

DATE: November 11, 2024

REPORT NO: PD-52-2024

SUBJECT: **Technical Report- Application for Zoning Bylaw Amendment – 5357 and 5377 Elcho Road, (File No, 1601-011-24)**

CONTACT: Madyson Ettl, Senior Planner
Gerrit Boerema, Acting Director of Planning and Building

OVERVIEW:

- An application for a zoning bylaw amendment had been applied for by Upper Canada Consultants, agent of the property owners Bradley and Kimberly Killins for the property located at 5357 Elcho Road. as a condition of consent for file no. B092024WL.
- This application is related to a recent consent application (File No. B092024WL) which was conditionally approved by the Committee of Adjustment on October 30th, 2024. The consent severed five acres of farmland to add it to a commercial/agriculturally related use.
- This zoning bylaw amendment application is required as a condition of the consent to change the zoning on the severed lands from Agricultural ‘A’ to Agricultural Related ‘AR’ and to amend the zoning on the retained farmland to recognize a deficient lot area.
- This application is also requesting to permit a maximum outdoor storage area of 57% of the property, whereas 10% is the permitted maximum.
- The existing business lands will remain zoned Service Commercial ‘C3’.
- This is to help facilitate the expansion of the existing agriculture-related/commercial use that currently operates on the subject property.
- Administration will prepare a Recommendation Report following input from the public meeting and any agency comments, and will be presented at a future Planning/ Building/ Environmental Committee or Council Meeting.

RECOMMENDATION:

1. That Technical Report PD-52-2024, titled “Technical Report – Application for Zoning Bylaw Amendment – 5357 and 5377 Elcho Road, (File No. 1601-011.24)” dated November 11th 2024, be received; and,
2. That a Recommendation Report be submitted to a future Planning/Building/ Environmental Committee meeting once a administrative and agency review has

been completed.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2 & #3

- **Champion** – Strategic Responsible Growth
- **Enrich** – Strong Agricultural Legacy

BACKGROUND:

An application for a Zoning Bylaw Amendment has been made submitted by Upper Canada Consultants on behalf of the property owners Bradley and Kimberly Killins to fulfil a condition of consent (File No. B092024WL). The Committee of Adjustment conditionally approved the boundary adjustment to add 5 acres of land to the existing 5 acre site on Wednesday October 30th 2024.

The owner of 5377 Elcho Road is proposing an expansion of their business operations (Ontario Agra, Anthony’s Excavating, Kors Rentals) to the north of the existing business. The developed portion of the property is currently zoned Serviced Commercial ‘C3’ and contains an agriculture-related commercial use that sell and repair agricultural equipment, field and drainage materials and septic water systems. Their current outdoor storage yard is no longer adequate to meet the inventory storage needs of the business, therefore the expansion is requested. The Committee of Adjustment Report [COA-37-2024](#) provides a full planning policy review of the consent application.

The zoning bylaw amendment application requests to rezone the severed 5 acres of land from an agricultural zone to a commercial zone, to permit 57% of the property to be used for outdoor storage, and to rezone the retained agricultural lands to recognize a deficient lot area.

CURRENT SITUATION:

Administration has reviewed the application to determine alignment with the relevant Provincial, Regional and Local policies.

Provincial Policy Statement –2024

The new Provincial Planning Statement (PPS) is now in effect as of October 19th 2024. The PPS requires the protection of lands designated as Prime Agricultural Lands for long term agricultural use. The subject lands are designated as Prime Agricultural Lands in the PPS.

Policy 1.1.4.1 states strong rural areas can be achieved by promoting the diversification of the economic base through the permission of on-farm diversification or value-added uses and employment opportunities in the prime agricultural area. However, when developing these uses the PPS notes that it is important to have regard for scale, and impacts on the agricultural community including adjacent uses and servicing. This zoning bylaw amendment and related boundary adjustment would expand an existing agriculturally

related use. The operation and expansion of the businesses on this property would provide further benefits for the agricultural community.

The PPS also supports lot adjustments for Agriculturally-Related Uses, provided that any new lot will be limited to a minimum size needed to accommodate the use. The applicants have demonstrated through their Planning Justification Report that an additional 5 acres is the minimum amount of additional land needed to accommodate their Agriculturally Related Use as the use involves the outdoor storage of large tanks and other materials used by the agricultural sector.

Niagara Official Plan, 2022

The Niagara Official Plan (NOP) provides long-term strategic policy planning and framework for managing the anticipated growth for the Niagara Region, including the protection of agricultural lands. The subject lands in alignment with the PPS are located within the Prime Agricultural Area. Section 4 of the NOP provides the objectives for the Agricultural System which is facilitating a strong, diverse, and resilient agricultural economy and protecting the Region's agricultural land base.

Policy 4.1.7.3 of the NOP permits agricultural uses, agriculture-related uses and on-farm diversified uses within prime agricultural areas and the NOP additionally supports lot creation and adjustments for agricultural-related uses provided that the lot area be limited to the minimum size needed to accommodate the use. As mentioned previously in this report, the Planning Justification Report has demonstrated that the use can be considered Agricultural-Related and that the minimum amount of land (5 acres) is being severed to accommodate the needs of this growing business.

Township of West Lincoln Official Plan (OP)

The subject properties are designated as Good General Agriculture and Natural Environment in the Township's Official Plan. The Township's Official Plan outlines the general objectives for Agricultural Areas which include the protection of the viable agricultural industry, the promotion of small scale secondary uses and agriculturally related uses which do not hinder surrounding agricultural operations.

