



**TOWNSHIP OF WEST LINCOLN
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE AGENDA**

MEETING NO. EIGHT

Monday, November 11, 2024, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

NOTE TO MEMBERS OF THE PUBLIC: All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

Pages

1. CHAIR - Councillor William Reilly

Prior to commencing with the Planning/Building/ Environmental Committee meeting agenda, Chair Reilly will provide the following announcements:

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to jpaylove@westlincoln.ca before 4:30 p.m. on the day of the meeting for consideration by the Committee. Comments received after 4:30 p.m. on the day of the Committee meeting will be considered at the following Council meeting. Comments submitted are included in the record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara,

stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

Public Meeting(s)

4. PUBLIC MEETING(S)

4.1 5357 and 5377 Elcho Road (File No, 1601-011-24 (Brad and Kimberly Killins))

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.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

There are no appointments.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

NOTE: Section 10.13 (5) & (6) – General Rules

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

Chair to inquire if there are any members of the public present who wish to address any items on the Planning/Building/Environmental Committee agenda.

8. CONSENT AGENDA ITEMS

There are no Consent Agenda Items

9. COMMUNICATIONS

There are no communications.

10. STAFF REPORTS

10.1 ITEM P50-24

Acting Director of Planning and Building (Gerrit Boerema) and Senior Planner (Susan Smyth)

Re: Recommendation Report PD-48-2024 – Extension of Draft Plan Approval for Crossings on the Twenty North Condominium (DeHaan Homes Inc.) File No. 2100-072-08

RECOMMENDATION:

1. That, Recommendation Report PD-48-2024, titled “Extension of

Draft Plan of Approval for Crossings on the Twenty North Condominium; File No. 2100-072-08”; dated November 11, 2024 be received; and,

2. That, the Draft Plan Approval for Crossings on the Twenty Plan of Condominium North be extended for a period of one year set to expire on December 12, 2025, subject to the conditions of approval included as Schedule B to this report; and,
3. That, Council deem the modifications to the conditions of approval found in Schedule B to be minor; and,
4. That, a notice of extension approval be circulated to relevant agencies and departments.

10.2 ITEM P51-24

26

Acting Director of Planning and Building (Gerrit Boerema)

Re: Recommendation Report PD-51-2024 – Removal of Tabled Item – Request for Minister’s Zoning Order (MZO) for Urban Boundary Expansion/Municipal Comprehensive Review

RECOMMENDATION:

1. That, Recommendation Report PD-51-2024, titled “Removal of Tabled Item – Request for Minister’s Zoning Order (MZO) for Urban Boundary Expansion/Municipal Comprehensive Review”, dated November 11th, 2024 be received; and,
2. That, Committee and Council do now hereby confirm that the need for a Minister’s Zoning Order is no longer required and Report PD-36-2022 may now be lifted from the Table as the intent of the Tabled report has now been addressed.

10.3 ITEM P52-24

29

Acting Director of Planning and Building (Gerrit Boerema) and Senior Planner (Madyson Ettl)

Re: Recommendation Report PD-53-2024 – Application for Zoning By-Law Amendment for 7395 Twenty Road

RECOMMENDATION:

1. That, Recommendation Report PD-53-2024, titled “Application for Zoning By-law Amendment for 7395 Twenty Road (File No. 1601-004-24) Robins”, dated November 11th, 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 Ross Robins on behalf of property owners, Jeffery & Evelyn Duck 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.

10.4 ITEM P53-24

47

Acting Director of Planning and Building (Gerrit Boerema) and Senior Planner (Susan Smyth)

Re: PD-54-2024 – Recommendation Report PD-54-2024 – Housekeeping By-law Amendment No. 8 (File No. 1601-005-24)

RECOMMENDATION:

1. That, Recommendation Report PD-54-2024, titled “Housekeeping By-law Amendment No. 8” (File No. 1601-005-24), dated November 11, 2024 be received; and,
2. That, the Attached draft Zoning By-law Amendment – Housekeeping 8, be approved; and that the Mayor and Clerk be authorized to sign the Bylaw; and,
3. That, no further Public Meeting is required for the consideration of this By-law in accordance with Section 34(17) of the Planning Act.

10.5 ITEM P54-24

90

Acting Director of Planning and Building (Gerrit Boerema) and Senior Planner (Madyson Ettl)

Re: Technical Report PD-52-2024 - Application for Zoning Bylaw Amendment – 5357 and 5377 Elcho Road, (File No, 1601-011-24)

RECOMMENDATION:

1. That Technical Report PD-52-2024, titled “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.

10.6 ITEM P55-24

187

Acting Director of Planning and Building (Gerrit Boerema)

Re: Recommendation Report PD-55-2024 - Fulton Rural Employment Land Use Project Award

RECOMMENDATION:

1. That Recommendation Report PD-55-2024, titled “Fulton Rural Employment Land Use Project Award”, dated November 11, 2024, be received; and,
2. That WSP Group Inc. be retained to complete the Fulton Rural Employment Land Use Project as outlined in RFP 2024-PD-02.

11. OTHER BUSINESS

11.1 ITEM P56-24

Members of Committee

Re: Other Business Matters of an Informative Nature

12. NEW BUSINESS

NOTE: Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business (Motion Required).

13. CONFIDENTIAL MATTERS

There are no Confidential Matters

14. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of _____.

DATE: November 11, 2024

REPORT NO: PD-48-2024

SUBJECT: **Recommendation Report – Extension of Draft Plan Approval for Crossings on the Twenty North Condominium (DeHaan Homes Inc.) File No. 2100-072-08**

CONTACT: Susan Smyth, Senior Planner
Gerrit Boerema, Acting Director of Planning & Building

OVERVIEW:

- The Crossings on the Twenty Condominium Development is divided by the Twenty Mile Creek and the two separate communities were initially approved in 2009 following an appeal to the Ontario Municipal Board.
- The south condominium community received final approval and was registered on November 29, 2022 and construction is finalized, therefore no longer requires any further extensions.
- The north condominium community with 10 townhouse units being proposed, is set to expire on December 12, 2024 following a two year extension that was granted on December 12, 2022.
- The extension is required as the development is a Standard Condominium, which is a type of condominium requiring all of the construction, including the on-site services, infrastructure and the block of townhouses to be completed prior the registration of the Condominium and before each unit can be sold individually.
- DeHaan Homes Inc. is the Owner/Developer and has experienced a number of delays in clearing the conditions of approval including the road upgrades on Regional Road 20, the new pedestrian crossing, and required site remediation.
- DeHaan Homes Inc. entered into a development agreement with the Township in October 2024 and has posted securities. They have also commenced the remediation on the site and are preparing to install services with a target to construct homes in early 2025.
- Administration is recommending a one year extensions to the draft plan on condominium to allow Committee and Council and opportunity to review progress of the construction and clearance of conditions in late 2025.

RECOMMENDATION:

1. That, Recommendation Report PD-48-2024, titled “Extension of Draft Plan of Approval for Crossings on the Twenty North Condominium; File No. 2100-072-08”; dated November 11, 2024 be received; and,

2. That, the Draft Plan Approval for Crossings on the Twenty Plan of Condominium North be extended for a period of one year set to expire on December 12, 2025, subject to the conditions of approval included as Schedule B to this report; and,
3. That, Council deem the modifications to the conditions of approval found in Schedule B to be minor; and,
4. That, a notice of extension approval be circulated to relevant agencies and departments.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic, Responsible Growth** – Welcoming new residents and businesses and respecting the heritage and rural identity that people value.

BACKGROUND:

The Crossings on the Twenty North Condominium Community is a draft plan approved 10 unit condominium located on the north side of the Twenty Mile Creek on the former Dunnville Spur Railroad Line. The Crossings on the Twenty South Condominium Community is a 24 unit condominium which is fully approved and was registered on November 2022 and is fully constructed.

Both condominiums received draft plan approval in 2009 following an appeal to the Ontario Municipal Board. Township Council has granted a number of extensions in 2012, 2014, 2016, 2018, 2020 and most recently in 2022. There have been a number of delays to the project included required road upgrades on Regional Road 20, a new pedestrian crossing, storm-sewer installation for the Marz Homes development (Smithville Station), modifications to the draft plan, and a record of site condition and associated remediation.

The subject lands are located on the former Dunnville Spur Railway Line and consequently a record of site condition is required to permit the residential development of the lands. On April 11, 2023, an application under the Township's Brownfield Community Improvement program, submitted by DeHaan Homes Inc. was considered by Township Committee and Council through Recommendation Report [PD-19-2023](#).

The Township retained NPG Solutions to review the application. NPG Solutions recommended approval of the proposed environmental remediation of the site as it satisfied the criteria and was compliant with the Townships' planning documents and eligibility requirements under the Township and Region's CIP program. The CIP application for the remediation of the subject lands was ultimately not supported by Council.

CURRENT SITUATION:

The Crossings on the Twenty North Condominium approval is set to expire on December 12, 2024. The majority of the conditions of approval have been satisfied although since this

is a Standard Condominium, the final approval and agreement cannot be completed and registered until construction of the units are completed. Therefore, an extension is required. The applicants have requested a two year extension.

DeHaan Homes Inc. has recently signed a Development Agreement and posted \$581,354.08 in required securities to allow this development to proceed.

The remediation work commenced in early October and will be subject to the Ministry clearance and the Record of Site Condition posted on the registry. The applicant has indicated that services and grading will be install following remediation work and new homes constructed in early 2025.

The overall plan has not changed since the last extension and still generally complies with applicable Provincial, Regional and Local planning policy.

Administration is of the opinion that an extension of one year is appropriate as it would provide sufficient time to allow for the remediation work to be completed, to install services and to start construction the new homes. Administration additionally recommends minor revisions to the conditions of draft plan of approval particularly the owner name, replace the requirements for a 'Site Plan Agreement' with a 'Development Agreement' since site plans are no longer required following the Provincial Bill 109. The full modifications to the conditions can be found in Schedule B.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL AND EXTERNAL COMMENTS:

The request for extension was circulated to agencies and departments with an interest in the application on September 9, 2024.

