



PLANNING & DEVELOPMENT REPORT

To: Council

Meeting Date: January 14, 2025

Prepared by: Tim Van Hinte
Director of Planning

Date Prepared: January 7, 2024

Subject: ZBA 06/24 – MTB Manufacturing – 4201 Powell Road

Recommendation:

That the Council of the Township of Wellesley receive the information from the public meeting and refer the information to staff for consideration.

Summary:

The purpose of this application is to permit the manufacturing of light duty industrial/farm equipment as an additional use on the property. The subject lands are currently zoned Agricultural (A1-122) and Environmental Constraint (EC). The primary use of these lands is for a sawmill and the lot is located within the Prime Agricultural Area. The property is located immediately to the south of the Rural Mixed-Use / Agricultural Cluster designation in the Official Plan but not included within this cluster.

The current owner is considering selling the lands to the applicant. The sawmill use has existed for many decades and was originally permitted through a Zoning By-law amendment in 1993. Earlier in 2024, a Zoning By-law amended was approved to permit a residential dwelling on the subject lands that was previously prohibited.

Report:

The property currently has a sawmill and small barn on site. The proposed zoning amendment would add manufacturing of light duty industrial/farm equipment as additional uses on the subject lands. The proposed uses would operate within the existing buildings. No additional buildings or development is proposed. Access to the property is currently via Powell Road (Township Road) and the applicant is not requesting any additional access to the property. The site is adjacent to the Conestogo River and subject to restrictions because of the floodplain and steep slopes.

Provincial Planning Statement

Section 4.3.5 of the Provincial Planning Statement (PPS) includes the following policies related to non-agricultural uses in prime agricultural areas:

1. Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:
 - a) extraction of *minerals, petroleum resources and mineral aggregate resources*; or
 - b) limited non-residential uses, provided that all of the following are demonstrated:
 1. the land does not comprise a *specialty crop area*;
 2. the proposed use complies with the *minimum distance separation formulae*;
 3. there is an identified need within the planning horizon identified in the official plan as provided for in policy 2.1.3 for additional land to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.
2. Impacts from any new or expanding non-agricultural uses on the *agricultural system* are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance.

In this case, prior to approval of this zone change application, the Region and the Township require the applicant to address this policy in an addendum to their original planning justification letter. Staff understand that this information is forthcoming.

Regional Official Plan

As of January 1, 2025, the Region of Waterloo is an upper-tier municipality without planning authority according to recent changes to the Planning Act under Bill 23 and Bill 185. As part of these changes, the Regional Official Plan (ROP) is still in effect and has been deemed to be part of the Township Official Plan. Moving forward, when assessing planning applications, the Township must ensure conformity to both plans.

Since this application was submitted in 2024, Regional staff provided comments on the application with respect to conformity with the ROP (attached). In summary, Regional staff have advised that the proposed application conforms to the ROP.

Official Plan

The subject lands are designated Prime Agricultural on Map 10, The Countryside in the Township Official Plan. The policies for the prime agricultural designation state that the primary land uses permitted in the Prime Agricultural Area designation will be agricultural uses, agriculture-related uses and secondary uses.

However, the Official Plan also has policies related to existing industrial/commercial uses in the Prime Agricultural Area in Section 3.6:

3.6.1 Within the Prime Agricultural Area and Rural Areas designations, minor intensification of *existing* industrial, commercial, recreational and/or institutional uses, including minor changes to the uses thereof, may be permitted within the limits of the existing property.

The limits of the property are not being changed, but the proposed amendment needs to be considered a minor change prior to adoption of the zoning amendment. The primary consideration related to whether this application is minor or not will be compatibility, on site as well as with neighbouring uses. Section 6.1 outlines considerations related to land use compatibility:

6.1.1 The Township will encourage *development* that is compatible with the location, density and other characteristics of surrounding land uses. Compatibility will address both the impacts of surrounding land uses on the proposed *development*, as well as impacts of the proposed *development* on surrounding land uses. Factors that will be used to assess the compatibility of a proposed *development* include:

- a) the density, scale, height, massing and visual impact of surrounding buildings and the proposed development;
- b) the preservation of the natural environment and *cultural heritage resources*;
- c) the continued visibility and viability of adjacent land uses;
- d) *pedestrian*, cyclists, horse-drawn vehicles and other vehicular movements and linkages, and parking requirements;
- e) landscaping, setbacks, sun and shadow effects, wind effects, signage, lighting and buffering of proposed and existing developments;
- f) noise, dust, odours or vibrations generated by surrounding land uses as well as the proposed development; and
- g) traffic generated by surrounding land uses and the proposed *development*.

