

Planning Justification Report

**In Support of
Proposed Zoning By-law Amendment
for
5397 Wellington Road 125
Town of Erin**

October 30, 2023

Prepared By:
JL Cox Planning Consultants Inc.
Guelph ON



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1. Introduction

1.1. Study Purpose

This Planning Justification Report (PJR) has been prepared in support of an application for approval of a proposed zoning by-law amendment in the Town of Erin. The PJR will review the application in the context of the site location, consider the proposal in terms of applicable Provincial, County of Wellington and Town of Erin planning policies and regulations, summarize other work undertaken in support of the application and provide a professional planning opinion in support of the proposal.

1.2. Property Description

The subject lands are legally described as Part of Lot 13, Concession 3, Town of Erin, County of Wellington, known municipally as 5397 Wellington Road 125. The property has a total site area of 3.5 ha (8.5 acres) and a frontage of 91.05 m (299.7 ft) on Wellington Road 125.

1.3. Existing Land Use

The property contains an existing residential dwelling, a large riding arena, a garage which has been converted to personal office space and two run-in shelters for horses. The remaining lands are vacant with a pond located in the rear portion of the property.

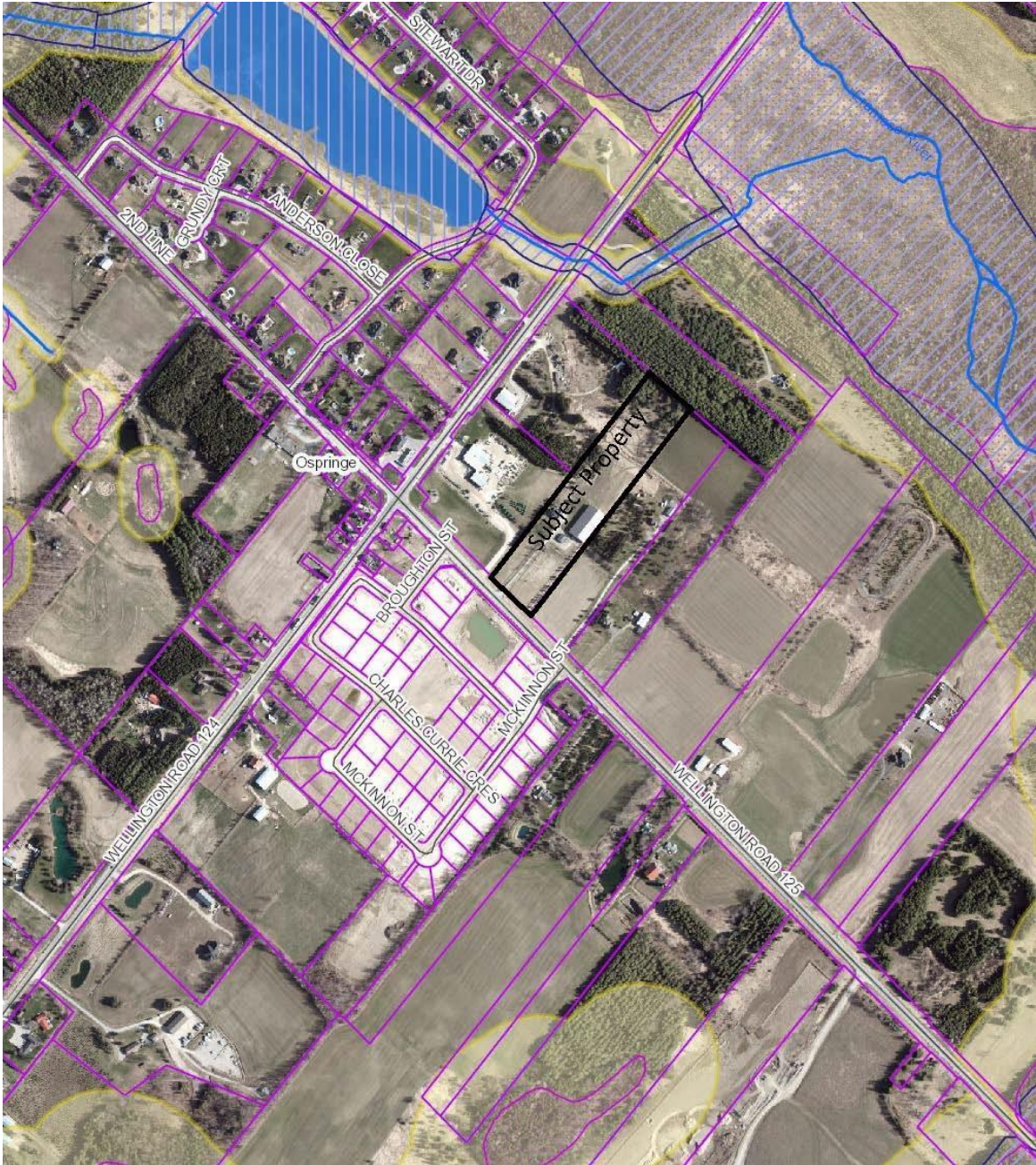
Surrounding land uses include two properties used for commercial purposes including a large farm implement dealership to the north, a developing residential plan of subdivision to the west, a large rural estate property to the south and a treed area to the east or rear of the property.

