
HALDIMAND COUNTY

Report PDD-23-2024 Zoning By-law Amendment to Permit an Agricultural Feed Processing Facility – Armstrong Milling, Nelles Corners

For Consideration by Council in Committee on October 8, 2024



OBJECTIVE:

To consider an application received for the property at 1012 Haldimand Road 20, Nelles Corners, to amend the current “Rural Industrial (MR)” zone with special exceptions to facilitate future development on the subject lands.

RECOMMENDATIONS:

1. THAT Report PDD-23-2024 Zoning By-law Amendment to Permit an Agricultural Feed Processing Facility – Armstrong Milling – Nelles Corners be received;
2. AND THAT application PLZ-HA-2024-100 to amend the Haldimand County Zoning By-law HC 1-2020 to amend the current “Rural Industrial (MR)” zone and special expectations be approved for the reasons outlined in Report PDD-23-2024;
3. AND THAT the application is considered to be consistent with the Provincial Policy Statement, 2020, conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 and the Haldimand County Official Plan, and has sufficient regard for matters of provincial interest under the *Planning Act, 1990*;
4. AND THAT the by-law attached to Report PDD-23-2024 be approved at a future Council meeting.

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Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager, Community & Development Services

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

A Zoning By-law Amendment application was received as a condition of consent to amend the existing Special Exception (36.365) to facilitate the development of the property for a stand-alone agricultural operation consisting of 6,706 square metres (72,183 square feet) of food processing and warehouse building, including 100 square metres (1,076 square feet) of office space, loading bays, thirty-seven (37) truck parking spaces, seventy-three (73) vehicle parking spaces and associated silos and overhead bins. The current Special Exception 36.365 limits permitted uses on the subject lands to feed mill related uses, which does not include the actual preparation and processing of feed or similar products, and any use permitted in the Agricultural (A) zone. The intent of the application is to remove the limitation and allow a stand-alone feed processing mill facility and also permit an increase in height to 38 metres (124.6 feet) and maximum gross floor area of 6,706 square metres (72,183 square feet). A consent application was approved by the Committee of Adjustment on March 26, 2024 to create the parcel from the balance of the property, and an accompanying Site Plan Application has been submitted for review.

Planning Staff are of the opinion that the subject application is consistent with the Provincial Policy Statement, 2020 and the Provincial Growth Plan, 2020, conforms to the Haldimand County Official Plan and maintains the general intent and purpose of Zoning By-law HC 1-2020. A public notice sign was posted at the site in accordance with the *Planning Act*.

BACKGROUND:

The lands that are the subject of this application are located in the hamlet of Nelles Corners, on the north side of Haldimand Road 20 and west of Highway 3 (Attachment 1). The subject lands have an approximate area of 2.69 hectares (6.65 acres), and are currently vacant of any buildings or structures but utilized for truck-trailer storage and vehicle movements. Immediately to the east is an operating commercial cannabis greenhouse operation, and west of the property is the Armstrong Milling operation, as well as the hamlet of Nelles Corners and some residential uses. To the north and south of the subject lands are agricultural (cash crop) properties. Also, across the street (south side) is an existing single detached dwelling and W.J. Heaslip agricultural-commercial business.

The subject zoning amendment application has been submitted in response to severance application PLB 2024-012, which conditionally severed the subject lands from the balance of the existing Armstrong Milling operation to facilitate additional development and an agricultural processing operation. The consent application was conditionally approved by the Committee of Adjustment on March 26, 2024. The application resulted in the creation of the 2.69 hectares (6.65 acres) parcel. Additionally, a Site Plan application is being reviewed concurrent to the zoning amendment for the development of the new processing facility.

The zoning application is required to amend the zoning and modify the existing site-specific exception 36.365 as follows:

1. Repeal Special Exception 36.365 and the limitation of the MR zone to only feed mill related uses;
2. Permit uses of the MR zone to permit agriculture-related processing;
3. Allow a maximum building height of 38 metres (124.6 feet);
4. Permit exception to the provisions for a maximum 5 outside employees; and
5. Allow a maximum gross floor area for agriculturally-related processing of 6,706 square metres (72,183 square feet).