Staff is of the opinion that this is a minor change to an existing industrial/commercial use that is zoned as such in the Zoning By-law. In addition, the proposed change in use is compatible with the surrounding area. Most of the properties in the area include non-agricultural uses, such as an On-Farm Diversified Use (OFDU) or dry industrial use. This site has been used primarily for industrial purposes for the last 30 years and although there will be a minor change in permitted uses, staff do not anticipate any impacts as a result of changing the use from a sawmill to a light duty equipment manufacturing use.

In summary, staff are of the opinion that the proposed Zoning By-law amendment conforms to the Township Official Plan.

Zoning By-law

The subject lands are zoned Agricultural (A1-122) and Environmental Constraint (EC) as follows:

Additional Permitted Uses

- Sawmill;
- Woodworking, including kiln drying of wood and lumber;
- Assembly (including use of incidental, imported plastic and metal parts) of wood products;
- Finishing, storage of wood products and materials;
- Showroom and accessory retail sale limited to 25% of the floor area.

Maximum Floor Area

3,716 m²

Minimum Lot Area

3.45 hectares

Minimum Lot Frontage

128 metres

If adopted, the Zoning Bylaw amendment would keep the lands zoned as A1-122 and would add manufacturing of light duty industrial/farm equipment as additional uses on the subject lands. The addition of these uses should be viewed as a minor change as no new buildings or development is proposed. The new use will operate within the existing buildings on the property.

In summary, staff are of the opinion that the proposed Zoning By-law amendment meets the purpose and intent of the Township Zoning By-law.

Agency Comments

Township staff circulated the Zoning By-law Amendment application to agencies for comment on November 26, 2024. Agency comments received are outlined in the table below and included in Attachment 2.

Agency	Date	Comments
Region of Waterloo	December 18, 2024	The Region requires that prior to Township Council considering Zoning By-law Amendment 06-24 that: - The owner/applicant address the policy requirements in PPS Section 4.3.5; - The Regional peer reviewer comments for the Land Use Compatibility Study are received, and the owner/developer addresses the peer review comments to the satisfaction of

		Jade Acoustics and the Region of Waterloo.
Waterloo Catholic District School Board	December 9, 2024	No objections
Grand River Conservation Authority	November 27, 2024	No objections

The applicant's land use compatibility study (noise) is currently under review by the Region's peer reviewer. Once comments have been received and addressed, staff will be in a position to make a recommendation on the application.

Conclusions

The application conforms to the Official Plan and meets the purpose and intent of the Zoning By-law. Once the applicant addressing outstanding comments related to the PPS and the review of the land use compatibility study (noise) is complete, staff will be in a position to make a recommendation of the application.

Township Strategic Plan:

This report aligns with the initiative of Intensification, Zoning, Development and Growth with the strategic goal to rethink and reimagine land use. This objective involves adopting leading edge best practices and technology enablers. In addition, this initiative involves bringing in expertise from local institutions to participate in the development of long-term solutions.

Financial Implications:

The Township acknowledges receipt of the required fees for this application. Any additional fees that may be required will be in accordance with the Township's Fees and Charges By-law (1/2023) or any successor thereof.

Other Department / Agency Comments:

As indicated in this report and Attachment 2.

Legal Considerations:

None

Attachment(s):

