
Subject: Regional Official Plan Amendment Application – 502 Winston Road, Town of Grimsby (Statutory Public Meeting)

Report To: Planning and Economic Development Committee

Report date: Wednesday, June 12, 2024

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the Town of Grimsby.

Key Facts

- The purpose of this report is to provide information for the Statutory Public Meeting for the 502 Winston Road, Town of Grimsby, Regional Official Plan Amendment (ROPA) Application, which is being held in accordance with the requirements of Sections 17 and 22 of the *Planning Act, 1990*, and to collect comments from the public. No recommendations or approvals are sought at this time.
- An application for a ROPA has been received to redesignate the property from ‘Unique Agricultural Area’ (2014 Regional Official Plan) to ‘Rural Area’ as the Applicant is of the opinion that the subject lands do not meet the criteria to be considered Unique Agricultural Area.
- In addition to the ROPA, the applicant has submitted a concurrent local Official Plan Amendment application to the Town of Grimsby to redesignate the subject property from ‘Specialty Crop Area – Tender Fruit and Grape Lands’ to ‘Rural Area’.
- Regional staff initially deemed the ROPA application complete on July 27, 2022. Processing of the application was subsequently put on hold in November 2022 at the applicant’s request. The applicant recently requested that processing of the application be reactivated, and a Notice of Reactivation and request for any updated comments was circulated to the Town and prescribed agencies on March 20, 2024.
- On May 23, 2024, the Region advertised this Statutory Public Meeting by posting notices in the News Now, St. Catharines Standard, Niagara This

Week, social media, regional website, as well as circulating notice to agencies and residents within 120 metres of the subject lands and to persons that previously provided written or verbal comments.

Financial Considerations

There are no financial considerations arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are paid by the applicant.

Background

The subject property known as 502 Winston Road in the Town of Grimsby is located at the northwest corner of Winston Road and Hunter Road adjacent to Lake Ontario to the north and the Grimsby Urban Area Boundary to the south and east. The site is currently occupied by a banquet hall/private club, which is serviced by municipal water and a private septic tank, associated parking lot and tennis court/playground.

The application proposes to redesignate the subject lands 'Unique Agricultural Area' to a 'Rural Area' designation. The application was deemed complete prior to the approval of the Niagara Official Plan (NOP). In accordance with NOP transition policy 7.12.2.5. the application will continue to be processed under the Regional Official Plan policies, as well as Provincial policies that existed when the application was deemed complete.

The location of the subject lands is shown on Appendix 1.

Analysis

The lands are within the prime agricultural area per the Provincial Policy Statement, 2020 (PPS) and are considered a specialty crop area, which has the highest priority for protection. The Greenbelt Plan (2017) designates the lands as Specialty Crop Area (Niagara Peninsula Tender Fruit and Grape Area) within the Protected Countryside, which permits all types, sizes and intensities of agricultural uses and a full range of agriculture-related, and on-farm diversified uses. The lands are designated Unique Agricultural Area in the ROP, which has the highest priority for preservation.

Under subsection 7 (1) of the *Greenbelt Act, 2005*, a decision that is made under the Planning Act by a municipal council shall conform with the Greenbelt Plan. The Greenbelt Plan's specialty crop area policy 4.1.1 states:

"Lands shall not be designated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6"

These non-agricultural uses that may be permitted (ie. Infrastructure) are generally discouraged in Specialty Crop Areas and may only be permitted after the completion of an agricultural impact assessment.

The proposed ROPA must also address ROP Policy 5.B.7, which states (in part):

"Non-agricultural uses should not be located in Agricultural Areas. The introduction of new non-agricultural development of all types into the Agricultural Areas has an adverse impact on the agricultural and natural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered. These applications will be reviewed through a Regional Official Plan Amendment subject to the following conditions (among others):

a) Non-agricultural uses are not permitted in Unique Agricultural Areas – Good Tender Fruit and Good Grape Areas".

With respect to the proposed redesignation of the subject land to Rural Area, ROP Policy 5.C.1 states:

"The predominant use of lands in the Rural Area will continue to be agriculture, but some non-farm related development will be permitted".

ROP Policy 5.C.2 also states:

"A variety of non-agricultural development may be located in the Rural Areas (which are shown in the Official Plan) subject to meeting all the provisions contained in Chapter 5.C. Certain types of low intensity non-agricultural development such as non-farm residential uses including recreational uses, and small-scale commercial and institutional development may be permitted generally in the Rural Areas subject to a rezoning or consent in the case of residential lots".

ROP section 5.C further sets out policies to address rural residential development in Rural Areas such as limiting non-farm residential development to 3 lots or less.

The above Provincial and Regional policies will be considered in the recommendation report, which will come to Planning and Economic Development Committee (PEDC) at a future date.

Next Steps

The proposed ROPA (Appendix 2) is currently being assessed for its merits in relation to the objectives of the Provincial and Regional planning policy framework. An analysis of these policies will be contained in the future recommendation report, which will take into consideration comments from agencies and the public and will be analyzed to include any comments presented at the statutory Public Meeting.

To assist in the review of the proposal, the amendment application and supporting studies have been circulated to the Town, adjacent municipalities and prescribed agencies for comment. Comments received prior to the authoring of this report are included in Appendix 3. All comments submitted on this application will be responded to by staff through the recommendation report.

Alternatives Reviewed

The *Planning Act, 1990* requires that public consultation be conducted as part of all amendments to municipal Official Plans. Notice has been provided for this statutory Public Meeting as required by legislation.

As this report is for information purposes and the Public Meeting is a statutory requirement, there are no alternatives to review.

Relationship to Council Strategic Priorities

This report aligns with the following strategic priority of Regional Council:

- Equitable Region
 - By reviewing development applications to provide opportunities for a safe and inclusive Niagara by listening and responding to our community needs and planning for future growth.

Other Pertinent Reports

PDS 21-2022 Initiation Report Regional Official Plan Amendment at 502 Winston Road, Grimsby

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Appendices

Appendix 1 Location Map

Appendix 2 Draft Regional Official Plan Amendment

Appendix 3 Public and Agency Comments