An aerial photograph of the property is shown as Figure 1 on Page 2 of this report.

1.4. The Proposal

The owner is applying for a zoning amendment to convert the existing riding arena for indoor storage of trailers, boats, RV's, automobiles, trucks and tractors. The riding arena was constructed about 15 years ago and has a total floor area of approximately 780m². The requirements to convert the building for storage purposes is further addressed in Section 5 of this report. An area for outdoor storage of the similar items is proposed to the rear of the riding arena.

A site plan of the property prepared by Fryett Turner Architects is shown on Page 3 of this report.



Background image from Grand River Conservation Authority mapping



Figure
1



Storage Building Renovation
 5397 Wellington Rd 125, Erin Ontario
 Site Plan

Fryett Turner ARCHITECTS INC
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 Erin, Ontario N5B 1S9
 Tel: 519-846-2201 Fax: 519-846-0343
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NOT FOR CONSTRUCTION

Legend:
 1. EXISTING BUILDING
 2. EXISTING DRIVEWAY
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 50. EXISTING DRIVEWAY

Scale:
 1" = 10'-0"

North Arrow:
 North

Revision Table:

NO.	DATE	BY	DESCRIPTION
1	2023-01-10	RT/NA	PRELIM
2	2023-01-10	RT/NA	REVISION
3	2023-01-10	RT/NA	REVISION
4	2023-01-10	RT/NA	REVISION
5	2023-01-10	RT/NA	REVISION
6	2023-01-10	RT/NA	REVISION
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11	2023-01-10	RT/NA	REVISION
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16	2023-01-10	RT/NA	REVISION
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47	2023-01-10	RT/NA	REVISION
48	2023-01-10	RT/NA	REVISION
49	2023-01-10	RT/NA	REVISION
50	2023-01-10	RT/NA	REVISION

Figure 2

1.5. Pre-Consultation

A virtual pre-consultation was held with the Town of Erin on January 25, 2023, and attended by Town staff and Wellington County Planning and Roads Department representatives. This Planning Justification Report is intended to address issues noted in the Pre-Consultation Meeting Response dated February 1, 2023 and the accompanying Application Submission Checklist.

2. Provincial Policy Context

2.1. Provincial Policy Statement 2020 (PPS 2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act and the current PPS came into effect May 1, 2020. Section 3 requires that *“the decisions affecting planning matters shall be consistent with policy statements issued under the Act.”*

The Province has undertaken a review of the PPS and released a draft of an updated PPS on April 6, 2023. It is not known when a revised PPS may come into effect but until that time the current PPS policies continue to apply.

2.1.1. Relevant Policies

The following relevant policies in the PPS 2020 which should be considered:

- Section 1.1.4 Rural Areas in Municipalities:

“Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.”

- Section 1.1.4.1 *“Healthy, integrated and viable rural areas should be supported by:*
 - f) *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;*
- Section 1.1.5 of the PPS provides policies directed at rural lands which are defined in Section 6.0 of the PPS as:

“Rural lands: means lands which are located outside settlement areas and which are outside prime agricultural areas”

- Section 1.1.5.3 *“Recreational, tourism and other economic opportunities should be promoted.”*
- Section 1.1.5.4 *“Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”*
- Section 1.1.5.7 *“Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.”*
- Section 1.3.1: *“Planning authorities shall promote economic development and competitiveness by:*
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;”*

2.1.2. Summary of the Relevant Policies

- i. the PPS 2020 encourages opportunities for employment opportunities in rural areas.
- ii. the PPS 2020 states that on rural lands, which does not include prime agricultural areas, development that is compatible with the rural landscape and sustained by rural service levels should be promoted.
- iii. the PPS 2020 states that planning authorities shall promote economic development and competitiveness and take into account the needs of existing and future businesses.

