

**City of Port Colborne
Special Council Meeting 23-18
Minutes**

Date: September 24, 2018

Time: 6:30 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Elliott, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (due to a leave of absence)

Staff Present: E. Acs, Planner
D. Aquilina, Director of Planning and Development
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering and Operations
S. Luey, Chief Administrative Officer
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStream.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Confirmation of Agenda:

No. 139 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That the agenda dated September 24, 2018 be confirmed,
as circulated or as amended.

CARRIED.

4. Disclosures of Interest:

Nil.

5. Public Hearing Under the Planning Act:

Application for Zoning By-law Amendment

Planning and Development Department, Planning Division, Report 2018-131,
Subject: Public Meeting Report for Zoning By-law Amendment D14-03-18, 1937
Brookfield Road

(i) Purpose of Meeting:

Mr. Acs advised that the purpose of the meeting, pursuant to 34 of the *Planning Act*, is to consider an application submitted by agent Brian

Lambie on behalf of owner Andy Veenstra Farms Ltd for the lands legally known as Part of Lot 10, Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1937 Brookfield Road.

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural to Agricultural Purposes Only and Agricultural Residential. The Zoning By-law Amendment is being sought to satisfy anticipated conditions for a farm-consolidation severance.

(ii) Method of Notice:

Notice of the Public Meeting was administered in accordance with Section 34 of the *Planning Act*, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on August 31, 2018. A sign was posted on the property by September 4, 2018. Notice was also posted on the City's Website.

The Planning and Development Department hosted a public open house for this application on September 17, 2018. Notice of the public open house was included on the notice of public meeting.

As of the date of this meeting, staff have not received any written comments from members of the public.

The following agency provided comment:

Regional Municipality of Niagara:

Regional Planning and Development staff have no objection to the proposed Zoning By-law Amendment from a Provincial or Regional Perspective. Regional staff recommend that the amending Zoning By-law should not be passed until the completion of the future consent application.

(iii) Explanation of Procedure to be Followed:

The procedure to be followed this evening will be to present Planning and Development Department, Planning Division Report 2018-131, Subject: Public Meeting Report for Zoning By-law Amendment D14-03-18, 137 Brookfield Road hear any comments from the applicant, receive questions of clarification from Council to the applicant or Planning Staff, open the meeting to the public for comments and questions, announce the requirements under the Planning Act for written notice of passage of the proposed zoning by-law amendment, and a brief explanation of future meetings regarding the application.

(iv) Presentation of Application for Zoning By-law Amendment:

Mr. Acs provided a powerpoint presentation with respect to Planning and Development Department, Planning Division Report 2018-131, Subject: Public Meeting Report for Zoning By-law Amendment D14-03-18, 137 Brookfield Road. A copy of the presentation is attached.

Location and Context

The property is located at 1937 Brookfield Road, at the corner of Brookfield Road and Second Concession. The property currently has a single detached dwelling with several farm buildings. Most of the land is under cultivation. To the north is agricultural land. To the east is agricultural land with a residence. To the south is agricultural land with

some residential dwellings. To the west is agricultural land with some residential dwellings.

City of Port Colborne Official Plan

The City of Port Colborne Official Plan designates the property as Agricultural. Lands designated Agriculture are Prime Agricultural Areas as defined by the Provincial Policy Statement and as identified on the Agricultural Land Base Map of the Regional Policy Plan and are used primarily for agricultural purposes.

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

The City of Port Colborne Zoning By-law 6575/30/18, zones the property Agricultural which permits the following uses: accessory agricultural activities; agriculture use; agri-tourism and value added uses; conservation uses; dwelling, detached existing at the date of the passing of this by-law as a principal use on a new lot; dwelling, detached as a principal use on an existing lot of record; kennel; medical marijuana production facility; and uses, structures and buildings accessory thereto.

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only and Agricultural Residential. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. Agricultural Residential permits dwelling, detached and uses, structures and buildings accessory thereto.