The Township Engineering and Public Works staff noted that development engineering design was approved based on the proposed site servicing to include a connection to the watermain on St. Catharines Street, a connection to the existing sanitary sewer located in an easement through the site that flows to the Smithville Pumping Station, and a connection to the existing storm sewer that is located in an easement in the access road through the site. The storm sewer outlets directly to Twenty Mile Creek. No further modifications to the conditions were identified by Public Works and have no concerns with the proposal for an extension of draft plan approval.

The Region offered no objections subject to amending the archaeological clause in the Development Agreement.

The NPCA noted that the conditions still apply and have no concerns with the requested extension.

Refer to Schedule C for the external agency comments.

CONCLUSION:

An application for a two-year extension to the Crossings on the Twenty North Draft Plan of Condominium was submitted by the agent Jared Marcus from Arcadis on behalf of DeHaan Homes Inc. in advance of the condo lapsing on December 12, 2024.

Although this development is fifteen years in the approvals process, there has been various setbacks that created delays in the construction of the condominium development community, particularly the site remediation works. As the owner has now entered into a development agreement with the Township and has commenced remediation work, progress is being made and construction of the 10 residential units can be achieved in the next year.

Therefore, Administration staff recommend a one year extension to the draft plan of condominium for the North Community.

SCHEDULES:

Schedule A – Crossings on the Twenty Draft Plan of Condominium

Schedule B – Revised Conditions of Approval for Crossings on the Twenty North Condominium

Schedule C – External Agency Comments

Prepared & Submitted by:

Reviewed and Approved by:

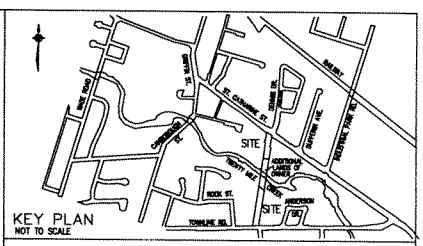
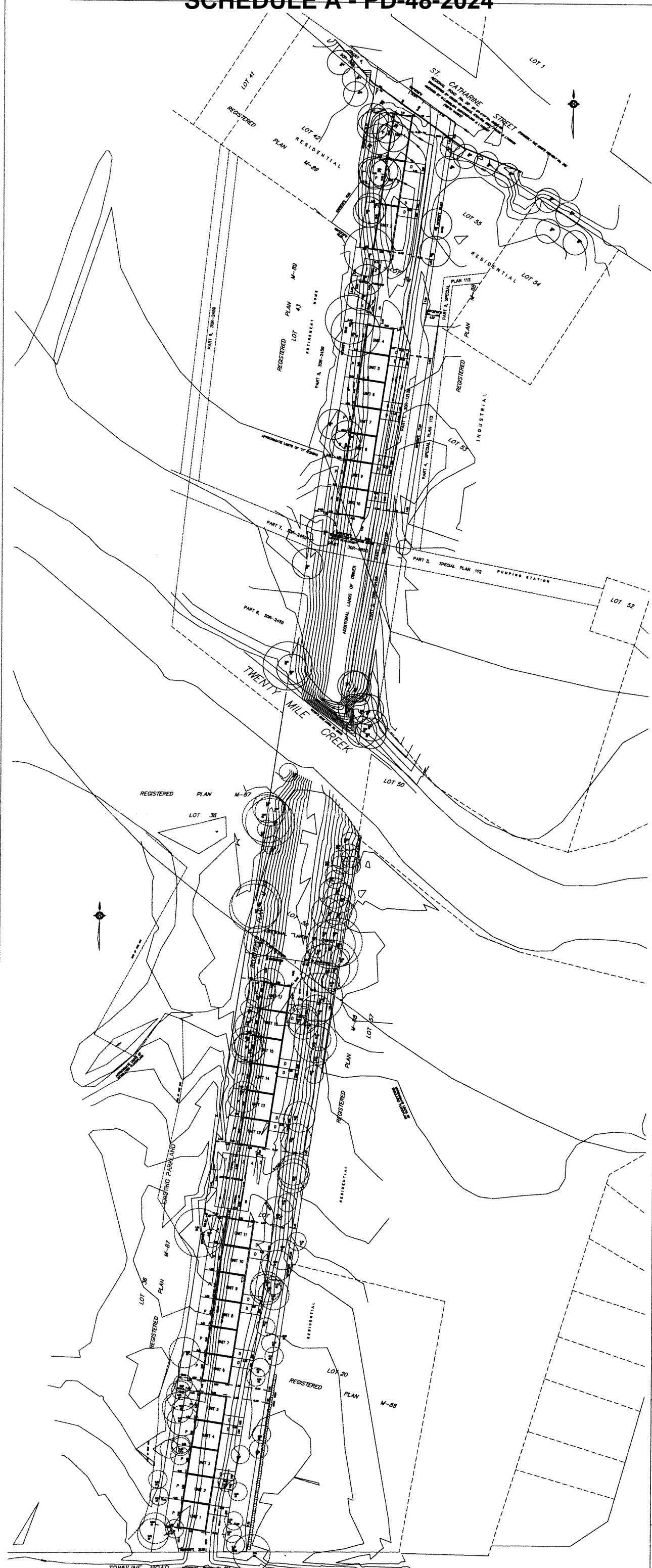
Susan Smyth, CPT
Senior Planner

Gerrit Boerema, MCIP, RPP
Acting Director of Planning & Building

Approved by:

Truper McBride
CAO

SCHEDULE A - PD-48-2024



DRAFT APPROVAL
 SUBJECT TO THE CONDITIONS, IF ANY, SET OUT IN OUR LETTER DATED THIS [] DAY OF [] AS AMENDED THIS [] DAY OF [] BY THE COUNCIL/DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, OF THE TOWNSHIP OF WEST LINCOLN
 DIRECTOR OF PLANNING

OWNER'S CERTIFICATE
 IN ACCORDANCE WITH THE CONDOMINIUM ACT AND THE PLANNING ACT, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.
 COMPANY: WEST NIAGARA ENTERPRISES INC.
 25/04/2008 DATE
 ANNE DAMIAN, PRESIDENT
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.
 25/04/2008 DATE
 JOHN P. NOUWENS
 ONTARIO LAND SURVEYOR

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DESIGN AND LANDUSE SCHEDULE

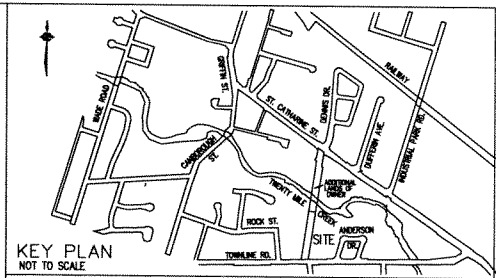
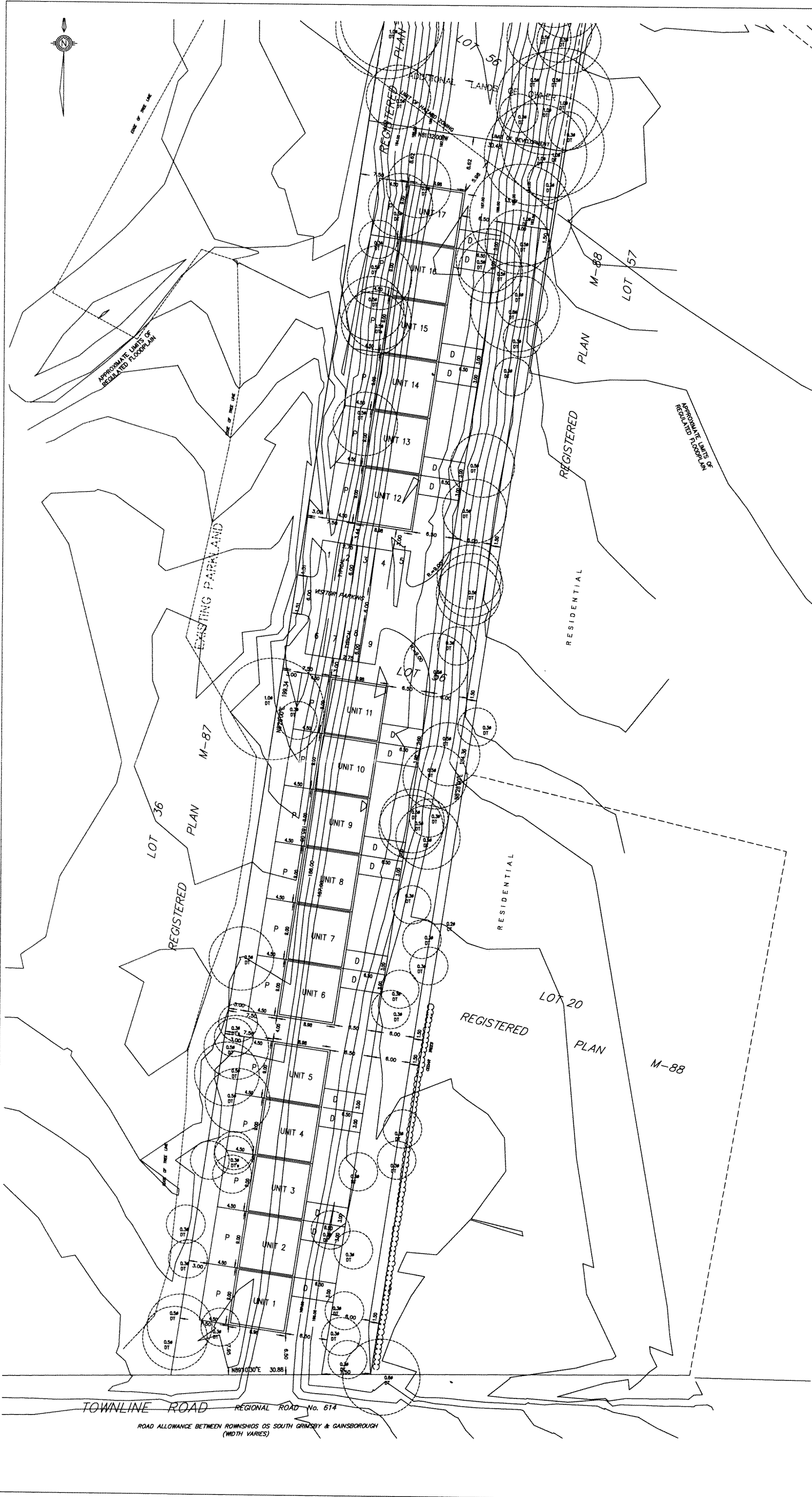
USE	No. OF UNITS
TOWNHOUSE UNITS	27
PARKING SPACES UNASSIGNED	15