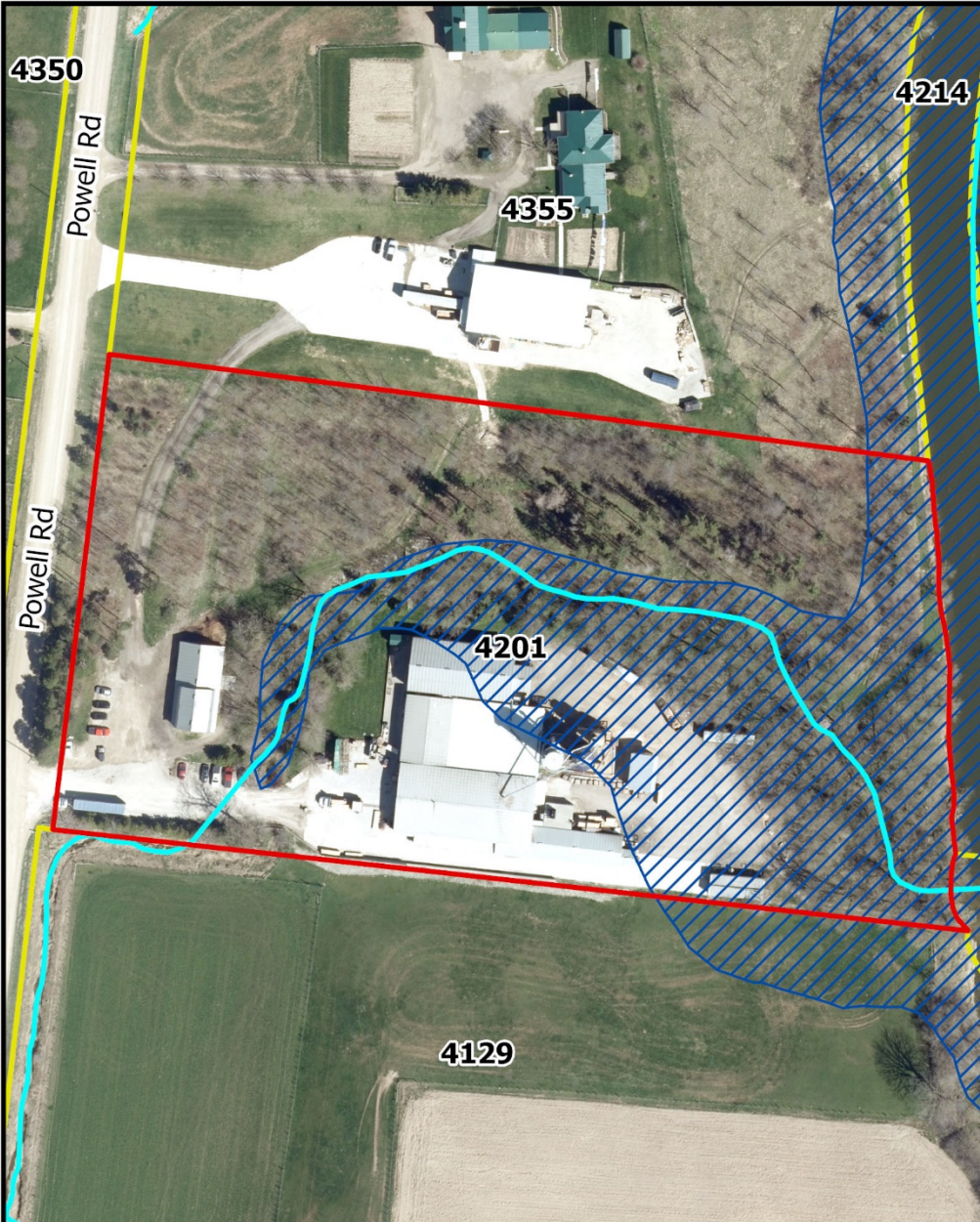
Attachment 1 - Location Map
Attachment 2 – Agency Comments

Approved By:

Rik Louwagie, CAO

Attachment 1 - Location Map

ZBA 06-24 - 4201 Powell Rd



-  Subject Lands
-  Assessment Parcels
-  Watercourse
-  Regulatory Floodplain



Attachment 2 – Agency Comments



PLANNING, DEVELOPMENT
AND LEGISLATIVE SERVICES

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Susanna Reid
File: C14-60/ZBA-06-24
December 18, 2024

Mr. Tim Van Hinte
Director of Planning
Township of Wellesley
4639 Lobsinger Line, St. Clements
ON, N0B 2M0
Email: tvanhinte@wellesley.ca

(VIA EMAIL)

Dear Mr. Van Hinte:

**Re: Post-Circulation Comments (Submission #1)
Zoning By-law Amendment 06-24
4201 Powell Road, Wallenstein
TOWNSHIP OF WELLESLEY**

The Region of Waterloo is providing comments for a Zoning By-law Amendment application for 4201 Powell Line, Wallenstein in the Township of Wellesley. The property is 2.93 ha (7.3 acres) in area.

