and Cosby Road. Aside from the noted conditions of approval for consent (B05/2023WL), Public Works has no objections or further comments.

Additionally, a condition of consent approval was also included regarding compliance with Part 8 (Sewage Systems) of the Ontario Building Code as no documentation was submitted with the previous consent application (B05/2023WL). At the time of writing this report, the Township's Septic Inspection Manager has yet to receive documentation on Part 8 compliance and as such, will remain a condition of the related consent application which would be required to be fulfilled before the lapsing date of August 30th, 2025.

PUBLIC COMMENTS:

A Notice of the Public Hearing was mailed to all residents within 120 metres of the subject property on January 12th, 2024. In addition, a yellow sign was posted on the property on January 16th, 2024. As of the preparation of this Report, Planning Staff have not received any public comments regarding this application.

CONCLUSION:

An application for Zoning By-law Amendment application has been submitted for the property located at 1738 Caistor Gainsborough Townline Road. The amending By-law will apply site specific regulations on the severed and retained lands as follows:

Severed Lands (Parcel 1- 0.51 hectares/ 1.26 acres) - RuR –232

- A front yard setback of 14 metres for the existing dwelling to the front lot line
- Maximum lot coverage of 220 square metres for all accessory buildings/structures
- An existing accessory building with a ground floor area no greater than 195 square metres

Remnant Farmland (Parcel 2- 18.5 hectares/ 45.7 acres) - APO –233

- Minimum lot area– 18.5 hectares

The application to amend the Zoning By-law has been reviewed in accordance with Section 2 and Section 34 of the *Planning Act* and against Provincial, Regional, and Township Policy, and meets the policies for the long-term protection and preservation of agricultural land uses and environmental conservation. As such, Planning Staff recommend the approval of this Zoning By-law Amendment application and the By-law attached to this report.

SCHEDULES:

1. Schedule A - Location Map
2. Schedule B - Survey Sketch
3. Schedule C - Amending By-law

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