Attachment 2 shows the proposed development site concept and layout.

ANALYSIS:

Planning staff completed an analysis of the proposed Zoning By-law Amendment application against the applicable Provincial and County land use planning policy documents and legislation. The summary of this analysis is below:

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) states that settlement areas, including hamlets, shall be the focus of growth and development and their vitality and regeneration shall be promoted. The PPS states that the development directed to rural settlement areas should give consideration to rural character, scale of development, service levels and opportunities for economic growth. The subject lands are located in the hamlet of Nelles Corners, where there exists a mix of uses including a number of larger scale agriculturally related commercial uses and residential uses with agriculture lands nearby. The proposed zoning will maintain the form and function of the area and provide opportunities for local business expansion and growth within the community.

Planning staff are of the opinion that this proposal maintains the intent of these policies; therefore, the proposal is consistent with the PPS.

Place to Grow – Provincial Growth Plan

Similar to the Provincial Policy Statement, the Provincial Growth Plan encourages growth and development within settlement areas and seeks to provide for complete communities, which includes a diverse mix of land uses, supportive and efficient infrastructure, vibrant public realms, and environmental and agricultural protection. The infrastructure framework of the Growth Plan requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan.

The amendment requested for the subject lands will maintain the intent of the Growth Plan and provide for an appropriate development opportunity. The proposed rural industrial zoning will add additional uses from an employment perspective and facilitate growth and expansion of a local business. The development intends to proceed on private services, as there is no planned infrastructure for hamlet settlements. The intended use for agricultural processing (feed mill) is generally considered to be a dry industry with minimal water and sanitary demands. The application is considered to be consistent with the Provincial Growth Plan.

Haldimand County Official Plan

The subject lands are designated “Hamlet” in the Official Plan. Hamlets are developed as residential, social and commercial centres serving the surrounding agricultural community, and are intended to accommodate growth that is compatible and appropriate for the centre. Permitted uses within hamlets includes low density residential housing (single and semi-detached dwellings) and apartments associated with commercial uses, as well as limited and appropriately scaled commercial, industrial and institutional and agriculturally related uses. The subject lands have functioned in support of adjacent industrial uses for a number of years. In particular, the lands have been used as trailer and truck storage and vehicle staging and movements area as part of the existing adjacent Armstrong Milling operation. The subject lands were severed from the larger Armstrong Milling property in order to assist and facilitate further growth opportunities and expansion of a processing operation as a stand-alone use. The lands are located between two agriculturally related industrial and commercial uses and development of the lands would effectively ‘fill the gap’ and create an agriculture-related industrial campus. It is noted that there is also a single detached dwelling on the south side of Haldimand Road 20 (1010 Haldimand Road 20), which has existed in proximity and across from the existing Armstrong Milling operation for decades. The new development will be located further from the residential use than the existing operation. The building where the new operation will take place, will be located over 100 metres (328 feet) from the nearest residential use which exceeds Ministry of Environment D-series Guideline’s setback requirements for this type of facility. The proposed new facility entrance will be located approximately 100 metres (328 feet) west of the existing dwelling and efforts will be taken to screen and minimize any potential impact. The proposed zoning will maintain the intent of the hamlet policies and provide economic opportunities for the community.

The proposed development is subject to site plan control that will evaluate the technical components of the use and ensure that proper access, site drainage, screening and compatibility occur.

It is in the opinion of Planning staff that the proposal is compliant with the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are currently zoned “Rural Industrial (MR)” with Special Exception 36.365, which limits the permitted uses to feed mill related uses and any use permitted in the Agricultural (A) zone. For the provision, feed mill related uses is defined as product and material storage, equipment and vehicle service area, and transport truck parking and queuing area. The special exception also includes a reduced front yard setback for a building that has since been demolished. Special Exception 36.365

is proposed to be repealed and replaced with Special Exception MR.1 to permit the proposed agricultural processing facility and to increase height of 38 metres (124 feet) for the storage bins, whereas 11 metres (36 feet) is permitted, and a maximum gross floor area for an agriculturally-related processing uses of 6,706 square metres (72,183 square feet), where as 557 square metres (5,995 square feet) is permitted.

