

DATE: February 28, 2024

REPORT NO: COA-03-2024

SUBJECT: **Recommendation Report – Application for Consent, 7793 Young Street, Poly Dome Ontario Inc. (Agri-Plastics) (Agent-Serberras Engineering Group)**

CONTACT: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A consent application has been submitted by Serberras Engineering Group on behalf of Poly Dome Ontario Inc. (Agri-Plastics), property owner of the subject lands located at 7793 Young Street.
- The Consent application is being requested to permit a minor boundary adjustment where approximately 4,876 square metres (1.2 acres) from the abutting farm parcel located at 7880 Young Street (Part 1) will be added to the 3.07 hectare (7.59 acre) subject property being 7793 Young Street (Part 3) please see attachment 2.
- Following the consent application if approved, Part 3 (The subject property) will be a total of 3.56 hectares (8.79 acres) to accommodate the parking lot to the west of the property as well as a 2,670 square metre building addition which will connect three of the existing ware house buildings.

RECOMMENDATION:

That, the application for Consent, submitted by Serberras Group on behalf of Poly Dome Ontario Inc. (Agri-Plastics), as outlined in Report COA-03-2024, to permit a boundary adjustment where Part 1 (1.2 acres) will be merged to Part 3 (7.59 acres) BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, remitting the cash-in-lieu of park land dedication fee of 2% of the appraised value confirmed through an appraisal report prepared by a qualified appraiser, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
3. That an undertaking be provided to provide certainty that the ownership for Part 1 on the attached sketch will match the ownership for Part 3 following consent

approval to the satisfaction of the Township of West Lincoln, and that Part 1 merge with Part 3 and the PINS are consolidated.

4. That the applicant applies for and receives a Zoning Bylaw Amendment Approval to rezone Part 1 to match the zoning from Part 3.
5. That the applicant applies for and receives Site Plan Approval following the boundary adjustment to the satisfaction of the Director of Planning and Building, or designate, if required.
6. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited
 - a. reference plan, if applicable, for use in the issuance of the Certificate of Consent.
7. That any unused wells be decommissioned to the satisfaction of the Director of Planning and Building, or designate, if required.
8. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

BACKGROUND:

7793 Young Street is approximately 3.07 hectares (7.59 acres) in size. The subject property is situated on the north side of Young Street, east of Grassie Road and west of South Grimsby Road 10. The subject property is designated as Good General Agriculture in the Township's Official Plan. The surrounding land uses are designated in the Township's Official Plan as Good General Agricultural lands as well as Natural Heritage System.

The subject property, otherwise known as Part 3 on the attached sketch contains an agricultural related business known as Agri-Plastics. Agri-Plastics creates durable products that support agricultural practices. They also carry livestock comfort products from trusted brands all over the world which help improves the daily lives of livestock. The parking lot for the business was added on Part 1 of the severance sketch at some point in the last few years. There also is a single detached dwelling on the existing property located at 7793 (Part 3) as well as a house on the farmland (Part 2)

CURRENT SITUATION:

Planning Staff have completed an analysis of the proposed consent and can provide the following evaluation:

Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe

Land use planning decisions must be consistent with the Provincial Policy Statement (PPS), the PPS ensures for appropriate development while protecting resources of provincial

interest, public health, and the quality of the natural and built environment. Section 2.3 of the PPS, provides regulations for Agriculture specifically, Section 2.3.1 states that Prime agricultural areas shall be protected for long-term use for agriculture. Furthermore, Section 2.3.4.2 of the PPS states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons which is the case for the proposed consent application.

This boundary adjustment is being requested to increase the lot size to accommodate a parking lot and a future building expansion. Furthermore, the consent application will not impact the agricultural operation of the surrounding property located at 7880 Young Street. For these reasons planning staff believe the proposed minor boundary adjustment follows the criteria of the Provincial Policy Statement (PPS)

A Place to Grow (2019), provides a framework for building stronger, prosperous communities by better managing growth and protecting the environment within the Greater Golden Horseshoe (GGH). The GGH contains significant natural environments and some of Canada's most important and productive farmland. Section 4.2.6 of the Growth Plan outlines policies for the Agricultural System identified by the Province which pertains to the proposed consent application.

Specifically, Section 4.2.6 states that prime agricultural areas will be protected for long-term use for agriculture, by minimizing and mitigating adverse impacts on the Agricultural System. Further, Section 4.2.6.5 of the Growth Plan specifically states that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed boundary adjustment will not create adverse impacts on the agricultural uses in the area, the portion being severed and merged with the subject property is not actively being farmed and is being used for a parking lot, therefore, will not affect the continued long-term agricultural use of 7880 Young Street. As such, Planning Staff believe the proposed consent application follows the fundamental policies within the Growth Plan.

