



**Subject: Recommendation Report for a Zoning By-law Amendment
at 1498 Wilhelm Road**

To: Council

From: Development and Legislative Services Department

Report Number: 2022-188

Meeting Date: August 23, 2022

Recommendation:

That Development and Legislative Services Department Report 2022-188 be received;
and;

That Council approve the Zoning By-law Amendment attached as Appendix C, to
amend the zoning for the subject lands from Agricultural to Agricultural Residential 'AR-
56' (Part 1) and from Agricultural 'A' Zone to Agricultural Purposes Only 'APO' (Part 2);

Purpose:

The purpose of this report is to provide Council with an update and recommendation
regarding a Zoning By-law Amendment application initiated by the applicant,
Christopher Wilson, on behalf of the owner Andy Veenstra.

A complete application was received on April 15, 2022, and was deemed complete on
April 29, 2022, and is requesting to change the zoning from Agricultural to Agricultural
Residential and from Agricultural to Agricultural Purposes Only. The requested
amendment is being sought to address the condition of consent application B09-22-PC,
which was sought to sever the dwelling, which has been deemed surplus to the farming
operation, from the agricultural lands. The lands containing the existing dwelling,
identified as Part 1 on Appendix A, will be rezoned Agricultural Residential and Part 2
will be rezoned Agricultural Purposes Only.

Background:

Location:

The subject lands are located on the west side of Wilhelm Road, north of Highway 3, and south of Second Concession Road. The legal description of the property is Lot 5 on Concession 2 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1498 Wilhelm Road.

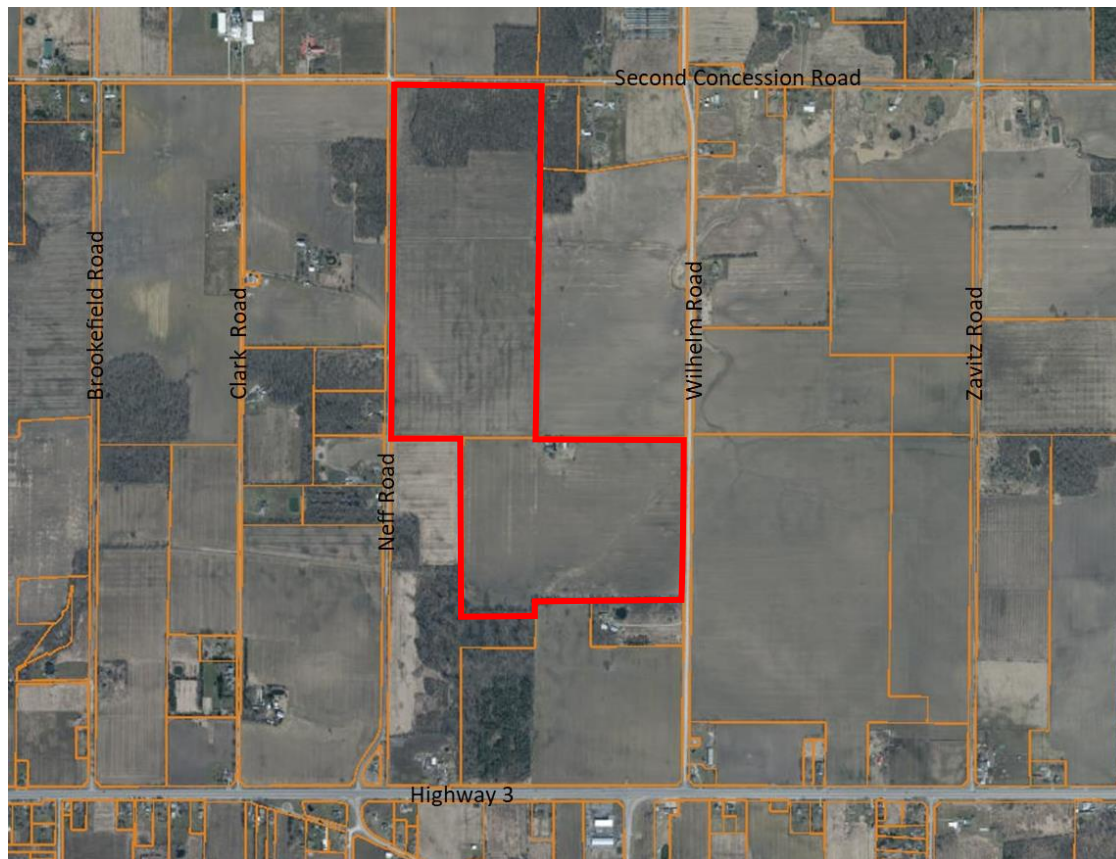


Figure 1: Location of subject lands highlighted in red, from Niagara Navigator 2020.

Surrounding Land Uses and Zoning:

The properties to the north, south, east, and west are all zoned agricultural and consist primarily of agricultural land with a detached dwelling located to the south.