The existing use of 5377 Elcho Road is agriculture-related. The expansion of the agriculturally related uses is permitted in the Township's OP provided a number of criteria are met including:

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- b) An adequate and potable water supply is available
- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction
- d) Adequate drainage and outlets are available for stormwater run-off. Approval of drainage provisions may be required from the appropriate agency.
- e) Adequate entrances and exits to roads are located to minimize travel hazards. Ribbon development along roadways is discouraged.
- f) Adequate off-street loading, parking spaces and access points will be provided.
- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or

- other acceptable means.
- h) Outside storage may be limited.
 - i) The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of a use do not conflict with adjacent land uses.
 - j) The lands will be appropriately zoned and, where necessary, a development agreement will be required.
 - k) Development on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource will be avoided.
 - l) Development may be subject to site plan control.

Based on the preliminary review of the application, the retained farmland remains of a sufficient size for continued agricultural use. Additionally, private septic and water services are already provided for the business, and a stormwater plan has been submitted for review as part of the site plan approval process. No additional entrances are proposed and the expanded site will mainly be used for outdoor storage. Adequate parking is already provided on the existing business site. Additionally site plan approval is required as a condition of consent.

The Township's Official Plan also requires that expansions to agricultural-related and non-farm uses meet the Minimum Distance Separation guidelines. The closest livestock barns (poultry barns located at 5225 Elcho Road) are nearly 600 metres away and therefore comply with the MDS setback.

Township of West Lincoln Zoning By-law 2017-70, as amended (ZBL)

The properties are zoned as Agricultural 'A', Environmental Protection 'EP', Environmental Conservation 'EC' and Service Commercial 'C3' in the Townships Zoning Bylaw.



The retained agriculturally zoned lands located at 5357 Elcho Road will be required to be rezoned to Agricultural with a site specific exception to recognize a minimum lot area of 30.65 hectares where 40 hectares is required, as the property size is being reduced by 5 acres.

A zoning amendment is also required to zone the severed lands that are to be merged onto the Service Commercial 'C3' parcel of land through the consent application (5377 Elcho Road). The application requested a commercial zone with an increased allowance on outdoor storage, however, based on a more thorough look at the property Administration can only support the application if this parcel of land is zoned to an Agricultural-Related Zone, this will ensure that the expansion is only used for agricultural related uses in the

future, the Committee of Adjustment only supported the boundary adjustment on the

provision that the lands are zoned Agriculturally Related.

The Agricultural Related zoning for the merged parcel of land will require a site specific zoning (AR-###) as well to permit 57% of the lot area to be used for outdoor storage whereas 10% is the permitted maximum in the Zoning Bylaw. The Service Commercial zoning on the existing property where the building is located will remain the same.

All other zoning regulations are proposed to be met on both the retained agricultural lands and the expanded agriculturally related/commercial property.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on October 10th, 2024 and the notice was also posted to the Township's website.

Building Services Division

The Township Building and Septic Department have reviewed the proposed application and have no comments or objections.

Regional Staff of the Growth Strategy and Economic Development Department and Environmental Planning

The Niagara Region has provided comments which state that they do not object to the proposal provided the zoning of the expansion area will not permit new non-agricultural uses. The Region recommends that the agricultural lands being conveyed be zoned to Agriculture-Related (AR) Zone in order to limit the use of the land for agricultural-related commercial uses.

A daylight triangle of 15 metres by 15 metres is required at the corner of Elcho Road and Wellandport Road to meet the NOP requirements. This will be taken at the future Site Plan application.

The Niagara Peninsula Conservation Authority (NPCA)

The NPCA has reviewed the Zoning Bylaw Amendment and states that the subject property contains NPCA Regulated Features however, the proposal does not encroach on regulated areas. As such the NPCA has no objections to the proposed application.

Public Works Department

The Township Public Works Department has reviewed the proposed application and has no comments or objections.

PUBLIC COMMENTS:

A notice of the Public Hearing was mailed to all resident within 120 metres of the subject

property on October 10th 2024. In addition, a yellow sign was posted on the property on October 11th 2024. At the time of the preparation of this Report, no comments have been received any public comments regarding this application.

CONCLUSION:

This application is requesting to rezone the retained agricultural land following a boundary adjustment application to recognize a deficient lot size of 30.65 hectares whereas the Township’s Zoning Bylaw requires 40 hectares for an Agricultural ‘A’ zoned lot. This application is also requesting to amend the zoning on the severed five-acre portion of land from an Agricultural ‘A’ zone to an Agricultural Related ‘AR’ Zone with a site specific exception to permit a maximum outdoor storage area of 57% of the lot area, whereas 10% is the permitted maximum in the Township’s Zoning Bylaw. The existing business lands will remain zoned Service Commercial ‘C3’. This is to help facilitate the expansion of the existing agriculture-related/commercial use that currently operates on the subject property. Administration Staff will consider any comments received and will bring a recommendation report forward at a future Planning Building and Environmental Committee Meeting.

ATTACHMENTS:

- Schedule A – Location Map
- Schedule B – Consent Sketch
- Schedule C - Planning Justification Report
- Schedule D - Site Plan
- Schedule E – External Comments

Prepared & Submitted by:

Approved by:

**Gerrit Boerema
Acting Director of Planning & Building**

**Truper McBride
CAO**

**Madyson Ettl
Senior Planner**