



Subject: Recommendation Report for Official Plan and Zoning By-law Amendments for 631 Lorraine Road – File Nos: D14-02-24 and D09-01-24

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2024-142

Meeting Date: June 25, 2024

Recommendation:

That Chief Administrative Office – Planning Division Report 2024-142 be received;

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2024-142 be approved;

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2024-142 be approved; and

That the Acting City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the *Planning Act*.

Purpose:

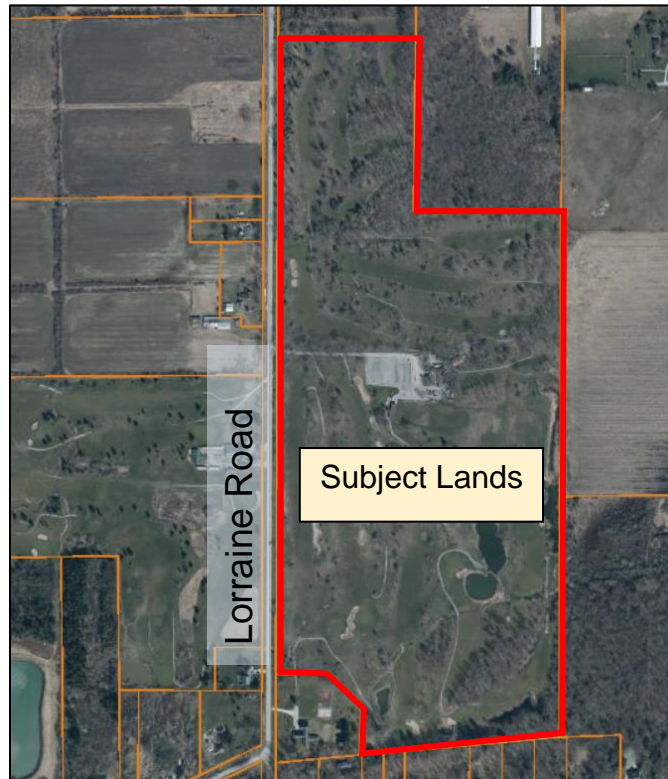
The purpose of this report is to provide Council with a recommendation regarding applications for Official Plan and Zoning By-law Amendments submitted by Steven Rivers of South Coast Consulting on behalf of the owner Whisky Run Golf Course Ltd. for the lands known as Part of Lot 20, Concession 1, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 631 Lorraine Road.

Background:

Applications for a Zoning By-law and Official Plan Amendment were submitted on February 1, 2024, and deemed complete on March 7, 2024.

The application for Official Plan Amendment is being requested to redesignate the lands from Agricultural to Rural to permit the severance of three lots for residential purposes. The lots are proposed to contain one single-detached dwelling per lot.

The application for Zoning By-law Amendment proposes to change the zoning of the proposed residential lots from a special provision of the Agricultural Zone (A-11) to Rural Residential (RR). The zoning of the retained lot is proposed to be changed from A-11 to a special provision of the Rural zone (RU-82). The proposed special provision will be the same as the existing special provision in the A-11 zone and will state, in addition to the uses permitted in the Rural (RU) zone, this land may also be used for the purpose of a golf course and uses, buildings and structures accessory thereto. The proposal is being requested to permit the severance of three residential lots containing one detached dwelling each and to maintain consistency with the proposed Official Plan Amendment.



Discussion:

These applications have been reviewed with consideration of applicable policies in the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Niagara Official Plan (2022), the City of Port Colborne Official Plan and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “rural area” according to the PPS. According to the PPS, rural areas are important to the economic success of the province and urban areas and rural areas are interdependent in terms of markets, resources, and amenities. Currently, due to the current Official Plan designation and Zoning of the property, the lands are not consistent with the PPS. The approval of the OPA/ZBA would bring the property into consistency with the PPS.

Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Growth Plan primarily focuses on directing development to designated settlement areas. However, development may be allowed in rural areas if they have the necessary Zoning and Official Plan designations. Similarly to the PPS, due to the current Official Plan designation and Zoning of the property, the lands do not conform with the Growth Plan. The approval of the OPA/ZBA would bring the property into conformity with the Growth Plan.

Niagara Official Plan (NOP)

The Niagara Official Plan (NOP) also designates the subject lands as “Rural Lands”. The predominant use of Rural Lands in the NOP is for agriculture, but some non-agricultural related development may be permitted including limited residential development. As mentioned, the subject lands were added to the “Rural Lands” designation through the new NOP. The proposal to redesignate the lands from Agricultural to Rural in the City Official Plan and subsequently the City Zoning By-law, will align with the NOP and bring the lands into conformity.

City of Port Colborne Official Plan (OP)

According to Schedule F: City Wide Land Use, the City of Port Colborne Official Plan (OP) designates the subject property as Agricultural. Staff notes that, due to recent Provincial and Regional changes, the designation of the lands has been changed from Agricultural to Rural under the PPS, Growth Plan and NOP, however the City of Port Colborne has not updated its Official Plan to conform with the aforementioned plans. The proposed amendments will bring the property in line with the plans mentioned previously. The proposed Official Plan Amendment has been attached at Appendix A.

