

**DATE:** November 9, 2021

**REPORT NO:** PD-123-2021

**SUBJECT:** **Recommendation Report – Zoning Bylaw Amendment – Site Plan Authorizing Bylaw – Post Time Services – Kevin Vanderwier**

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- The intent of this rezoning application is to fulfill a condition of consent for severance file B08/2021WL.
- B08/2021WL was heard and conditionally approved by the Committee of Adjustment on May 26th 2021.
- This application proposes to rezone the previously severed 2 acre parcel, which was severed from the property located at 4141 Canborough Road and landowner title merged with the Post Time property located at 4061 Canborough Road from Agricultural (A) to Agricultural Related (AR)
- This zoning application also proposes to rezone the newly sized agricultural parcel located at 4141 Canborough Road from Agricultural (A) to Agricultural with a site specific exception (A-210) to recognize a deficient agricultural lot size of 2.322 hectares (5.74 acres) whereas 40 hectares is the required minimum lot size for an Agricultural lot.
- The purpose of this zoning application is to allow Post Time Services to expand their successful Agricultural Related operation.
- As this application will result in the extension of a commercial business, site plan approval is also required as a condition of the consent.
- A public meeting was held via Zoom on October 12th 2021. No public comments were received during this meeting. Staff have reviewed the proposed zoning by-law amendment against all relevant Provincial, Regional and Local policy and can recommend approval of this application.

**RECOMMENDATION:**

1. That, Report PD-123-2021, regarding “Zoning By-law Amendment – Site Plan Authorizing Bylaw–Post Time Services – Kevin Vanderwier”, dated November 9<sup>th</sup> 2021, be RECEIVED; and,

2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-011-21 submitted by Post time Services - Kevin Vanderwier and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period; and,
5. That, an authorizing bylaw be passed to permit the Mayor and Clerk to sign an amending Site Plan Agreement once completed to the satisfaction of staff.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #3**

- **Strategic, Responsible Growth**

### **BACKGROUND:**

An application for a Zoning Bylaw Amendment has been submitted by Kevin Vanderwier of Post Time Services for a zoning by-law amendment for the property legally described as Concession 1, Part Lot 23, RP30R7837 Part 2, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 4141 Canborough Road. (See attachment 1 for a survey sketch)

This application for rezoning has been submitted to fulfil a condition of consent for the application B08/2021WL, a severance application which was conditionally granted approval by the Committee of Adjustment on May 26th 2021. This consent application was submitted to enable the applicants to expand their business, which is known as Post Time Services.

The Zoning By-Law Amendment is needed to both recognize the deficient lot area on 4141 Canborough Road and to extend the Agriculturally Related Zone for the existing business located at 4061 Canborough Road to facilitate an expansion to their existing operation and provide adequate room for their growing storage needs in West Lincoln.

The applicants have also submitted a required Site Plan Control Application which will be circulated after the zoning amendment decision is made and the 20 day appeal period is completed. This will recognize the entire Post Time Services lot located at 4061 Canborough Road which will be 1.761 hectares (4.35 acres) in size, following consent approval. The expansion of the business area is expected to accommodate future growth and the concentration of existing overflow of storage that is currently located on the property to the south of Canborough Road, specifically known as 4076 Canborough Road.

A public meeting was held for the proposed application on October 12th 2021. No written or verbal comments were received from the public in regards to this application.

### **CURRENT SITUATION:**

Township Staff have reviewed and are providing the relevant Provincial, Regional and Local Planning policy that applies to Agriculture related properties.

### **1. Provincial Policy Statement (PPS)**

The PPS guides the growth and development of the Province and provides the general framework for planning in the Province. All planning decisions must be consistent with the PPS. The subject property is within the agricultural area of West Lincoln.

Section 1.1.4.1 of the Provincial Policy Statement states that healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources. The PPS also states that providing opportunities for economic activities in prime agricultural areas, shall be in accordance with policy 2.3.

There will be a site plan application to follow this rezoning application should it be approved. Planning staff have received a preliminary site plan application, however are in contact with the applicants to provide a more detailed Site Plan drawing for the circulation process.

### **2. A Place to Grow – Provincial Growth Plan (P2G)**

Applications filed after June 16, 2006 must conform to the Growth Plan, The current version is a plan for the Greater Golden Horseshoe, 2019. Section 1.2.3 of the P2G provides direction on how to read the Growth Plan, specifically noting that: This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography.

Section 2.2.9.1 of the Provincial Growth Plan encourages municipalities to plan for a variety of economic opportunities within rural areas to serve the needs of rural residents and area businesses. The subject lands that were recently severed and merged with the abutting agriculturally related business are located within the agricultural area located to the west of Boyle on the corner of Canborough Road and Elcho Road.

### **3. Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are located outside the area designated in the Greenbelt Plan, the PPS is the provincial policy that applies in this situation.

### **4. Regional Policy Plan (RPP)**

The Regional Policy Plan (RPP) provides general policies that are to be applied across the Niagara Region. The RPP is a guiding planning document for the physical, economic and social development of the Niagara Region.

Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of the RPP and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

Policy 5.B.18 of the RPP states that farm diversification refers to those agriculture related value added and secondary uses that complement farming activities and provide for increasing the economic value and consumer appeal of an agricultural product or use. Farm diversification uses shall complement the principal agricultural uses on the property and in the surrounding area, and shall contribute to the sustainability and viability of the farming operation. All uses outside of settlement areas are subject to the Region's servicing policies.