The property is owned by Bauman Sawmill Inc. The site contains a barn where employees' horses are stabled during working hours, a main building and accessory structures used for the processing, finishing, assembly and storage of wood products and materials. The existing uses have been on the property for approximately 30 years.

The property is serviced with a private well and septic system.

Proposal: MTB MFG Inc. is considering purchasing the property from the current owner, Bauman Sawmill Inc. In advance of purchasing the property, MTB MFG Inc. has applied to rezone the property to add manufacturing of light duty industrial/farming as a permitted use.

MTB MFG Inc. is proposing to manufacture industrial attachments and equipment for land clearing, forestry, and earthmoving for both agricultural and non-agricultural clients. Equipment to be manufactured includes tree saws, stump grinders, trenchers, boom mowers, hydraulic accessories, brush mulchers. The planning letter submitted with the

application defines the target market as forestry, agriculture, construction and land management.

The sawmill and woodworking operations are expected to continue to operate as a tenant in the existing building for approximately 5 years with no change in operation. MTB will transition the existing building to be used for light manufacturing purposes.

The property is serviced now with a private well and septic system and would continue to be serviced with a private well and septic system.

There are no near-term plans for addition or removal of industrial buildings, except the possible removal of a small open shed in the middle of the yard once the woodworking activities have been moved.

Future MTB operations may include a paint booth and sheet metal works, and delivery/shipping trucks.

The designations and zones on the property are in the table below.

Planning Document	Designation/Zone
Regional Official Plan	Prime Agricultural Area
Township of Wellesley Official Plan	Countryside (Map 2) Prime Agricultural (Map 10) Erosion Hazards (Map 3- Overlay) Significant Valley (Map 7)
Township of Wellesley Zoning By-law	A1-122 The A1-122 special provision allows additional permitted uses including a sawmill, woodworking, including kiln drying of wood and lumber, assembly of wood products, finishing and storage of wood products and materials, and a showroom and accessory retail sales limited to 25% of the floor area. Environmentally Constrained Lands (overlay)

Planning Comments

The subject property is within a Prime Agricultural Area as defined in the PPS. PPS Section 4.3.5 provides direction for Non-Agricultural Uses in Prime Agricultural Areas.

Section 4.3.5.1 b) permits limited non-residential uses in prime agricultural areas provided the following requirements are demonstrated.

1. *The land does not comprise a specialty crop area;*

2. *The proposed use complies with the minimum distance separation formulae*
3. *There is an identified need within the planning horizon identified in the official plan as provided for in policy 2.1.3 for additional land to accommodate the proposed use*
4. *Alternative locations have been evaluated and*
 - i) *There are no reasonable locations which avoid prime agricultural areas*
 - ii) *There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.*

PPS Section 4.3.5.2 requires that:

Impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.

Regional staff defer to Township staff regarding the minimum distance separation comments in the Planning Justification Letter.

Regional staff require that the owner/applicant address the outstanding policy requirements of PPS 4.3.5.

Regional Official Plan

The subject lands are designated Prime Agricultural Area in the Regional Official Plan. The parcel also includes land with the GRCA regulated area. Regional staff understand the GRCA will be identifying requirements regarding hazard policies.

The Planning Justification Letter submitted with the application refers to ROP Section 6.C.5, which permits minor changes of existing industrial uses. The ROP defines *existing* as: *Land uses legally existing in accordance with the area municipal zoning by-law.*

The Bauman sawmill is recognized with the A1-122 zone on the property. As a sawmill is recognized in the zoning, it is an existing industrial use according to ROP Policy 6.C.5.

The owner/applicant's Planning Justification Letter has provided an opinion that the Zoning By-law application is a minor change of the existing industrial use as:

- A dry industrial use is permitted on the subject property;
- No new structures or buildings are proposed. The proposed business will be located within the building that is on site;
- The subject property is an existing undersized property with natural hazard features, including slope erosion and flood plain. Part of the site is forested. It is not a viable agricultural parcel;
- The lands are adjacent to a Rural Mixed Use/Agricultural Cluster, with lots where a combination of residential, industrial/commercial and limited non-commercial farming uses are permitted;

- MTB MFG Inc., who is proposing to purchase the site, operates 1 km from the subject property, within the Rural Mixed Use/Agricultural Cluster;

Regional staff are satisfied that there is an existing industrial use on the property and the proposed use is a minor change to the use. The proposal conforms with ROP Section 6.C.5.