SCHEDULE
 UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1991, c.P.13 AS AMENDED
 A. AS SHOWN
 B. AS SHOWN
 C. AS SHOWN
 D. AS LISTED ABOVE
 E. AS SHOWN
 F. AS SHOWN
 G. AS SHOWN
 H. MUNICIPAL WATER
 I. CLAY LOAM
 J. AS SHOWN
 K. MUNICIPAL SANITARY AND STORM SEWERS
 L. AS SHOWN

LEGEND
 D = DRIVEWAY (EXCLUSIVE USE)
 P = PATIO AREA (EXCLUSIVE USE)

DRAFT PLAN OF CONDOMINIUM
 Subject to the conditions, if any, set forth in our letter dated OCTOBER 28, 2009
 this draft plan of condominium is approved under Section 51(31) of the Planning Act and Section 50(2) of the Condominium Act
 This 19th day of NOVEMBER, 2009
Brian J. Ashurst
 Authorized Signatory
 The Corporation of the Township of West Lincoln

SKETCH OF:
CROSSINGS ON THE TWENTY
 BEING A CONDOMINIUM OF
 PART OF LOT 56
 REGISTERED PLAN M-88
 IN THE
 TOWNSHIP OF WEST LINCOLN
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1:500 m.
 JOHN P. NOUWENS ONTARIO LAND SURVEYOR
 ASHENHURST NOUWENS LIMITED
 Professional Engineers & Ontario Land Surveyors
 201-315 YORK BLVD. HAMILTON, ONTARIO L8R 3K5
 (905) 529-6316 / 529-4314 FAX (905) 529-6651
 1-800-824-6224 e-mail: ont@AshenurstNouwens.com
 DRAWN BY: B.P. CALCD BY: J.P.N. CHKD BY: J.P.N.
 DATE: APRIL 25, 2008 FILE No. 28605DPL8



DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY, SET OUT IN OUR LETTER DATED THIS

DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT, 1990 AS AMENDED THIS DAY OF

BY THE COUNCIL/DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, OF THE TOWNSHIP OF WEST LINCOLN

DIRECTOR OF PLANNING

OWNER'S CERTIFICATE

IN ACCORDANCE WITH THE CONDOMINIUM ACT AND THE PLANNING ACT, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

COMPANY: WEST NIAGARA ENTERPRISES INC.

25/04/2008
DATE

Arne DeHann
ARNE DEHANN, PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

25/04/2008
DATE

John P. Nouwens
JOHN P. NOUWENS
ONTARIO LAND SURVEYOR

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DESIGN AND LANDUSE SCHEDULE

USE	No. OF UNITS
TOWNHOUSE UNITS	17
VISITOR PARKING	9
TOTAL SITE AREA = 5999.93 SQ. M.±	

SCHEDULE

UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1991, c.P.13 AS AMENDED

A. AS SHOWN	G. AS SHOWN
B. AS SHOWN	H. MUNICIPAL WATER
C. AS SHOWN	I. CLAY LOAM
D. AS LISTED ABOVE	K. AS SHOWN
E. AS SHOWN	L. MUNICIPAL SANITARY AND STORM SEWERS
F. AS SHOWN	L. AS SHOWN

LEGEND

D = DRIVEWAY (EXCLUSIVE USE)
P = PATIO AREA (EXCLUSIVE USE)

DRAFT PLAN OF CONDOMINIUM
Subject to the conditions, if any, set forth in our letter dated

OCTOBER 28, 2009

this draft plan of condominium is approved under Section 51(31) of the Planning Act and Section 50(2) of the Condominium Act

This 19th day of NOVEMBER, 2009

Shirley Zude
Authorized Signature

The Corporation of the Township of West Lincoln

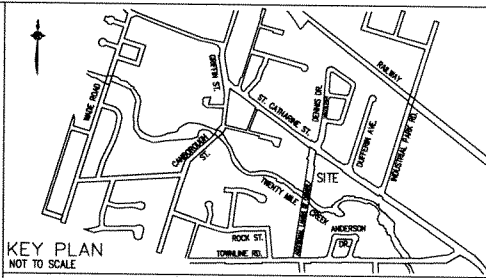
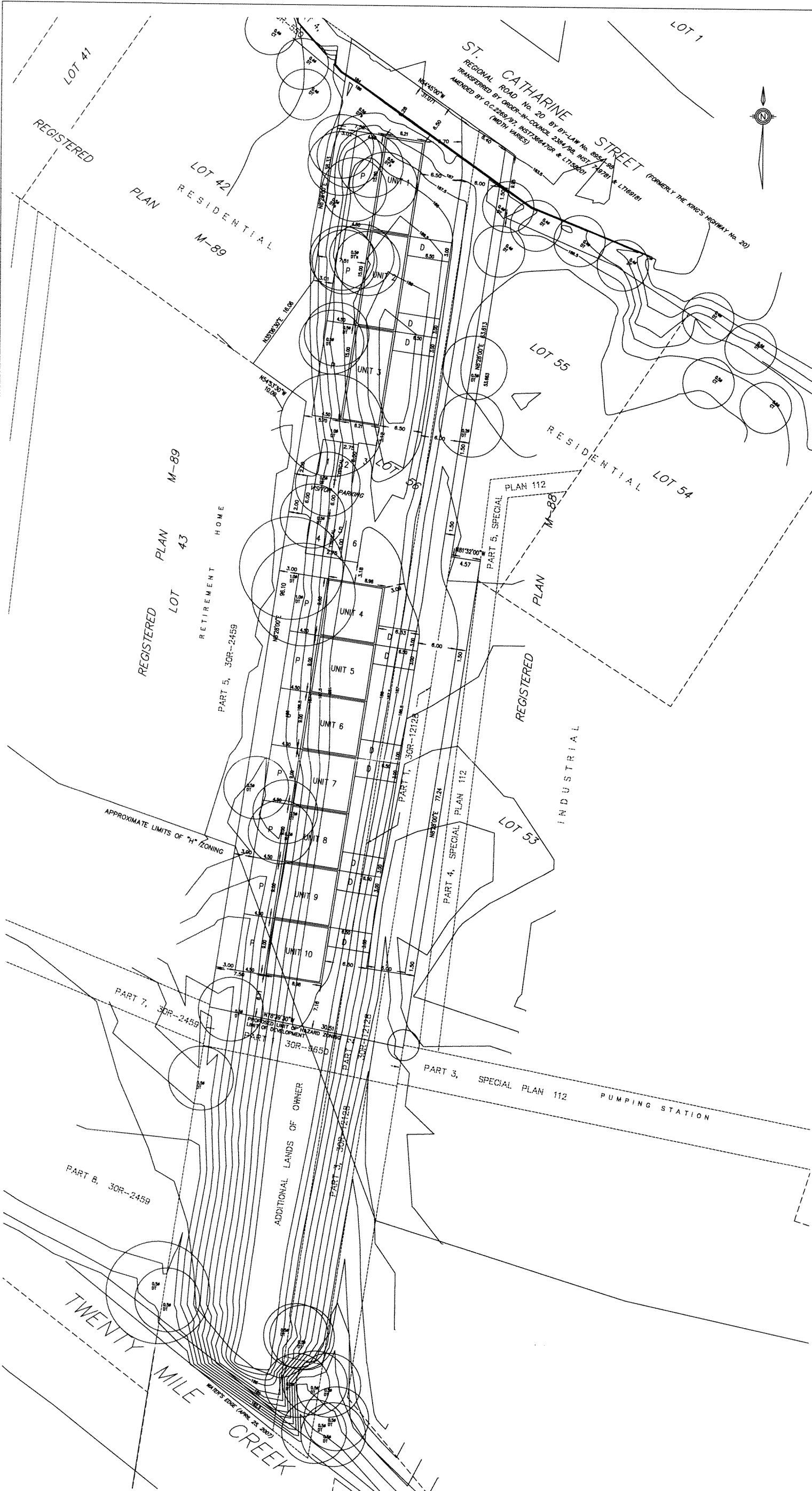
DRAFT PLAN OF:
CROSSINGS ON THE TWENTY
BEING A CONDOMINIUM OF
PART OF LOT 56
REGISTERED PLAN M-88
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:300 m.
0 5 10 15 METRES 20

JOHN P. NOUWENS ONTARIO LAND SURVEYOR

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201-315 YORK BLVD. HAMILTON, ONTARIO L8R 3K5
(905) 529-6316 / 529-4314 FAX (905) 529-6651
1-800-824-6224 e-mail: anl@AshenurstNouwens.com

DRAWN BY: B.P. CALC'D BY: CHK'D BY: J.P.N.
DATE: NOV. 12, 2008 FILE No. 28605DPLs-B



DRAFT APPROVAL

SUBJECT TO THE CONDITIONS, IF ANY, SET OUT IN OUR LETTER DATED THIS _____ DAY OF _____ 2008

DRAFT PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT, 1990 AS AMENDED THIS _____ DAY OF _____ 2008 BY THE COUNCIL/DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, OF THE TOWNSHIP OF WEST LINCOLN

DIRECTOR OF PLANNING

OWNER'S CERTIFICATE

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COMPANY: WEST NIAGARA ENTERPRISES INC.