(v) Comments of Applicant:

Brian Lambie provided a presentation on behalf of owner Andy Veenstra Farms Ltd for the lands legally known as Part of Lot 10, Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1937 Brookfield Road.

Mr. Lambie advised that the residence at 1937 Brookfield Road is surplus to his client's needs and that his client has applied for a severance, a condition of which will be re-zoning of the property. Mr. Lambie advised that the re-zoning of the vacant land to Agricultural Purposes Only would prevent a dwelling from being built on that parcel and re-zoning the residence to Agricultural Residential would allow only a residence to be built on that parcel.

(vi) Questions of Clarification to Applicant/Planning Staff:

Mr. Acs read the following statement:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Zoning By-law Amendment is passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Zoning By-law Amendments is passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so."

Mr. Acs advised interested members of the public to sign-in on the sheet provided to request future notice about the application.

In response to a question by Councillor Bodner, Mr. Lambie advised that the proposed re-zoning is allowed under the City’s Official Plan.

In response to a question from Councillor Kenny, Mr. Acs advised that there were no attendees other than Mr. Lambie at the public open house held on September 17, 2018.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Acs read the following statement:

"If you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

(ix) Explanation of Future Meetings:

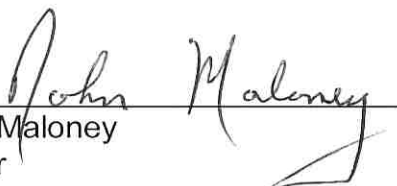
Mr. Acs advised that the proposed Zoning By-law Amendment would be placed on Council’s agenda at a future meeting.

6. Adjournment:

No. 140 Moved by Councillor B. Kenny
Seconded by Councillor A. Desmarais

That the Council meeting be adjourned at approximately
6:46 p.m.

CARRIED.



John Maloney
Mayor



Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

AL/ea

Proposed Zoning By-law Amendment for 1937 Brookfield Road

Agent: Brian Lambie

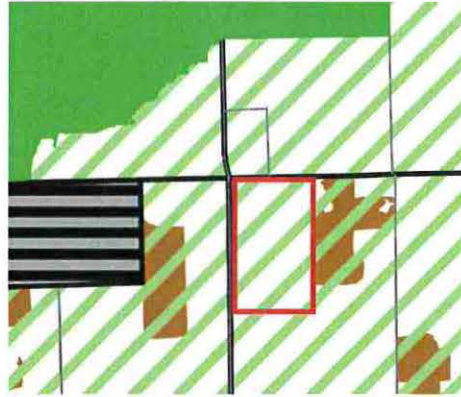
Owner: Andy Veenstra Farms Ltd

File: D14-03-18

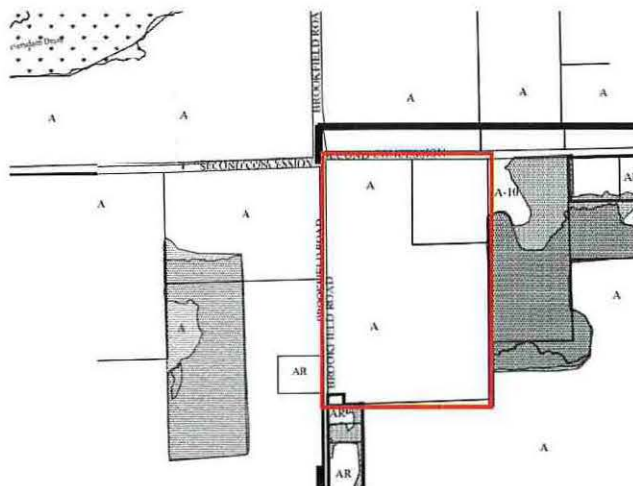
Location & Context



Current Official Plan Designation



Current Zoning



Purpose of Application

- The application for Zoning By-law Amendment proposes to change the zoning from Agricultural to Agricultural Purposes Only and Agricultural Residential. The Zoning By-law Amendment is being sought to satisfy anticipated conditions for a farm-consolidation severance.
- This property is also subject of Consent to Sever Application B12-18-PC.