Discussion:

Planning staff reviewed this application with consideration of several planning documents including the Planning Act, R.S.O, 1990, as amended, the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For an application to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act

Section 2 of the Planning Act outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for the consideration of a zoning by-law amendment.

Provincial Policy Statement (2020)

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 “Prime Agricultural Area” according to the PPS. Prime Agricultural Areas are to be protected for long-term agricultural use and lot creation is generally discouraged in this area and may only be permitted for a residence that has been deemed surplus to a farming operation as a result of farm consolidation.

Staff is satisfied that this application is consistent with the PPS. The applicant has submitted a list of farms under their operation and ownership, which has been attached as Appendix B, which indicates that 1498 Wilhelm Road is part of farm consolidation.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan states that Prime Agricultural Areas will be protected for long-term agricultural use. The guiding principles of the Growth Plan also state that municipalities are to support and enhance the long-term viability and productivity of agriculture by protecting Prime Agricultural Areas and the agri-food network.

Staff is satisfied that the proposed application conforms to the Growth Plan. The application supports agricultural productivity by continuing agricultural use of the land. If Council approves the application, the lands to be zoned as Agricultural Purposes Only will result in the long-term viability and productivity of agriculture as agricultural and accessory agricultural uses will be the only permitted uses.

Regional Official Plan

The Regional Official Plan (ROP) designates the property in the Good General Agricultural Area. Section 5.B.8.1 (c) states that, as a condition of a surplus farm dwelling severance, the farm parcel must be rezoned to preclude its use for residential purposes.

Staff is satisfied that the proposed application conforms to the ROP. The proposed application is being sought as a condition of consent application B09-22-PC will be added to ensure the remnant parcel is rezoned to Agricultural Purposes Only.

City of Port Colborne Official Plan

The subject parcel is located within the Agricultural designation, according to the City's Official Plan (OP). The predominant uses in the Agricultural designation shall include, but not be limited to, the cultivation of crops on a commercial basis, the storage and processing of produce grown on the premises, raising of livestock, greenhouses, small-scale agri-tourism, value-added agricultural activities, specialty agricultural uses, and accessory agricultural uses.

Section 3.5.1 (a) states that it is the intent of the OP to preserve and protect the lands in the Agricultural Area for existing and future farming operations and to permit those uses that support or directly relate to agricultural activities. Section 3.5.3 (c) (i) states that no new residential development shall be permitted on the vacant remnant parcel of farmland created.

Staff is of the opinion that the proposed application is appropriate and compatible with the OP. There is no proposed development, and the applicant intends on using the remnant parcel for a farming operation, which aligns with the Agricultural policies of the OP.

Port Colborne Zoning By-law Amendment 6575/30/18

The subject property is currently zoned Agricultural (A). The permitted uses in this zone include but are not limited to, accessory agricultural activities, agricultural uses, agri-tourism, value-added uses, a cannabis production facility, conservation uses, detached dwellings, kennels, and accessory structures.

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only on Part 2, and a special provision of the Agricultural Residential zone 'AR-56', on Part 1. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. Agricultural Residential permits a detached dwelling and uses, structures and buildings accessory thereto. A special provision of the AR zone is required to recognize the 14.15m lot frontage where 45m is typically required in the AR zone.

Planning Staff is of the opinion that the proposed application is appropriate and compatible with the surrounding area. The proposed application is compatible with adjacent land uses as existing agricultural lands surround the subject parcel. The reduction in lot frontage to Part 1 is justified in order to preserve the most agricultural land for Part 2. Furthermore, rezoning Part 2 to Agricultural Purposes Only will preserve the remnant parcel for long-term agricultural use.

Internal Consultations:

The Notice of Public Meeting was provided to internal departments and commenting agencies on May 25, 2022. As of the date of preparing this report, the following comments have been received.

Drainage Superintendent

The parcels are within the watershed of the Peter Storm Drain. This report is in the process of being updated. Any changes will be corrected within the new report.

Fire Department

Port Colborne Fire has no objection to the proposed application

NPCA

NPCA staff have confirmed that there are no flooding concerns with the proposed application. The NPCA offers no objection to the proposed Zoning-By-law Amendment application.

Financial Implications:

This proposal may increase the assessed value of the parcel to be rezoned AR. The parcel is currently assessed at \$116,000, which is expected to increase as the existing house will no longer be considered a farm dwelling.

Public Engagement:

Notice of Public Meeting was circulated by mail to property owners within 120m of the subject property, as per Section 34 (13) of the Planning Act. A public notice sign was also posted on the property by May 25, 2022, and notices were posted on the City's website under "Current Applications". A public meeting was also held on June 14, 2022. As of the date of preparing this report, no comments from the public have been received

Strategic Plan Alignment:

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

- Attracting Business Investment and Tourists to Port Colborne
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Conclusion:

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

Appendices:

- a. Survey
- b. Farm Ownership
- c. Zoning By-law Amendment

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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.