25/04/2008
DATE

Arie Dohman
ARIE DOHMAN PRESIDENT
I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

25/04/2008
DATE

John P. Nouwens
JOHN P. NOUWENS
ONTARIO LAND SURVEYOR

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DESIGN AND LANDUSE SCHEDULE

USE	No. OF UNITS
TOWNHOUSE UNITS	10
VISITOR PARKING	6
TOTAL SITE AREA = 4315.10 SQ. M. ±	

SCHEDULE

UNDER SECTION 51 (17) OF THE PLANNING ACT, R.S.O. 1991. c.P.13 AS AMENDED

A. AS SHOWN	G. AS SHOWN
B. AS SHOWN	H. MUNICIPAL WATER
C. AS SHOWN	I. CLAY LOAM
D. AS LISTED ABOVE	J. AS SHOWN
E. AS SHOWN	K. MUNICIPAL SANITARY AND STORM SEWERS
F. AS SHOWN	L. AS SHOWN

LEGEND

D = DRIVEWAY (EXCLUSIVE USE)
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DRAFT PLAN OF CONDOMINIUM
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John P. Nouwens
Authorized Signature
The Corporation of the Township of West Lincoln

DRAFT PLAN OF:
CROSSINGS ON THE TWENTY
BEING A CONDOMINIUM OF
PART OF LOT 56
REGISTERED PLAN M-88
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1:300 m

5 0 5 10 15 METRES 20

JOHN P. NOUWENS ONTARIO LAND SURVEYOR

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(905) 529-6316 / 529-4314 FAX (905) 529-6651
1-800-824-6224 e-mail: anl@AshenurstNouwens.com

DRAWN BY : B.P. CALC'D BY : _____ CHK'D BY : J.P.N.
DATE : NOV. 11, 2008 FILE No. 28605DPLs-B

SCHEDULE B – PD-48-2024

CROSSINGS ON THE TWENTY NORTH CONDOMINIUM

DEHAAN HOMES INC.
TOWNSHIP OF WEST LINCOLN
REVISED CONDITIONS OF FINAL APPROVAL

The conditions for final approval and registration of Crossings on the Twenty North Condominium, in the name of DeHaan Homes Inc. ~~West Niagara Enterprises Inc.~~, File No. 2100-072-08, Township of West Lincoln are:

1. This decision applies to the DeHaan Homes Inc. ~~West Niagara Enterprises Inc.~~ Draft Plan of Standard Condominium, on the lands legally described as LOT 20, PART OF LOTS 56 & 57, REGISTERED PLAN M-88, Township of West Lincoln prepared by Ashenhurst Nouwens Limited, dated April 25, 2008, and Site Plan prepared by IBI Group, dated May 17, 2023 containing 10 units and common element area.
2. That not more than two standard condominium corporations be created (one for the north development and one for the south development).

TOWNSHIP CONDITIONS:

3. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
4. ~~That the northerly portion of this proposed development be zoned with a Holding Zone which is to remain in effect until the reconstruction of Regional Road 20 (St. Catharine Street) and site access issues have been resolved to the satisfaction of the Niagara Region Public Works Department and the Township of West Lincoln Planning Department.~~ That the proposed development be zoned RM-3 with exception to the satisfaction of the Township of West Lincoln Planning Department.
5. That the Owner submit an application for ~~Site Plan~~ Development Agreement for review and approval.
6. That the Owner prepare a streetscape and landscape plan for this condominium in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on the general servicing plan.
7. That the Owner dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, or alternately that adequate parkland be provided to the satisfaction of the Township.
8. That a 1.5 metre landscaping strip be provided along the length of the internal roadway on the north and south development such strip and be forever maintained by the Condominium Corporation.

9. That the Owner provide solid fencing along the east lot line the length of the proposed internal road on the north and south side of the development. That fencing be provided along the westerly lot line of Units 1-10.
10. That the proposed streets be constructed to the satisfaction of the Township of West Lincoln.
11. That the street naming fee be provided and the proposed streets be named to the satisfaction of the Township of West Lincoln.
12. That the Owner submit all servicing, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln and any other relevant agency for review and approval.
13. That all municipal services required by the Township of West Lincoln be provided by the Owner in a manner satisfactory to the Township.
14. That the Condominium Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
15. That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, installation of services, drainage and hydro services, as may be determined by the pre-servicing report to be submitted by the Owner to the Township of West Lincoln for approval.
16. That the Owner agrees in the Condominium Agreement to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law.
17. That the Owner undertake appropriate studies and implement the identified measures to mitigate noise, dust and vibration so as to protect the adjacent dwelling at 200 St. Catharine Street, to the satisfaction of the Township, which may include the cost of a peer review.
18. That a sidewalk be provided along one side of the internal street.
19. That the Owner agrees to include a clause in the Condominium Agreement that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of condominium or the issuance of building permits.

REGION OF NIAGARA CONDITIONS:

20. That, if curb-side waste collection is to be provided by the Region the draft plan shall conform to Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" to the satisfaction of the Regional Public Works Department. That the

condominium/development agreement between the Township of West Lincoln and the developer include the following clauses:

- a) To be eligible for the provision of collection service by way of entry on private properties, the private roadways must be designed to meet the requirements of the Regional Niagara Policy "Collection of Waste by Way of Entry on Private Property" (i.e. providing through passage, minimum roadway width, throat width/curb radius, etc.) so that collection vehicles can access collection locations without the need to reverse. A cul-de-sac designed in accordance with the Region's specifications will be required for developments that do not permit through passage. The Region will consider the use of a "T" turnaround area(s), designed in accordance with the minimum dimensions as outlined in the Regional policy, as an alternative turn around method where the above requirements cannot be met. Developments unable to meet these requirements will not be eligible for Regional collection service by way of entry on private property and will, therefore, be required to obtain private waste collection services.
- b) That detailed drawings showing the path the waste collection vehicle will travel through the site to collect waste be submitted to the Regional Public Works Department for review and approval.
- c) That the developer and/or subsequent owner agree to comply with the Region of Niagara's "Collection of Waste by Way of Entry on Private Property" Policy (C3.C17) and to enter into an Indemnity Agreement with the Region.
- d) That if waste collection is not to be provided by the Region, the condominium agreement/development agreement contain a clause stating that waste collection will be the responsibility of the condominium corporation and the following warning shall be included in the condominium/development agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit to survive closing:

"Purchasers/Tenants are advised that due to the site layout, waste collection for the development will be provided by the condominium corporation through a private contractor and not the Region."

21. That the following warning clause shall be included in the condominium agreement or subsequent site plan/development agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"Purchasers/Tenants are advised that due to the proximity of this development to a Regional Sewage Pumping Station facility located approximately 98 metres from the development property, the operation of this facility which at times may generate noise and odour may occasionally interfere with some activities of the dwelling occupants."

22. That any required road allowances are dedicated to the Region of Niagara as Public Highways.
23. That the Condominium Agreement or ~~subsequent site plan~~ Development Agreement between the Owner and the Township of West Lincoln contain a clause in wording satisfactory to the Regional Public Works Department (Development Services Division) requiring the Owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of development.
24. That the Owner submit to the satisfaction of the Niagara Region Public Works Department (Development Services Division) detailed information as to how the existing concrete retaining wall for the embankment adjacent to Regional Road 20 will be removed while still providing stabilization to the remaining embankment, the length of wall to be removed and how the integrity of the remaining wall will be structurally secured, and sight line lengths for both pedestrians on the adjoining walkway and vehicles accessing the Regional roadway from this development.
25. That the Owner obtain Regional Entrance and Regional Construction Encroachment Permits prior to any construction taking place within the Regional road allowance. Applications must be made through the Transportation Services Division's Permit Section of the Niagara Region Public Works Department. Access to Regional Road 20 (St. Catharine Street) must align with the proposed street access for the Olde Town Gateway Estates subdivision (Township File No.: 2T-05001) to the north to the satisfaction of the Niagara Region Public Works Department (Development Services Division).
26. That prior to final approval for registration, the Regional road improvements required to be undertaken through a cost-sharing agreement as a condition of draft plan approval for the Olde Town Gateway Estates subdivision (Township File No.: 2T-05001) on the north side of Regional Road 20 (St. Catharine Street), consisting of the reconstruction of Regional Road 20 and the municipal services therein, be completed to the satisfaction of the Niagara Region Public Works Department (Development Services Division) and that, if required, the Owner enter into an agreement with the Region for the cost-sharing of the necessary roadway improvements.
27. That the Owner promptly acknowledge (within sixty days of draft plan approval) to the Niagara Region Public Works Department (Development Services Division) that draft approval of this condominium does not include a commitment of servicing allocation by the Niagara Region as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk and responsibility of the Owner.
28. That immediately following (and within sixty days of) notice of draft plan approval, the Owner shall provide the Niagara Region Public Works Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to and after registration of this condominium, shall contain a clause clearly indicating that a servicing allocation for this

condominium will be assigned until the plan is granted final approval for registration and until capacity is upgraded at the Baker Road Wastewater Treatment Plant (anticipated by December 31, 2010) and, that the purchaser will proceed at their sole risk and responsibility as the issuance of building permits may cease without prior notice due to capacity limitations at the Region's treatment facility. A similar clause shall be inserted in the Condominium Agreement or ~~subsequent site plan~~ Development Agreement between the Owner and the Township of West Lincoln.

MINISTRY OF ENVIRONMENT CONDITIONS:

29. That the Owner obtain the approval of the Ministry of the Environment (Toronto office) for the proposed storm sewer outlet to Twenty Mile Creek for the storm sewer outlet for this development south of Regional Road 20 (St. Catharine Street) as well as for any stormwater management scheme.
30. That a Record of Site Condition (RSC) shall be filed on the Ministry of the Environment's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04 under the *Environmental Protection Act* and that copies of the Phase 1 and Phase 2 Environmental Site Assessment (ESA) reports prepared by a qualified person in accordance with Ontario Regulations 153/04, site remediation and confirmatory sampling reports, if necessary, and the Ministry's written acknowledgement of the filing of the RSC be provided to the Niagara Region Public Works Department (Development Services Division) and the Township of West Lincoln.

NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:

31. Mitigation measures provided in the LCA Environmental letter of May 21, 2009 and the Scoped Environmental Impact Report (February 2009) shall be incorporated into the plan.
32. That a Tree Saving Plan prepared and endorsed by a suitably qualified forester or arborist, which shall attempt to retain as many trees as possible and be prepared in accordance with the Regional Tree and Forest Conservation By-law 47-2006, be submitted to the Niagara Peninsula Conservation Authority for review and approval, with a copy provided to the Township of West Lincoln and the Niagara Region Public Works Department (Development Services Division) for information, and that the recommendations of the approved Tree Saving Plan be implemented through provisions in the condominium agreement or subsequent site plan/development agreement between the Owner and the Township of West Lincoln.
33. That, the following conditions be included in the Condominium Agreement to the satisfaction of the NPCA:
"That detailed sedimentation and erosion control plans be prepared for this agency's review and approval. All sediment and erosion control measures shall be maintained in good condition for the duration of the construction until all disturbed services have been stabilized. Muddy water shall not be allowed to leave the site."

Appropriate limit of disturbance fencing shall be installed to the satisfaction of the NPCA which details the amount of Significant Woodlot to be removed and ensure that all construction and site alteration takes place outside of the Significant Woodlot and the 30m buffers for the PSW and Critical Fish Habitat.

Upon completion of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to the approved drawings. Copies of the certification shall be circulated to the NPCA.”

NIAGARA PENINSULA ENERGY INC. CONDITIONS:

34. That the Owner enter into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of electrical services within the boundaries of the mentioned site will be borne by the Owner.
35. That should NPEI be required to alter the existing distribution system in order to supply the area in question, they will require advanced notice of the development status. Alterations to the existing distribution system may require a separate capital contribution from the Owner.

CANADA POST CONDITION:

36. That Canada Post approve the location of the community mailbox.

UTILITY COMPANY CONDITION:

37. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.

GENERAL CONDITION:

38. That if final approval is not given to this plan within **TWO YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

CLEARANCE OF CONDITIONS

Prior to granting approval of the final plan, the Township’s Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT** – Conditions 1 to 11 (inclusive), 14 to 19 (inclusive).
- **TOWNSHIP OF WEST LINCOLN PUBLIC WORKS DEPARTMENT** – Conditions 6 to 10 (inclusive), 13 and 15 to 18 (inclusive).
- **REGIONAL NIAGARA PUBLIC WORKS DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 20 to 28 (inclusive).
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – Conditions 31 to 33 (inclusive).
- **NIAGARA PENINSULA ENERGY INC** – Conditions 34 and 35.
- **MINISTRY OF ENVIRONMENT** – Conditions 29 and 30.
- **CANADA POST** – Condition 36.
- **UTILITY COMPANY** – Condition 37.

NOTES:

1. Conveying

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded; and
- (b) We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

2. Land Required to be Registered Under the Land Titles Act

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system; and
- (b) Section 160(2) – allows certain exceptions.

3. Water and Sewerage Systems

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

4. Agencies to be Contacted:

- (a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Director of Planning and Building
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0

- (b) With respect to the requirements of the Township's Public Works Department contact:

Ms. Jennifer Bernard
Public Works Engineering Coordinator
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 6732
Email – jbernard@westlincoln.ca

- (c) With respect to the requirements of the Region of Niagara contact:
Development Approvals
devtplanningapplications@niagararegion.ca

- (d) With respect to the requirements of the Niagara Peninsula Conservation Authority contact:

Mr. David Deluce
3350 Merrittville Highway, Unit 9
Thorold, Ontario
L2V 4Y6
Telephone – (905) 788-3135
Email – ddeluce@npca.ca

- (e) With respect to the requirements of Bell Canada contact:

Ms. Janice Young
Manager, Right of Way
Floor 3 – 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Telephone – (416) 296-6291

5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions. In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Subdivision Agreement between the Owner and the Township to those agencies.

6. Hydro One Cautionary Note

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors could raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating **“DANGER – Overhead Electrical Wires”** in all locations where personnel and construction vehicles might come in close proximity to the conductors.

Memo

To: Susan Smyth, Senior Planner
From: Jennifer Bernard, Coordinator of Engineering Services
Date: November 5, 2024
Re: Extension of Draft Plan Approval - Crossings on the Twenty North Plan of Condominium

Public Works has reviewed Recommendation Report – Extension of Draft Plan Approval for Crossings on the Twenty North Condominium (DeHaan Homes Inc.) File No. 2100-072-08.

A pre-construction meeting was held in October with the Owner and their consultants to review the site remediation plans. Another pre-construction meeting will be scheduled prior to site servicing work commencing. It is understood a signed Development Agreement and securities have now been received.

The development engineering design was approved based on the proposed site servicing to include a connection to the watermain on St. Catharines St, a connection to the existing sanitary sewer located in an easement through the site that flows to the Smithville Pumping Station, and a connection to the existing storm sewer that is located in an easement in the access road through the site. The storm sewer outlets directly to Twenty Mile Creek.

A review was completed of the Conditions of Approval and it is agreed a condition should be included to add a clause to the development agreement that sewer, water and stormwater capacity and allocation cannot be guaranteed until final registration of the plan of subdivision or issuance of building permits. No further modifications to the conditions were identified by Public Works and there are no concerns with the proposal for an extension of draft plan approval.

Susan Smyth

From: Taran Lennard <tlennard@npca.ca>
Sent: September 27, 2024 2:36 PM
To: Susan Smyth
Subject: RE: Draft Plan Approval Extension Request - Crossing on the Twenty (North) Condominium (File No. 2100-072-09 CDM)

Good Afternoon Susan,

The NPCA would not offer objections to the extension request.

Due to the historic nature of this application, any remaining Conditions (if still outstanding) in relation to the Woodlot and/or Tree Savings Plans, would be reviewed and cleared by the Region of Niagara due to the switch in MOU a few years back.

Thank you.



Taran Lennard
Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277

www.npca.ca

tlennard@npca.ca

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Susan Smyth <ssmyth@westlincoln.ca>
Sent: September 9, 2024 4:32 PM
To: Connor Wilson <connor.wilson@niagararegion.ca>; Development Planning <devtplanningapplications@niagararegion.ca>; david.kyle@canadapost.ca; subdivision@Hydroone.com; Iwona.Lipowski@HydroOne.com; mark-ups@enbridge.com; planninganddevelopment@bell.ca; Meghan Birbeck <mbirbeck@npca.ca>; jim.sorley@npei.ca; Taran Lennard <tlennard@npca.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: Draft Plan Approval Extension Request - Crossing on the Twenty (North) Condominium (File No. 2100-072-09 CDM)

Good Afternoon,

Please find attached the request for an extension of draft plan approval for Crossing on the Twenty (North) Condominium (DeHaan Homes) and the Planning Staff's request for agency comment.

Public Works Growth Management and Planning

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

October 3, 2024

Regional File Number: PLCD202401117
Susan Smyth, Senior Planner
Township of West Lincoln
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

Dear Ms. Smyth:

Re: Regional and Provincial Comments
Application Type: Draft Plan of Condominium Extension
Township File Number: 2100-072-09 CDM
Applicant: Dehaan Homes Inc.
Agent: Arcadis Inc.
Location: Crossings on the Twenty (North) Condominium
Township of West Lincoln

Staff of the Regional Growth Strategy and Economic Development Department has received a request from the Agent on behalf of the Applicant for the extension of Draft Plan of Condominium for the property municipally known as Plan M88 Part Lot 56 57 (Crossing on the Twenty (North) Condominium) in the Township of West Lincoln for no less than two (2) years. Regional staff received notice of this extension request on September 9, 2024.

The Draft Approved Plan of Subdivision consists of 10 units in Plan M88 Part Lot 56 57 (according to the Site Plan, prepared by IBI Group, no date). Draft Plan Approval was granted by the Township on October 26, 2009, for a period of (3) three years, and has been subsequently extended multiple times with the most recent request set to expire on October 26, 2024.

In requesting an extension, the Agent has noted an environmental consultant has been retained for the file and a remedial action plan has been prepared, with site remediation to commence within the coming months. With remediation and building development, registration of the condominium cannot be finalized. The additional extension request will allow for remediation and building construction to be completed

October 3, 2024

Conditions of Approval

Upon review of the most recent approved conditions of Draft Plan Approval as listed in Attachment 3 and 4 of Township Report PD-068-20, Regional staff request the inclusion of a standard archaeological warning clause in the condominium agreement in the event that any resources are unexpectedly encountered during construction works:

*“If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.
<https://www.niagararegion.ca/projects/archaeological-managementplan/default.aspx>”*

Conclusion

Staff understands from the Township’s circulation letter that the applicant has been working towards final clearance of conditions and is working towards site remediation. As such, provided the above clause above is included in the Draft Plan Agreement, Regional staff do not object to the requested extension of Draft Plan approval for a period of two (2) years from a Provincial and Regional perspective.

Please send copies of the staff report and notice of the Township’s decision on this application. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca.