Policy 5.B.19 states that Farm diversification uses shall be consistent with the applicable provisions of the Provincial Policy Statement (2005), and conform to the Niagara Escarpment Plan and the Greenbelt Plan.

Policy 5.B.21 of the RPP states the following criteria shall be considered when identifying whether or not diversification activities should be permitted in the Zoning By-law:

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural Area;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and the farming operation;
- e) Whether the use is consistent with and maintains the character of the agricultural area;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;
- i) The use complies with all other applicable provisions of the Regional Official Plan

Planning staff feel that this application meets the Regional Official Plan policies for the agricultural area of West Lincoln.

## **5. Township of West Lincoln Official Plan (OP)**

The subject property is designated Good General Agriculture in the Township's Official Plan. Agricultural Lands within the Township consist of Unique Agricultural Lands, Good General Agricultural Lands, and Rural Lands. The Agricultural Lands shall be protected in accordance with their level of agricultural viability with the Unique Agricultural Lands receiving the highest level of protection and the Rural Lands receiving the lowest level of protection. The Township of West Lincoln's rural area is also permitted to support Agriculturally Related Uses.

The Township's Official Plan outlines General Agricultural Policies in Section 4.2.1 specifically stating, "Small scale agriculturally related uses related directly to serving, and requiring close proximity to the surrounding agricultural areas may be permitted where no opportunities exist for such uses to be located with the designated Urban and Hamlet Settlement Areas. The locating of these uses shall be subject to the policies of the Official Plan.

The Township of West Lincoln defines the subject business service "Post Time" as an agriculture-related use. This is defined as a premises used for commercial uses and industrial uses that are directly related to agricultural uses in the area, require a location that is in close proximity to agricultural uses, and directly provide products and/or services to agricultural uses as the primary business, including agricultural service and supply establishments, commercial kennels, veterinary clinic, and farm produce processing and storage facilities. Post Time Services is a family owned business which includes a farm and country retail store including fencing supplies, agricultural and residential fencing installation as well as a horse feed and delivery service.

Township planning staff feel that this application meets the intent of the Township's Official Plan.

#### **6. Township of West Lincoln Zoning By-Law (ZBL)**

The property located at 4061 Canborough Road is currently zoned Agriculture-Related (AR) in the Township's zoning By-law. The AR zone permits commercial uses and industrial uses that are directly related to agricultural uses in the area, require a location that is in close proximity to agricultural uses, and directly provide products and/or services to agricultural uses as the primary business, including agricultural service and supply establishments, commercial kennels, veterinary clinic, and farm produce processing and storage facilities.

The property located at 4141 Canborough Road is currently zoned Agricultural (A) in the Township's ZBL. This zone allows for agricultural and residential uses, as well as uses accessory thereto. The minimum lot area for an Agricultural property is 40 hectares. As previous consent application B08/2021WL is conditionally granted, this causes the property located at 4141 to be 2.322 hectares (5.74 acres) in size and therefore requires site specific exception to recognize the deficient lot size. Planning staff feel that this application meets the policies outlined in the Township's Zoning By-law.

#### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

#### **INTER-DEPARTMENTAL COMMENTS:**

Notice of Public Meeting for the rezoning was circulated to all relevant agencies on September 9th 2021. A yellow sign was posted on the property and a notice of hearing was posted to the website.

The recommendation report also addresses the need for an authorizing bylaw for the site plan amendment in order to streamline the approval process for this application.

The Niagara Region provided comments which state that the proposed expansion will result in additional outdoor storage and that no site disturbance is proposed at this time. Regional staff acknowledge that no works are proposed within the Regional Road allowance (Canborough Road); however, any construction works within the Regional road allowance would require a Regional Construction Encroachment Permit from Niagara Region's Transportation Services Division

Township Building Department, Septic Inspector, Public Works Department, Drainage Superintendent and the Niagara Peninsula Conservation Authority have no objections to the rezoning application as proposed.

**PUBLIC COMMENTS:**

A Notice of Public Hearing for the zoning amendment application was circulated to all residents within a 120m radius of the property on September 9th 2021. In addition, a yellow sign was posted on the property and the notice of hearing was posted to the Township's website. As of the preparation of this Technical Report, staff have received no public comments regarding this rezoning application.

The site plan application is interpreted to be straight forward and will be circulated to appropriate agencies following rezoning approval without appeal.

**CONCLUSION:**

Township staff have completed a preliminary review of this application against the applicable planning policy. Planning staff can recommend approval of this application to rezone the previously severed 2 acre parcel, which was severed from the property located at 4141 Canborough Road and which will be merged with the Post Time property located at 4061 Canborough Road from Agricultural (A) to agricultural Related (AR), and to rezone the newly sized agricultural parcel located at 4141 Canborough Road from Agricultural (A) to Agricultural with a site specific exception (A-210) to recognize a deficient agricultural lot size of 2.322 hectares (5.74 acres) whereas 40 hectares is the required minimum lot size for an Agricultural lot.

Staff also recommend the passing of a Site Plan Authorizing Bylaw at this time so that the approval process can be streamlined as quickly as possible.

**ATTACHMENTS:**

1. Site Sketch
2. Draft Zoning By-law
3. Draft Authorizing Site Plan Bylaw
4. Agency Comments

**Prepared & Submitted by:**



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**Brian Treble**  
**Director of Planning & Building**



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**Madyson Etzl**  
**Planner II**

**Approved by:**



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**Bev Hendry**  
**CAO**