2.2. Growth Plan for the Greater Horseshoe (Growth Plan)

The Ministry of Public Infrastructure and Renewal released the Growth Plan for the Greater Golden Horseshoe to manage growth in Ontario under the authority of the Places to Grow Act 2005. An update of the Growth Plan came into effect on May 16, 2019, and was amended in 2020. Any decisions made after that date that affect a planning matter must conform to the plan.

The Growth Plan provides an overall growth strategy for the Greater Golden Horseshoe region that complements the Provincial Policy Statement and is implemented by municipal planning documents. The key elements of the Growth Plan are guiding

principles of building compact, vibrant and complete communities; planning and managing growth to support a strong, competitive economy; and optimizing the use of existing or planned infrastructure to support growth in a compact and efficient form. As such, these policies are primarily directed at settlement areas rather than rural lands, and include policies directed protection of agricultural resources:

2.2.1. Relevant Policies of the Growth Plan

- Section 2.2.9 Rural areas states:
 - “3. *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*
 - a) *The management or use of resources;*
 - b) *Resource-based recreational uses; and*
 - c) *Other rural land uses that are not appropriate in settlement areas provided they:*
 - i. *are compatible with the rural landscape and surrounding local land uses;*
 - ii. *will be sustained by rural service levels; and*
 - iii. *will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.”*

2.2.2. Summary of Relevant Growth Plan Policies

- i. the policies of the Growth Plan are primarily directed at guiding new development, particularly within settlement areas
- ii. the Growth Plan permits rural land uses that are compatible with the rural landscape and surrounding local land use, supported by rural service levels, does not affect the protection of agricultural uses, and protects prime agricultural areas for long-term use for agriculture.

3. Local Planning Context

3.1. Wellington County Official Plan (County OP)

The Wellington County Official Plan came into effect on May 6, 1999. The Plan has subsequently been amended several times, including a comprehensive 5 Year Review (OPA 81) which was approved by MMAH on April 24, 2014, appealed to the Ontario Municipal Board and approved by the Ontario Municipal Board on December 19, 2014. A further review of the County OP is currently underway.

The subject lands are designated Secondary Agricultural Area on Schedule A2 of the County Official Plan.

3.1.1. Relevant Policies of County OP

The relevant policies of the County OP include:

- Section 6.5.3 Permitted Uses states:

“Permitted uses and activities in Secondary Agricultural Areas may include:

- a) all uses allowed in the Prime Agricultural Area;*
- b) small scale commercial, industrial and institutional uses;*
- c) public service facilities.”*

- Section 6.4.3 Permitted Uses sets out the Permitted Uses in Prime Agricultural Areas referred to in Section 6.5.3 a) above, and include:

“Permitted uses and activities in Prime Agricultural Areas may include:

- a) agricultural uses*
- b) secondary uses including home businesses and farm businesses*
- e) single detached homes”*

- Section 6.5.5 references policies for commercial, industrial and institutional uses permitted in Section 6.5.3 above:

“6.5.5 Commercial, Industrial & Institutional

Small scale commercial, industrial and institutional uses may be permitted provided that:

- a) Appropriate sewage and water systems can be established;*
- b) The proposed use is compatible with surrounding uses*
- c) The use requires a non-urban location due to:*
 - Market requirements;*
 - Land requirements*
 - Compatibility issues*
- d) The use will not hinder or preclude the potential for agriculture or mineral aggregate operations;*
- e) The use will be small scale and take place on one lot and large scale proposals or proposals involving more than one lot will require an official plan amendment.”*

In response to the criteria referenced in Section 6.5.5 above:

- a) The property has existing adequate sewage disposal and water supply and will continue to utilize these services

- b) The use is compatible with adjacent uses, as further discussed in Section 4.1 of this report, and includes other commercial uses with outdoor storage.
- c) The proposed use is appropriate in a non-urban location given the large building size requirement, the potential need for outdoor storage and the ability to repurpose an existing agricultural building.
- d) The use will have no impact on potential for agricultural use of the subject property given the small size of the property or affect any existing adjacent agricultural operations; nor will it have any impact on any mineral aggregate operations.
- e) The proposed use is small scale and will be contained on one lot.