Kind regards,



Connor Wilson
Development Planner

cc: Pat Busnello, Manager, Development Planning, Niagara Region
Katie Young, Senior Development Planner, Niagara Region

DATE: November 11, 2024

REPORT NO: PD-51-2024

SUBJECT: **Recommendation Report – Removal of Tabled Item – Request for Minister’s Zoning Order (MZO) for Urban Boundary Expansion/Municipal Comprehensive Review**

CONTACT: Gerrit Boerema, Acting Director of Planning & Building

OVERVIEW:

- On March 21, 2022 staff report [PD-36-2022](#) was presented to Planning Committee based on a request by the Land Owners Group to request Committee and Council support a Minister’s Zoning Order (MZO) as a possible means of achieving an urban boundary approval.
- On March 28, 2022, Council tabled the report with the following resolution: A Motion to table pending receipt of information or for a specific purpose, if passed by Council, shall remain tabled on the Council agenda until such time as the intent for tabling has been complied with.
- The Tabled motion was intended to hold back action on the request for a MZO in the hopes that Official Plan Amendments 62 and 63 would receive approval through normal approval channels without the need for a MZO.
- Official Plan Amendment (OPA) 62 was approved by Township Council on July 18th, 2022 and was included in the new Regional Official Plan and approved by the Minister of Municipal Affairs on November 4, 2022.
- OPA 63 was approved by Township Council on August 11th, 2022 and Regional Council on April 27th, 2023, however was appealed. The Ontario Land Tribunal (OLT) has held mediation sessions and has now accepted two Minutes of Settlement. One final component of OPA 63 is still subject to appeal however, an environmental expert will now prepare an Environmental Impact Statement (EIS) based on an agreed to Terms of Reference in order to resolve the outstanding issues. This report will be peer reviewed.
- Therefore, the MZO report is now no longer required and can be removed from the Table.

RECOMMENDATION:

1. That, Recommendation Report PD-51-2024, titled “Recommendation Report – Removal of Tabled Item – Request for Minister’s Zoning Order (MZO) for Urban Boundary Expansion/Municipal Comprehensive Review”, dated November 11th, 2024 be received; and,
2. That, Committee and Council do now hereby confirm that the need for a Minister’s Zoning Order is no longer required and Report PD-36-2022 may now be lifted from the Table as the intent of the Tabled report has now been addressed.

ALIGNMENT TO STRATEGIC PLAN:

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.

BACKGROUND:

On March 21, 2022 Administration presented report [PD-36-2022](#), to Committee and Council to assist with an understanding of the Minister’s Zoning Order (MZO) process and to consider whether such a process would be beneficial for West Lincoln (Smithville). There was pressure from the land owners group at the time for the Township to request the assistance of the Minister of Municipal Affairs approve the urban boundary expansion through an MZO. The option of an MZO was the topic of a presentation made by Matthew Cory of MGP on behalf of the Land Owner’s Group.

The report was referred to the Council meeting of March 28 2022 at which time the report was considered as follows:

A Motion to table pending receipt of information or for a specific purpose, if passed by Council, shall remain tabled on the Council agenda until such time as the intent for tabling has been complied with.

The intent of the MZO is now addressed by the approval of OPA 62 and the majority of the approval of OPA 63, and as such is no longer needed.

CURRENT SITUATION:

In early 2022 there was a request made by the Land Owners group to Council to consider a Ministers Zoning Order (MZO) in order to achieve an urban boundary expansion prior to a pending Provincial election. However, the Township was able to achieve the urban expansion without the need for the MZO.

Official Plan Amendment (OPA) 62 was approved by Township Council July 18th, 2022 and was included in the new Regional Official Plan. There was no opportunity to appeal since the boundary amendment conformed to the Region of Niagara Official Plan that was approved by the Minister of Municipal Affairs on November 4, 2022.

OPA 63 was approved by Township Council on August 11th, 2022 and Regional Council on April 27th, 2022. One appeal was received on May 15th, 2022. The Ontario

Land Tribunal (OLT) held mediation sessions and has now accepted two Minutes of Settlement. There is one final component of OPA 63 still subject to appeal regarding the environmental mapping of features in Stage 4 of the urban boundary expansion. A Terms of Reference (ToR) has been established which will guide the work needed to resolve the outstanding issues.

Administration, based on the Township Procedural By-law, now hereby advise Committee and Council that report [PD-36-2022](#) and the recommendations contained therein are no longer necessary to request an MZO for the expansion lands. This report can now be removed from the table by Committee and Council because Official Plan Amendment (OPA) 62 & 63 are now in effect and are able to achieve development of the same lands that the MZO would have applied to.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

This report has been discussed with Township Legal Counsel who concur that the MZO report can now be removed from the table. The completion of OPA 62 and OPA 63 along with Municipal Servicing Strategies complete the work that the MZO would address.

CONCLUSION:

Administration recommends that Committee and Council now remove the Tabled report [PD-36-2022](#) from the Table as the reason for the tabled report has now effectively been fully complied with.

ATTACHMENTS:

1. Report - PD-36-2022 - Smithville Landowners Group request for support of Minister's Zoning Order (MZO)

Prepared & Submitted by:

Approved by:

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

**Truper McBride
CAO**

DATE: November 11, 2024

REPORT NO: PD-53-2024

SUBJECT: **Recommendation Report – Application for Zoning By-Law Amendment for 7395 Twenty Road (File No. 1601-004-24)**

CONTACT: Madison Etzl, Senior Planner
Gerrit Boerema, Acting Director of Planning and Building

OVERVIEW:

- An application for a Zoning Bylaw Amendment has been submitted by Ross Robins on behalf of the property owners, Jeffrey and Evelyn Duck to rezone a portion of 7395 Twenty Road, which has been naturally severed by North Creek.
- The intent of this rezoning application is to recognize the parcel of land north of the creek as a “lot” under the Township’s Zoning Bylaw, 2017-70, following a natural severance that was approved by the Ontario Superior Court of Justice on August 17th, 2023. The resulting parcels north and south of the creek do not meet the definition of a ‘lot’ as identified in the Township’s Zoning By-Law.
- This application also proposes site specific exceptions to recognize the deficient lot area, being 7.5 hectares (18.53 acres) whereas, 40 hectares (98.84 acres) is identified as the minimum lot area permitted within an Agricultural ‘A’ zone, and to permit a deficient lot frontage of 44.3 meters whereas the zoning by-law required 100 meters.
- The applicants are also requesting an amendment to the Township’s zoning bylaw to permit a contracting business on the property as an on-farm diversified use.
- After reviewing the application against the applicable policies, Administration can recommend approval of this zoning bylaw amendment application.

RECOMMENDATION:

1. That, Recommendation Report PD-53-2024, titled “Application for Zoning By-law Amendment for 7395 Twenty Road (File No. 1601-004-24) Robins”, dated November 11th, 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 Ross Robins on behalf of property owners, Jeffery & Evelyn Duck 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 by Ross Robins on behalf of property owners, Jeffrey and Evelyn Duck to rezone a portion of 7395 Twenty Road which has been naturally severed through the Beds of Navigable Waters Act. The subject lands are located of South Grimsby Road 8 and north of North Creek.

The intent of this rezoning application is to recognize the parcel of land north of North Creek (Part 1 on the survey sketch found in Schedule F) as a “lot” for the purposes of building under the Township’s Zoning Bylaw 2017-70 following a natural severance that was approved by the Ontario Superior Court of Justice on August 17th 2023 (see Court Order found in Schedule C). The resulting parcels do not meet the definition of a ‘lot’ as identified in the Township’s Zoning By-Law 2017-70, as amended as the bylaw specifically states that parcels created by way of a severance for Navigable Waters are not ‘lots’ for the purposes of zoning.

The rezoning application is also requesting a reduced lot area and lot frontage as the naturally severed parcel does not meet the minimum lot area and frontage of the Township’s Zoning Bylaw.

The applicants submitted a number of studies and reports in support of the application including an Archaeological Assessment, Environmental Impact Assessment, Farm Business Plan, house plans, Planning Justification Report and the court decision regarding the natural severance.

A public meeting was held on October 15th 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-44-2024](#) which included all of the supplementary reports and studies completed.

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 Policy Statement 2020 and Growth Plan are no longer in effect as of October 19th, 2024. The new Provincial Planning Statement, 2024 is now in effect and provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS 2024.

The subject lands are designated as a Prime Agricultural and Natural Heritage within the Provincial Planning Statement 2024. While the PPS does not specifically speak to severances by way of Navigable Waters, the PPS is generally not supportive of severances that have the effect of creating non-agricultural lots. Both the PPS 2020 and 2024 requires the protection of agricultural areas for long-term agriculture use.

The PPS 2024 also requires that a principal dwelling associated with an agricultural operation be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited (e.g. as a result surplus farm dwelling severance).

The applicants have submitted both a farm business plan and planning justification report to demonstrate how the rezoning will achieve the objectives of the PPS in order to ensure that agricultural uses remain the primary use of the subject property. As such, this application is aligned with the PPS 2024 in terms of defining this parcel as a lot and allowing a principle dwelling.

The Applicant is also seeking to locate a contractor establishment on the property as an On-Farm Diversified Uses (OFDU). In addition to the PPS, the Ontario Ministry of Agriculture, Food and Rural Affairs has provided a guidance document on OFDUs in the Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas.

Section 2.2.1 of the Guidelines states 5 main criterial that must be met to qualify as an agricultural related on farm diversified use:

1. Located on a farm

The farm business plan demonstrates that there will be three major agricultural activities of the proposed start up farm which include garlic crops, horse boarding and hay production. The hay will be grown on the farm, it will be bailed by a third party and will be offered for sale as a bale. All of these uses are considered agricultural uses and meet the requirement to be a farm.

2. Secondary to the principal agricultural use of the property & 3. Limited in Area

The applicant has demonstrated through his farm business plan that the primary use of the property is and will be agricultural. The contractor's establishment (Electrical business) that is also proposed on the property needs to be secondary to the established agricultural uses in terms of size and scale for staff to consider it an on-farm diversified use. The applicant is proposing a 60ft X 140ft accessory building (780 square metres) with the

electrical business only occupying 1/3rd of the proposed building or 260 sq. metres.

4. Include, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.

The contractor's establishment that the applicant is proposing on the property is considered a home industry and would be permitted under provincial Policy. The applicant has indicated that they provide and have been providing service to the agricultural community for a number of years.