The intention to repeal the site-specific provision to open up development opportunities and allow the uses of the “Rural Industrial (MR)” zone and agricultural-related processing use is considered appropriate and consistent with existing uses in the area. The proposed gross floor area in the zoning by-law is in reference to agricultural-related processing uses that are typically seen on an operating farm parcel and where the intention is to limit the size of the operation and maintain the primary function of the farming nature of a parcel. That scenario is not applicable here and thus the provision is not directly applicable to what is proposed. The proposed use is located within the hamlet and on an industrially zoned parcel which supports the consideration of a customized building area. The proposed building area is in keeping with other agriculture-related industrial buildings and operations on adjacent parcels and considered viable in terms of the function of the property. The development still has ample property to locate the required parking, stormwater management, landscaping and buffering for the use as evidenced through the site plan that has been prepared as part of the application package (Attachment 2).

The increase in height relates to the proposed storage bins (silos) and will only apply to those structures. The primary building will comply with the 11 metre (35 feet) height provision. The type of silos proposed are common in the rural area and structures of similar type and height are located on the Armstrong Milling property immediately east of the subject lands. The increase is not considered to be inconsistent with the area and is appropriate for zoning relief.

The old zoning provision 36.365 also limits the number of employees to five (5) plus the property owner. This provision is to be removed so that the use can operate with additional employees. At this point the operation is intended to have ten (10) employees with operations Monday to Friday, 6:00 a.m. to 11:00 p.m. These days/hours of operation are comparable to the agriculture-related industrial operations on either side of the subject lands.

As noted previously in this report, the subject lands are under Site Plan Control and a site plan application has been submitted and is currently under review. The Site Plan will assess the technical components of the development including the entrances, parking and vehicular movements, grading and stormwater management, lighting, and landscaping and buffering. The application is under review, however at this stage no significant issues have been identified.

A draft by-law has been prepared and is included as Attachment 3 for consideration.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Building and Municipal Enforcement

Property in question (2810155001104100000) - zoned MR w/ by-law 735-HC-11 and special provision 36.365.

- Deficiencies identified in PJR - actual preparation/processing of feed/similar products, 38 m proposed building height (11 m max.), 6705.34 m² proposed GFA (557 m² max.), standalone

facility proposed (no farm operation on site), 10 FT employees proposed (owner and max. of 5 outside employees).

- MTO approval will be required.
- Proposed parking does not include area designated as Future Expansion - just proposed warehouse (2357 m2), finished product hulls/receiving (729 m2), office (100 m2).

Planning & Development – Development Technologist

No concerns or objections to the zoning amendment. Detailed comments will be provided through the site plan review.

Economic Development and Tourism

Haldimand County, Economic Development and Tourism supports development and growth of local businesses for the economic base of the community.

Ministry of Transportation

The Ministry of Transportation (MTO) has completed review of the site plan and zoning application documents related to 1021 Haldimand Rd 20. The plan was considered in accordance with the *Public Transportation and Highway Improvement Act (PTHIA)*, MTO's Highway Corridor Management Manual (HCMM) and all related guidelines and policies. The following outlines our comments:

- The subject property is located adjacent to Highway 3, which is classified as an arterial designated as a Controlled Access Highway (CAH). As such, all requirements, guidelines, and best practices in accordance with this classification and designation shall apply.
- The owner should be aware that the property falls within MTO's Permit Control Area (PCA), and as such, MTO Permits are required before any demolition, grading, construction, or alteration to the site commences. In accordance with the Ontario Building Code, municipal permits may not be issued until such time as all other applicable requirements (i.e.: MTO permits/approvals) are satisfied.
- Overall, MTO has no objection to the zoning change however, the applicant should be made aware of the following:

Site Plan

The property must remain separate from the south adjacent land. A physical barrier, such as a fence, or a concrete curb, is required to ensure a clear demarcation and prevent any interconnectivity between the two properties.

MTO Permits

MTO Permits will be required for this site, one (1) MTO Building and Land Use Permit will be required for the site.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Location Map of the Subject Lands.
2. Site Plan of Proposed Development.
3. Draft Zoning By-law.