Land Use Compatibility

The MECP Guideline D-6 requires that the evaluation of a new industrial use when it is in proximity to a sensitive use, in order to identify potential compatibility issues related to noise, odour and dust. The owner/applicant has submitted a Noise Assessment, prepared by RWDI (November 11, 2024).

The RWDI noise assessment identifies the proposed MTB Mfg manufacturing operation as a Class I facility according to the MECP D-6 Guidelines. The Region's peer reviewer, Jade Acoustics is reviewing the Noise Assessment. Comments will be forwarded when available.

Record of Site Condition

A Record of Site Condition is triggered according to the guideline as there is a high threat (Bauman Sawmill) identified in the Threats Inventory Database at 4201 Powell Road, however, using staff discretion as noted in Footnote 3, Regional staff do not require an RSC as the subject lands are outside of a wellhead protection area and the proposed land use addition is similar in nature to existing uses on the site and no development is proposed.

Regional Fees

The Region of Waterloo fee for reviewing a Zoning By-law Amendment is \$3000, and the noise study peer review fee is \$4500 + HST \$5080. Both fees have been received.

Any future development on the lands subject to the above-noted application will be subject to the provisions of Regional Development Charges By-law 19-037 or any successor thereof.

Summary

The Region requires that prior to Township Council considering Zoning By-law Amendment 06-24 that:

- the owner/applicant address the policy requirements in PPS Section 4.3.5;
- the Regional peer reviewer comments for the Land Use Compatibility Study are received, and the owner/developer addresses the peer review comments to the satisfaction of Jade Acoustics and the Region of Waterloo.

Sincerely,

Susanna Reid, MCIP RPP
Senior Planner



November 27, 2024

Via email

GRCA File: ZBA 06-24 – 4201 Powell Rd

Tim Van Hinte
Director of Planning
Township of Wellesley
4639 Lobsinger Line
St. Clements, ON N0B 2M0

**Re: Zoning By-law Amendment Application 06-24
4201 Powell Road, Wellesley
Bauman Sawmill Inc. (c/o MHBC Planning)**

Dear Tim Van Hinte,

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application to add the manufacturing of light-duty industrial/farming equipment as a permitted use.

Recommendation

The GRCA has no objections to the zoning by-law amendment application.

Documents Reviewed by Staff

Staff have reviewed the following documents submitted with this application:

- Application Form (prepared by MHBC Planning, dated November 21, 2024)
- Record of Pre-Submission Consultation (prepared by the Township of Wellesley, dated September 9, 2024)
- Planning Justification Letter (prepared by MHBC Planning, dated November 21, 2024)
- Noise Assessment (prepared by RWDI Air Inc., dated November 14, 2024)

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 5.2 of the Provincial Planning Statement (PPS, 2024), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains a watercourse, floodplain, riverine erosion hazard and valley slope associated with the Conestogo River. As such, a large portion of the property is regulated by GRCA under Ontario Regulation 41/24.

GRCA staff have reviewed the submission and have no concerns with the zoning by-law amendment application as it appears that no new development is being proposed. Please be advised that any future development such as expansions to the existing buildings would be limited due to the features noted above. Any new development/site alteration within the regulated area will require a permit from the GRCA.

This is considered a minor zoning by-law amendment application. Consistent with the GRCA's 2023-2024 approved fee schedule, we will invoice the applicant \$465 for our review of this application.

We trust this information is of assistance. Should you have any questions, please contact the undersigned at 519-621-2763 ext. 2270 or awang@grandriver.ca.

Sincerely,



Melissa Larion, MCIP, RPP
Supervisor of Planning and Regulations
Grand River Conservation Authority