Niagara Official Plan

The Niagara Official Plan (NOP) provides a framework for growth and development within the Niagara Region. The NOP regulations are consistent with Provincial Policies; the PPS, The Growth Plan and the Greenbelt plan.

Policies relating to Agriculture, and Agriculturally Related lands are outlined in Section 4.1 of the NOP. The main objectives of this section are to facilitate a strong, diverse, and resilient agricultural economy and to protect the regions agricultural land base, ensuring agricultural sustainability. Section 4.1.6 of the NOP supports lot adjustments and lot creation in prime agricultural areas for agricultural uses and agriculturally related uses.

Section 18.13.2 of the Site Specific Policies in the Niagara Official Plan speak to the subject property located at 7793 Young Street. Notwithstanding the land use provisions of Section 4.1 "The Agricultural System" in this Plan, permits an agriculturally-related manufacturing operation, with an expansion of approximately 1,800 square metres to an existing 4, 645 square metre industrial operation in a "Prime Agricultural Area" is permitted

on a three hectare (7.6 acre) site with a frontage of 253 metres and a depth of 122 metres.

Township of West Lincoln Official Plan

The subject property is designated as Good General Agriculture in the Townships Official Plan. Provided the consent application has been applied for legal and technical reasons, being to permit the addition to the Agri-Plastics accessory buildings and for additional parking spaces

Section 18.13.2 b) states that where the land being conveyed or retained is for a commercial or industrial use which is related to the processing of agricultural products or the servicing of farms and is required in the proximity to farms, a consent may be granted subject to the agricultural policies of this plan as they apply to Agriculture Commercial and Industrial Uses.

Section 18.13.2 d) states that where land being conveyed is to be added to an abutting, existing non-farm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved and the conveyance is for legal or technical reasons. As well as 18.12.2 f) where it states that where land is being conveyed as part of a minor boundary adjustment which does not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.

The proposed boundary adjustment appears to comply with the Township's Official Plan.

Township of West Lincoln Zoning Bylaw

The subject property, being 7880 Young Street is zoned Agricultural 'A'. The benefitting property known as 7793 Young Street is zoned Agricultural 'A' and Agricultural Related with a site specific exception which permits an industrial use that is limited to the manufacturing, warehousing, and distribution of primarily agriculturally-related plastic. 'AR-51'. Furthermore, the site specific exception permits a minimum lot area of 1.5 hectares, a minimum lot frontage of 1.5 metres, a minimum rear yard of 18 metres, a maximum lot coverage of 30% and the existing driveway to have a width of 6 metres and partially located on the adjacent lot to the west is permitted.

Furthermore, this application is requesting to add additional lands to the west of the property. These lands are currently zoned Agricultural 'A' ; therefore, a Zoning By-Law Amendment application will need to be applied for to change these lands to the Agricultural Related zone as the parking lot is directly related to the business operating on the property. This has been added as a condition of the consent application. A full zoning review of the proposed addition will be completed as part of the required site plan approval process.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

The Niagara Peninsula Conservation Authority has indicated at the time of pre-consultation that they would have no comments or objections to the proposed Minor Boundary Adjustment. The Townships Public Works Department requested a functional servicing brief for the proposed accessory building and the Townships Septic System Inspector requested

a servicing brief.

The Niagara Region provided comments which state that at the original pre-consultation meeting the proposed addition may not result in land disturbance beyond the topsoil level. Staff note that the application has included a warehouse in the site plan drawing that had not previously been proposed at the Pre-consultation meeting. However, the development may not result in land disturbance beyond the topsoil, and as such, an archaeological assessment is not required for this application. (Please see attachment 3)

The Townships Planning Department received a servicing brief from Seberras Engineering Group which stated that due to the proposed addition being used strictly for additional warehouse space and the total number of staff expected within the building remains unchanged and therefore the use of the existing septic system will continue to be sufficient for the site. (See attachment 3)

PUBLIC COMMENTS:

There have been no public comments received relation to this consent application.

CONCLUSION:

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application (B01/2024WL) as outlined in Report COA-03-2024, to permit a minor boundary adjustment where Part 1 (1.2 acres) will be added to Part 3 (7.59 acres) to allow for a proposed expansion to the Agriculturally Related use and to include the parking lot that is being used on the adjacent property, subject to the conditions of approval as indicated.

ATTACHMENTS:

1. Location Map
2. Survey Sketch
3. Agency Comments

Prepared & Submitted by:

Approved by:

Madyson Etzl
Senior Planner

Gerrit Boerema, RPP, MCIP
Manager of Planning