3.1.2. Summary of Relevant County OP Policies

- i. the County OP permits small-scale commercial uses in the Secondary Agricultural Area designation
- ii. the proposed use of the existing agricultural structure for an indoor storage facility and limited outdoor storage on the subject property meets the criteria of Section 6.5.4 of the County OP for such small scale commercial uses

3.2. Town of Erin Official Plan (Erin OP)

The Town of Erin Official Plan was approved by Wellington County Council on December 14, 2004, and has subsequently been amended several times. The OP has not undergone a comprehensive review since 2012, although additional updated Town-wide policies were adopted through OPA No. 13 in 2022.

The Erin OP designates the subject property Secondary Agricultural, similarly to the County OP designation, on Schedule A-1.

3.2.1. Summary of Relevant Erin OP Policy

Section 4.2.3 of the Erin OP states that:

“The use of lands in the Secondary Agricultural Area designation shall be guided by the policies of Section 6.5 of the County of Wellington OP.”

Based on the foregoing policy, the Erin OP defers to the County OP policies for uses in the Secondary Agricultural Area designation, which are referenced in Section 3.1 of this report.

3.3. Town of Erin Zoning Bylaw

By-law 07-67 is the Town of Erin's Comprehensive Zoning Bylaw No. 07-67 and the references in this Section are to the April, 2023 consolidation of the By-law. The subject lands are entirely zoned Agricultural (A) Zone in Zoning Bylaw 07-67.

The permitted uses of the A zone are listed in Section 5.1 of the By-law and include the following:

- *“agricultural uses*
- *single detached dwelling*
- *accessory dwelling unit in accordance with Section 4.1.1 and Section 4.1.2*
- *B & B (Class 1 & 2) in accordance with Section 4.3*
- *home industry in accordance with Section 4.17*
- *home occupation in accordance with Section 4.18*
- *commercial nursery*
- *portable asphalt plant*
- *wayside pit or quarry*
- *uses accessory to any permitted use*
- *agriculture-related uses in accordance with Section 5.1.3*
- *on-farm diversified uses in accordance with Section 5.1.4”*

The proposed storage use is not currently permitted by the Zoning Bylaw so a zoning bylaw amendment to a site specific zone category is required. It is noted that the existing lot otherwise complies with the zoning requirements for a lot in an A Zone of less than 10 ha as set out in Table 4 of the Bylaw. It is also noted that the provisions of Section 4.2 of the Zoning Bylaw applicable to accessory building and structure would not apply if the storage use is recognized as a principal use of the property by a zoning amendment.

Section 4.30 of the Zoning Bylaw also regulates Outdoor Storage and states:

“Outdoor storage is not permitted within the C1 and MU zones. In the C2, C3, M1 and M2 zones, the outdoor storage of goods, materials, and equipment, accessory to the main use, shall be permitted in accordance with the following provisions:

- .1 Located to the rear of the front wall of the main building, but not in a required side yard nor a required rear yard.*
- .2 Shall be visually screened from the street and any abutting land zoned or used for residential or institutional purposes by a planting strip in accordance with Section 4.33.”*

Although the property is not located in a C2, C3, M1, or M2 zone it is noted that the proposed outdoor storage area use otherwise complies with Section 4.30 on the following basis:

- the outdoor storage area is to the rear of the front wall of the main building and not in any required yard, and
- it is screened from the street by the existing riding arena so additional screening should not be required.

A Zoning By-law amendment permitting the existing riding arena to be used for storage of boats, trailers, RV's, automobiles and trucks and farm equipment and permitting outdoor storage of such items within a designated area as shown on the site plan. A draft zoning amendment has been submitted with the zoning amendment application.