City of Port Colborne Zoning By-law 6575/30/18

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the subject lands as a special provision of the Agricultural zone (A-11). The special provision states that, in addition to the uses permitted in the Agricultural zone, these lands may also be used for the purpose of a golf course and uses, buildings and structures accessory thereto. Much like the requested Official Plan designation, the rezoning is being requested to conform to the PPS, Growth Plan, NOP, and proposed OP designations.

The applicant is requesting two separate zoning regulations for the subject lands. The lands identified as Parcels 1, 2, and 3 on the attached sketch (Appendix C) are proposed to be rezoned to Rural Residential (RR), to facilitate the future development of single detached dwellings. The RR zone requires 45 metres of lot frontage and 0.4 hectares of lot area and, as such, no special provisions are requested as Parcels 1, 2, and 3 all exceed these requirements.

The applicant is requesting that Parcel 4 in the attached sketch (Appendix C) be rezoned to a special provision of the Rural (RU) zone. The special provision will contain similar wording to the current special provision of the A-11 zone to permit the continued use of the existing golf course. The amendment will also include provisions to recognize the existing lot frontage of 805 metres and existing lot area of 29.7 hectares. The proposed Zoning By-law Amendment has been attached at Appendix B.

Adjacent Zoning and Land Use

The lands surrounding the subject parcel are zoned Agricultural and Agricultural Residential and are primarily used for agricultural and residential purposes.

Internal Consultations:

The application was circulated internally to applicable departments and agencies on March 13, 2024, and as of the date of this report the following comments have been received:

Drainage Superintendent

The parcel is in the watershed of the Michener and Wignell Municipal Drains. As such a drainage apportionment agreement will be required for both drains should the application be approved. The apportionments can be completed by the City's Drainage Superintendent or by the drainage engineer who recently completed both reports, in either scenario, the cost will be a direct cost of the applicant. If the apportionment is completed in-house, the cost for completing each apportionment will be \$118 per drain.

Once the deposited plan has been submitted to the planning department, please forward the plan and the application to the Drainage Superintendent, allow 1 week for completion. Signatures from all property owners will be required prior to the apportionment being finalized.

Canadian Niagara Power (CNPI)

No concerns with the application.

Niagara Region

Regional Growth Strategy and Economic Development is satisfied that the proposed OPA application is consistent with the PPS and conforms to Provincial and Regional policies, provided the OPA and ZBA schedules demonstrate that the environmental lands are placed into an appropriately restrictive environmental designation and zone.

Regional staff note that in accordance with NOP Policies 7.4.1.6 and 7.4.1.7, the Local Official Plan Amendment as reviewed is exempt from Regional Council Approval given the site-specific nature of the proposal.

Niagara Peninsula Conservation Authority

No objections to the application.

Financial Implications:

There are no financial implications directly related to the City.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Section 34 of the *Planning Act*. Notice was mailed to property owners within a 120-metre (393.7-foot) radius of the subject lands as of March 13, 2024. As of the date of preparing this report, the following comments have been received:

Thomas Hunt – 1145 Firelane 1

- Does not oppose the Official Plan and Zoning By-law Amendment application.
- However, against any further residential housing on the subject property.

Lloyd Winger – 962 Lakeshore Road

- Concerns with respect to drainage and the ongoing drainage engineering report.

Responses to Public Comments

Drainage of the area was the primary concern raised by members of the public at the meeting. While Planning staff recognize that existing conditions in the area may lead to wet conditions, it should be noted that this application is simply bringing the property into conformity with the previously approved Niagara Official Plan (NOP). Further information has been gathered through the Drainage Superintendent to provide an update on the ongoing municipal drain report. The Wignell Drain report is currently being brought through the formal Drainage Act process, including the recently held special meeting to consider. Staff are confident that this drainage report will provide solutions to the concerns raised at the Public Meeting. The proper channel to address these concerns would be through the Drainage Act process.

These amendments reflect the changes made from the Niagara Region through their adoption of their new Official Plan. Since an application has been presented to Council to

bring the Official Plan and Zoning By-law into conformity with Provincial and Regional policy, the City has an obligation to bring the property into conformity. To leave the City Official Plan and subsequent Zoning out of conformity with the NOP would be in contravention of the *Planning Act* and Provincial and Regional policy.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
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Conclusion:

Based on the review of the application and applicable Provincial, Regional, and City planning policies, Planning staff is of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan, and Niagara Official Plan, and represents good planning. Staff recommends that the Official Plan Amendment and Zoning By-law Amendments attached as Appendix A, and B, respectively, be approved.

Appendices:

- a. Official Plan Amendment
- b. Zoning By-law Amendment
- c. Site Sketch

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Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.