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

The contractor's establishment can be considered an on farm diversified use as it is small in scale and limited in size and will not hinder the surrounding agricultural operations. The service it provides is appropriate and available to rural farming operations as well as rural residential properties as well. Provided that the business maintains limited in scale and not impact surrounding agricultural operations, the proposed use can be considered an on-farm diversified use.

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 protection of the agricultural system in the Niagara Region. The subject lands are located within the Prime Agricultural Area and Natural Heritage System. While the NOP does not have any specific policy regarding natural severances, one of the main objectives of the plan is protecting agricultural lands for continued agricultural use. The Niagara Official Plan contains policies regarding On Farm Diversified Uses which is similar and aligns with the Provincial Policy Statement requiring OFDUs to be located on an established farm, be small in scale and be compatible with the surrounding agricultural uses and operations.

As mentioned previously in this report, the farm business plan and planning justification report has demonstrated the property will be primarily used for agricultural purposes and the EIS report has indicated no impacts to the natural environment. For these reasons, Planning Staff can consider this rezoning application in alignment with the general intent and objectives of the Region's NOP

Township of West Lincoln Official Plan (OP)

The subject lands are designated as Good General Agricultural lands and Natural Heritage System (Environmental Protection Area and Environmental Conservation Area) within the Township's Official Plan (OP). The purpose of the Township's Good General Agricultural

designation is to ensure that these areas are protected and preserved for long term Agricultural purposes.

The Township's OP policy for Good General Agricultural Area Policies support smaller agricultural parcels provided that the resulting parcels are both for agricultural use and the size of the resulting agricultural parcels:

- i. Is appropriate for the agricultural activities proposed,
- ii. Is suited to the particular location and common in the area, and
- iii. Provides some flexibility for changes in the agricultural operation.

While the parcel north of the creek is undersized for a typical agricultural parcel in the area, it has already been created through a natural severance. Further, the proposed agricultural uses are more intensive (e.g. garlic), which can be accommodated on smaller lots.

The applicants have additionally provided a scoped EIS report which indicates that the proposed development and zoning bylaw amendment have no negative impacts on the environmental features on the property and therefore the Township's Natural Heritage Policies of the OP are maintained.

Given the above analysis, the intent for continuous agricultural use on the subject lands, and maintaining the existing *Natural Heritage System* designations, this rezoning application can be considered in alignment with the general intent and objectives of the Township's OP policies.

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

The subject parcel is currently zoned Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'.

In addition to recognizing Part 1 as a "lot", this application will rezone the Agricultural 'A' lands on Part 1 of PLAN 30R-16154 to an Agricultural zone with a site specific provision A-237) which will recognize the deficient lot area resulting from the related natural severance. The subject lands have a total lot area of 7.5 hectares (19.53 acres) whereas, Table 12 of the Township's Zoning By-Law 2017-70, as amended, identifies 40 hectares (98.84 acres) as the minimum lot area permitted within an Agricultural 'A' zone.

This application also seeks to recognize a deficient lot frontage of a minimum of 44.3 metres whereas the zoning bylaw required 100 metres.

Finally, this application also seeks to permit a contractor's establishment on the property as an on-farm diversified use on a property of 7.5 hectares, whereas the Zoning Bylaw requires a minimum of 10 hectares to permit an on-farm diversified use. Administration staff have included language in the draft bylaw that the OFDU shall be permitted following the establishment of agricultural uses, as outlined in the Farm Business Plan,

including the production of hay, garlic and livestock.

Administration staff support an OFDU on this property with 7.5 hectares provided all other regulations are met including no greater than 1% of lot area be used for the OFDU and no greater than 2 employees beyond property owners, which the applicant has indicated can be achieved.

There are additional regulations for OFDU and Home Industries that the applicant will need to ensure they comply with, found in the Township's zoning bylaw. The applicant has indicated those regulations can be achieved as well.

FINANCIAL IMPLICATIONS:

There is no financial implication related to this report.

INTER-DEPARTMENTAL COMMENTS:

Notice of the Public Meeting was circulated to all relevant agencies and departments on September 11th, 2024 and the notice was also posted to the Township's website.

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

The Region of Niagara offers no objection to the proposed amendment to recognize the subject parcel as a buildable lot subject to the satisfaction of the Township. The Region also recommended that a holding zone be added to the property to ensure that the recommendations of the EIS study, mainly regarding erosion and sediment control, are implemented. Through further discussions, based on the development plans, a holding zone is not required as the proposed development is well setback from environmental features on the property.

The Niagara Peninsula Conservation Authority (NPCA)

The NPCA provided no objections to the application as the proposed driveway provides safe access for the proposed works and flood hazards are not of a concern. However, the applicant is advised that the proposed driveway does encroach on the NPCA Regulated Limited as such, an NPCA Permit (with applicable fees) will be required prior to the start of proposed development.

Public Works Department

The Township Public Works Department has reviewed the application and have no comments to provide as this application has no impacts to Township infrastructure.

PUBLIC COMMENTS:

A public meeting was held on October 15th 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 Jeffery and Evelyn Duck and Ross Robins to recognize the naturally severed parcel as a lot in the Township's Zoning Bylaw, to recognize a deficient minimum lot area and frontage, and to permit an OFDU on a lot with a deficient lot area.

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

ATTACHMENTS

- Schedule A - Location Map
- Schedule B - Agency and Departmental Comments
- Schedule C - Draft Zoning Bylaw

Prepared & Submitted by:

Gerrit Boerema
Acting Director of Planning & Building

Madyson Ettl
Senior Planner

Approved by:

Truper McBride
CAO



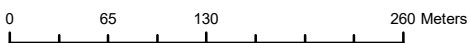
Location Map
7395 Twenty Road

West Lincoln

Your Future Naturally

Legend

- ZoneBoundary
- Subject Property





3350 Merrittville Hwy. Unit 9
Thorold Ontario L2V 4Y6
905.788.3135 | info@npca.ca | npca.ca

September 26, 2024

NPCA File No.: PLZBLA202401207

VIA EMAIL ONLY

Planning Department
The Township of West Lincoln
318 Canborough Street, P.O. Box 400
Smithville, L0R 2A0

Attention: Justin Paylove, Deputy Clerk

Subject: Application for Zoning By-Law Amendment, 1601-004-24
Evelyn and Jeffrey Duck (C/o, Ross Robbins)
7395 Twenty Road, West Lincoln
ARN 260203001248900

To the Planning Department,

Further to your request for comments for the Zoning By-Law Amendment application for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

Provided Planning Application description: *The intent of this rezoning application is to permit a parcel of land described as Range 2, Part of Lot 2, as a buildable lot following a natural severance that was approved by the Ontario Superior Court on August 17th 2024. The resulting parcels do not meet the definition of a 'lot' as identified in the Township's Zoning By-Law 2017-70, as amended. This application also proposes a site specific exception to recognize the deficient area of Part 1 being 7.5 hectares (18.53 acres) whereas, 40 hectares (98.84 acres) is identified as the minimum lot area permitted within an Agricultural 'A' zone by Table 12 in the Township's Zoning By-Law 2017-70, as amended and to permit a deficient lot frontage of 44.3 metres whereas the zoning bylaw required 100 metres.*

The NPCA has reviewed the NPCA Mapping of **ARN 260203001248900** and notes that the property is impacted by NPCA regulated features.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 155/06 of the Conservation Authorities Act. The NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (NPCA policies) provides direction for managing NPCA regulated features.

The subject property contains the following regulated features: In association with North Creek, there is a watercourse, watercourse 15 m buffer, and flood hazard on the subject property. Additionally, there is a Provincially Significant Wetland and 30 m regulated buffer area.

Provided in the Zoning By-Law Amendment Application, the applicant has provided a proposal for a 'Scoped Environmental Impact Statement' dated, November 29, 2023. Following a review, the NPCA has no objections to the proposed works and can offer the following comments:

1. It is noted in the Scoped Environmental Impact Statement that a boundary adjustment was made to the PSW/NPCA Regulated Wetland (page 17), NPCA Planning Ecology agrees with the proposed change based on the information outlined in the memo and from the review of historic aerial imagery and relevant mapping layers (contours and DTMS). Please submit the newly revised wetland boundary as a GIS compatible file (i.e. .shp), so that we can update our mapping.
2. NPCA is supportive of the ESC measures as described in the Scoped Environmental Impact Statement and in Figure 3, which shows the location of the proposed silt fencing.
3. NPCA Planning Ecology is supportive of the recommendation to allow areas within the 30 m buffer to become 'Natural Self-Sustaining Vegetation', as shown on Figure 3.
4. Please note that all areas of disturbed soil shall be stabilized immediately upon completion of work and restored to a pre-disturbed state or better. NPCA Planning Ecology recommends re-vegetation with a native seed mix (https://npca.ca/images/uploads/common/Native_Plant_Guide.pdf) where appropriate.

Provided in the Zoning By-Law Amendment Application, the applicant submitted a proposed Grading Plan dated, July 23, 2024 by Rasch and Hyde Ltd. The NPCA has reviewed and offers no objections to the proposed dwelling, storage, septic tank and dog kennel. The proposed driveway provides safe access for the proposed works, and flood hazards are not of a concern for the proposed placement. However, please be advised that the proposed driveway does encroach on the NPCA Regulated Limited as such, an NPCA Permit (with applicable fees) will be required prior to the start of proposed development.

Conclusion

At this time, the NPCA staff have no objections to the Zoning By-Law Application, **1601-004-24**.

Please be advised that the proposed driveway and any future proposed development within an NPCA Regulated area will require review, approval and NPCA Permits (with applicable fees) from this office prior to the commencement of any works on site.

I trust the above will be of assistance to you. Please do not hesitate to call should you have any further questions in this matter.

