

DATE: December 9, 2024

REPORT NO: PD-57-2024

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

CONTACT: Madyson Ettl, Senior Planner
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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.
- This application is related to a recent consent application (File No. B09-2024WL) 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 property containing a local business called Ontario Agra.
- This zoning bylaw amendment application is required as a condition of consent to change the zoning on the property known as 5377 Elcho Road from Agricultural 'A' to Agricultural Related 'AR-240' and from Service Commercial 'C3' to Service Commercial with a site specific 'C3-241' to amend the zoning to permit a maximum outdoor storage area of 57% of the property, whereas 10% is the permitted maximum.
- This zoning bylaw amendment will also change the zoning on the remnant farmland of 5357 Elcho road from Agricultural 'A' to Agricultural with a site specific provision 'A-242' to recognize a deficient lot area of 30 hectares where 40 hectares is required.
- The boundary adjustment and the related zoning amendment application is to facilitate the expansion of the existing agriculture-related/commercial use that currently operates on the subject property, and to improve the overall appearance of the site through providing more area for outdoor storage.
- After reviewing the application against the applicable policies, Administration can recommend approval of this zoning bylaw amendment application.

RECOMMENDATION:

1. That Recommendation Report PD-57-2024, titled “Recommendation Report – Application for Zoning Bylaw Amendment – 5357 and 5377 Elcho Road, (File No. 1601-011-24)” dated December 9th 2024, be received; and,
2. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act; and,
3. That, the application for Zoning By-law Amendment submitted by Upper Canada Consultants be approved in accordance with the attached Zoning By-law Amendment with the site-specific regulations, and that Council authorize the Mayor and Clerk to sign the necessary by-laws.

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 and NGF Properties 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 and 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 an agriculture related zone, and to permit 57% of the property to be used for outdoor storage. The zoning amendment also requests to rezone the retained agricultural lands to recognize a deficient lot area.

A public meeting was held on November 11th to discuss the application and hear from any members of the Public and Council. No public comments were received orally or in writing. Staff additionally presented Planning Report [PD-52-2024](#) which included all of the supplementary reports and studies completed. Members of Planning Committee raised a number of questions regarding the expansion of the business and the proximity to the existing hamlets where the use could be accommodated.

The subject property is located within 1.5 km of the Hamlet Settlement area of Wellandport

and within 3 km from the Hamlet Settlement Area of Bismark. Staff note that these hamlets mainly consist of smaller residential lots and have been mostly built out with no available land for a large scale agriculturally related or commercial use. Commercial and agricultural related business are best located within Hamlet Settlement areas, however, the closest hamlet with available lands is Fulton which is over 22 kilometres away and not in a suitable location for the proposed business expansion.

Staff have completed a review of the application against the applicable planning policy, which can be found below, and can recommend approval of the application.

CURRENT SITUATION:

Provincial Planning Statement 2024

The Provincial Planning Statement (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.

Based on the above review the proposed application is aligned with Provincial Policy.

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.

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.

This application is aligned with the Township's Official Plan.

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 'AR-241' 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 the provincial and local planning policy, boundary adjustments at this scale are only permitted for agriculturally related uses. Therefore the Committee of Adjustment required that the additional lands be zoned to an Agricultural-Related Zone to ensure that the expansion is only used for agricultural related uses.

The Agricultural Related zoning for the merged parcel of land will require a site specific zoning (AR-240) 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 remainder of the existing property where the building is located, will also be zoned to permit the higher lot coverage. The intent of the landowners is to redistribute the materials stored on site over the additional 5 acres to improve the appearance of the site, as currently the site is at its storage capacity.

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 related to this report.

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on November 6th 2023, 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 public meeting was held on November 11th 2024 to discuss the application and hear from any members of the Public and Council. No public comments were received orally or in writing.

CONCLUSION:

An application has been submitted by Brad and Kimberly Killins and NGF Properties to rezone the parcels of land to permit the expansion of an existing agricultural related/commercial use that currently operates on the subject property.

Based on the planning policy review completed, this application can be recommended for

support.

ATTACHMENTS:

- Schedule A –Consent Sketch
- Schedule B - Planning Justification Report
- Schedule C - Site Plan
- Schedule D- Bylaw

Prepared & Submitted by:

Approved by:

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