4. Planning Considerations

4.1. Land Use Compatibility

The aerial photograph on Page 2 of this report shows surrounding land uses as described in Section 1.3 of this report. The following should specifically be noted:

- the adjacent use to the building envelope on the site to the north is a farm implement dealership know as Premier Equipment Ltd. The area of that property closest to the subject property is currently used for outdoor equipment storage. The property is zoned Rural Commercial (C3).
- the residential plan of subdivision is located to the west of the property and over 170 metres from the proposed storage building. The area of the plan of subdivision directly across the road is a stormwater pond area which is zoned OS1 providing even greater separation to any dwelling units.
- the closest adjacent use is a rural residential use to the south and the building envelope on this property is well separated from the proposed storage facilities and screened by existing vegetation.
- the area to the rear and east the storage facility is open field and wooded area

The proposed storage facility is small scale with minimal off-site impacts and is therefore considered compatible with adjacent land uses.

4.2. Traffic Impacts

The traffic flow generated by the proposed use on Wellington Road 125 is anticipated to be quite small. Users of the storage facility typically visit the site two times to initially drop off the stored item and later to retrieve it for seasonal use again. Based on a projected storage capacity of approximately 50-55 vehicles this results in a total of only 100 to 110 vehicle trips to the property. These trips are typically seasonal as well, with

drop off in October/November and pick up in May/June, and are anticipated to be only 2-3 vehicles per day. At other times customers do not typically attend the property.

It is noted that the driveway access from the property to Wellington Road 125 has been paved to the limit of the paved right-of-way so no dust or stone litter will impact the function of the County Road.

Based on the foregoing no significant traffic impacts are contemplated from the proposed use.

4.3. Site Plan

The proposed site plan is shown on Page 3 of this report. The site plan shows the location of the existing building on the property including the riding arena, dwelling unit and owners office. The fire route to the building, proposed outdoor storage area and existing pond are also shown.

Based on the pre-consultation comments it is anticipated that if the proposed Zoning amendment is approved then formal Site Plan Approval will subsequently be required by the Town of Erin.

5. Building Requirements

5.1. Building Conversion

The existing riding arena was constructed approximately 15 years ago by Gara Farm Buildings and is to be converted into an indoor warehouse storage space. As noted in the pre-consultation comments the change of use will be required to meet applicable OBC building requirements.

The Owner retained Fryett Turner Architects Inc. to prepare a preliminary evaluation of the building requirements for the change of use. They prepared a report dated July 25, 2023 on the proposed conversion which is being submitted concurrently with the zoning amendment application. It is anticipated, based on the pre-consultation comments, that the requirements for the building conversion would be further addressed at the site plan and building permit approval stages if the zoning amendment is approved.

5.2. Fire Fighting Requirements

As previously noted, the fire route access is shown on the site plan submitted with the application. The fire fighting requirements are also addressed in the Fryett Turner report referenced in the previous section of this report.

Water supply for fire fighting is proposed to be from an existing pond on the property. The Owner retained Van Harten Surveying and Tacoma Engineering to undertake a review of the on-site water supply for fire fighting. The report prepared by Tacoma

Engineering dated September 22, 2023 is also being submitted with the zoning amendment application to confirm that this alternative is feasible.

It is further anticipated that these requirements will be further evaluated and addressed at Site Plan Agreement and building permit stage if the zoning bylaw amendment is approved.

6. Report Conclusions

The conclusions of this Planning Justification Report (PJR) are:

- i. The proposed zoning amendment is consistent with the PPS 2020 and is not in conflict with the Growth Plan 2019.
- ii. The proposed zoning amendment will permit a small scale commercial use on the subject property which conforms to policies of the Wellington County and Town of Erin Official Plans.
- iii. An amendment to Town of Erin Zoning Bylaw 07-67 is proposed to permit the conversion of the existing riding arena for indoor warehouse storage including an outdoor storage area.
- iv. The proposed permitted use is compatible with adjacent development and no traffic impacts on Wellington Road 125 are anticipated.
- v. It is anticipated that if the proposed zoning bylaw amendment is approved Site Plan Approval will be required by the Town of Erin.
- vi. The change of use will also require that the appropriate building permit requirements of the Town of Erin be met and preliminary consultations have confirmed the feasibility of the building conversion and providing on-site fire fighting capability.

Based on the foregoing, it is my opinion that the proposed zoning amendment is appropriate and represents good planning.

Respectfully submitted

JL Cox Planning Consultants Inc.

John Cox

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