Angela Wang
Intermediate Resource Planner
Grand River Conservation Authority

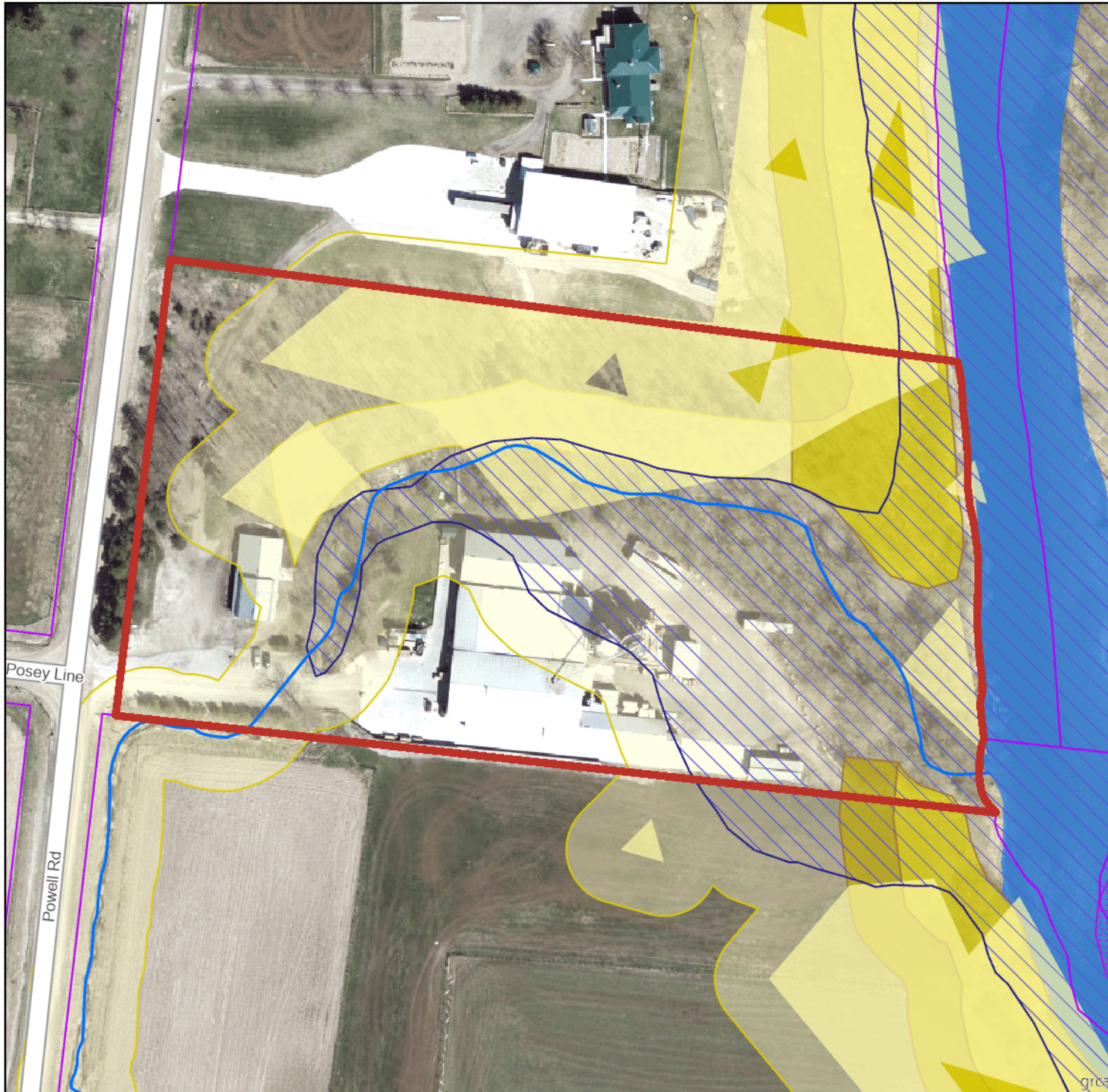
Enclosed: GRCA Map

Copy: Joseph Bauman, Bauman Sawmill Inc. (via email)
Pierre Chauvin, MHBC Planning (via email)



Legend

-  Regulation Limit (GRCA)
- Floodplain (GRCA)
 -  Engineered
 -  Estimated
 -  Approximate
-  Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
 -  Steep
 -  Oversteep
 -  Toe
- Slope Valley (GRCA)
 -  Steep
 -  Oversteep
-  Regulated Watercourse (GRCA)
-  Regulated Waterbody (GRCA)
-  Wetland (GRCA)
-  Lake Erie Flood (GRCA)
-  Lake Erie Shoreline Reach (GRCA)
-  Lake Erie Dynamic Beach (GRCA)
-  Lake Erie Erosion (GRCA)
-  Parcel - Assessment (MPAC/MNRF)
-  Cross Section (GRCA)
-  Conservation Area Boundary (GRCA)



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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. The source for each data layer is shown in parentheses in the map legend. See Sources and Citations for details.