Yours truly,



Paige Pearson
Watershed Planner
(905) 788-3135, ext. 205
ppearson@npca.ca

Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

Via Email Only

October 4, 2024

File Number: PLZBA202401130

Madyson Ettl
Senior Planner
Township of West Lincoln
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0

Dear Ms. Ettl,

Re: Regional and Provincial Comments
Application Type: Zoning By-Law Amendment
Township File Number: 1601-004-24
Applicant: Jeffrey Lawrence Duck, Evelyn Duck
Location: 7395 Twenty Road; Range 2, Part of Lot 4
Municipality Name: West Lincoln

Staff of the Regional Public Works Growth Management and Planning Division has reviewed the materials provided with the circulation of the above noted Zoning By-law Amendment (“ZBA”) application for the property municipally known as 7395 Twenty Road in the Township of West Lincoln.

The ZBA application proposes to permit a parcel of land (Range 2, Part of Lot 2) as a buildable lot following a natural severance that was approved by the Ontario Superior Court (August 17, 2024) as the resulting parcel does not meet the definition of a ‘lot’ as defined in the Township’s Zoning By-law 2017-70, as amended.

The application also proposes a site-specific exemption to recognize the deficient area of Part 1 being 7.5 ha whereas 40 ha is identified as the minimum lot area permitted within an Agricultural ‘A’ zone. The application also proposes to permit a reduced lot frontage of 44.3 metres whereas 100 metres is required.

A pre-consultation meeting was held on January 19, 2023, with the Applicant’s agent/representative, attended by Township, Niagara Peninsula Conservation Authority, and Regional staff, to consider the proposal.

The following comments are offered from a Provincial and Regional perspective to assist Council with its consideration of the application.

Provincial and Regional Policies

The subject lands are within the 'Prime Agricultural Area' under the Provincial Policy Statement, 2020 ("PPS") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation ("Growth Plan"), and the lands are designated 'Prime Agricultural Area' by the Niagara Official Plan, 2022 ("NOP").

Across the region, an Agricultural System has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. Within Prime Agricultural Areas, a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted.

Lot creation is discouraged in the Prime Agricultural Area and only permitted in limited circumstances as detailed within PPS Policy 2.3.4.1 and NOP Policies 4.1.4.2 and 4.1.6.1, including for agricultural uses where the minimum lot size for the severed and retained lot is 40 hectares, for an agriculture-related use, for a residence surplus to a farming operation, for a lot adjustment for legal or technical reason that does not result in the creation of a new lot, or for public infrastructure. Furthermore, PPS policy 2.3.4.3 states that within Prime Agricultural Areas, the creation of a new residential lot is not permitted.

Staff notes that if a severance was proposed through a Planning Act application to create a non-farm residential lot, staff would not be in a position to support a consent as PPS and NOP policies noted above would not be met. Staff acknowledge, however, that the Court Order issued by the Ontario Superior Court of Justice (Court File No. CV-23-000061500-0000) (dated August 17, 2023) confirms the natural severance has occurred. As such, staff offers no objection to recognizing the deficient lot area in this instance.

Staff notes that information submitted with the application (Planning Justification report, prepared by Metropolitan Consulting Inc., dated August 2024; and, Robins Creek Farm Business Plan, dated May 29, 2024) indicates that a large portion of the subject lands are to be actively in agricultural production for the growing of crops (hay (10 acres) and garlic (3 acres)), small scale egg production, and horse boarding. Additionally, the PJR referenced an On Farm Diversified Use (OFDU) consisting of an electrical contractor home industry.

The OMAFRA Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (the Guidelines) provide that agricultural and on-farm diversified uses are permitted. On-farm diversified uses are subject to the following criteria: the use must be located on a farm; secondary to the principal agricultural use of the property; limited in area; includes, but

is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products; and shall be compatible with, and shall not hinder, surrounding agricultural operations. The Guidelines also recommend that the standard acceptable area occupied by an on-farm diversified use is up to two percent of a farm parcel to a maximum of one hectare.

Regional staff note that the subject property currently contains no active agricultural use, where the requirement of an OFDU would be that it is secondary to the principal agricultural use of the property. The Township should, therefore, be satisfied that a suitable agricultural use will be established to ensure the proposed use is consistent with and conforms to Provincial, Township and Regional policies and plans. Staff understands that the Township is considering that a holding provision be placed onto the subject property until a primary agricultural use is established on the subject property.

Archaeological Potential

The PPS and NOP state that development and site alteration shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The subject land is mapped as an area of archaeological potential on Schedule K of the NOP. Regional staff reviewed the Stage 1-2 Archaeological Assessments, conducted by Seguin Archaeological Services (dated October 20, 2023) and received the associated Ministry of Citizenship and Multiculturalism Acknowledgement Letter (dated November 2, 2023). The Stage 1 background research indicated the Study Area exhibited moderate to high potential for identification and recovery of archaeological resources in the scoped study area. The Stage 2 field assessment was scoped to a small portion of the property as shown on Figures 1-3 of the Study. The area subject to the Stage 2 assessment resulted in identification of one pre-contact Aboriginal findspot (Location 1); additionally, no identification or documentation of archaeological resources were documented during the test pitting survey. Accordingly, the licensed archeologist recommends no further archaeological assessments in the scoped study area.

Staff note that any future development proposed outside of the study area in the Stage 1-2 Archaeological Assessment (dated October 20, 2023) will be subject to a Stage 1-2 Archaeological Assessment (at minimum) and will require their associated Ministry of Citizenship and Multiculturalism Acknowledgement Letter.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, staff provide the following standard archaeological warning clauses should any resources be encountered through future construction works:

“If deeply buried or previously undiscovered archaeological remains/resources are

found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C." ([Archaeological Management Plan - Niagara Region, Ontario](#))

Natural Environment

The subject property is impacted by the Region's Natural Environment System (NES) of the NOP, consisting of the Lower Twenty Mile Creek Provincially Significant Wetland (PSW), other wetland, and a permanent or intermittent stream, which are all considered Key Hydrologic Features outside of Settlement Areas. Staff reviewed the proposal at the pre-consultation meeting (dated January 19, 2023) and were satisfied that the above-noted features appeared to be zoned appropriately.

That said, a Scoped Environmental Impact Study (EIS), prepared by Terrastory Environmental Consulting Inc. (dated November 29, 2023) was circulated with the application. Staff reviewed the EIS which characterizes the NES features and assesses potential impacts associated with the proposed development to demonstrate that there will be no significant negative impacts to the features and associated ecological and hydrological functions. The EIS recommends a 30 metre setback from all wetlands, which are the most restrictive environmental feature. To further mitigate impacts associated with the development, the EIS recommends numerous mitigation measures (e.g., vegetating clearing timing restrictions, installation of erosion and sediment control fencing, restoration of buffers, etc.). Regional Environmental Planning staff are satisfied that the EIS adequately addresses Provincial and Regional NES policies. As it relates to the proposed Zoning By-law Amendment (ZBA) application, Township staff should be satisfied that the features and the recommended setbacks identified in the EIS, are placed into an appropriately restrictive environmental zone.

Staff note that conditions of approval will be recommended to implement the EIS recommendations should a holding provision be applied or future Planning Act approval be required.

Waste Collection

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner bring the waste to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

- No Limit green containers; and,
- 2 Garbage Containers per unit (Bi weekly)
- Curbside Collection Only

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Conclusion

Staff of the Regional Public Works Growth Management and Planning Division offers no objection to the proposed amendment to recognize the subject parcel as a buildable lot subject to the satisfaction of the Township. In addition, staff recommends that a Holding Provision is placed on the subject parcel in order to implement the recommendations of the EIS. Further, the Township should be satisfied that a principal agricultural use is established prior to the approval of an On Farm Diversified Use as discussed above.

Please send a copy of the staff report and notice of the Township's decision on this application. If you have any questions related to the above comments, please contact me at connor.wilson@niagararegion.ca

Kind regards,



Connor Wilson
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Katie Young, MCIP, RPP, Senior Development Planner, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024- XX

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990, AS AMENDED;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule 'A' Map 'B4' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Range 2, Part of Lot 2, in the former Township of South Grimsby, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'B4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Part 1 (subject lands) shown on Schedule 'A', attached hereto and forming part of this By-law from Agriculture Zone to Agriculture with Exception (A-237).
3. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

A-237

Permitted Uses:

As per the parent zone. And that Pt 1 of Reference Plan 30R10154 be deemed to meet the definition of 'Lot' plus one On Farm Diversified Use. (OFDU)

Regulations:

All regulations of the A zone except:

- a) Minimum lot area of no less than 7.5 hectares.
- b) Minimum lot frontage of no less than 44.3 metres.
- c) An ODFU shall only be permitted following the establishment of agricultural uses, as outlined in the Farm Business Plan, dated May 29th 2024. Including the production of Hay, Garlic and Livestock.

4. THAT all other provisions of By-law 2017-70 continue to apply.
5. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF NOVEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX

Location:

This By-law involves a parcel of land legally known as Part of Lot 2, Range 2, Former Township of South Grimsby as in RO660971; Township of West Lincoln, being PIN 46056-0355 (LT)

Purpose & Effect:

The purpose of the Zoning By-law Amendment is to recognize this parcel (Part 1 of 30R-10154) of land as a “lot” under the Township’s Zoning Bylaw, 2017-70 for the purposes of building following a natural severance that was approved by the Ontario Superior Court of Justice on August 17th, 2023. The resulting parcels do not meet the definition of a ‘lot’ as identified in the Township’s Zoning By-Law.

This application also proposes to recognize the deficient lot area of Part 1, being no less than 7.5 hectares, a minimum lot frontage of no less than 44.3 meters. And an ODFU shall only be permitted following the establishment of agricultural uses, as outlined in the Farm Business Plan, dated May 29th 2024. Including the production of Hay, Garlic and Livestock.

Public Consultation:

The Public Meeting was held on September 16th, 2024. Staff had not received any oral or written comments from the Public. Agency comments regarding this application have been included in the amending bylaw.

File: 1601-004-24
Applicant: Duck/Robins

DATE: November 11, 2024
REPORT NO: PD-54-2024
SUBJECT: **PD-54-2024 – Recommendation Report – Housekeeping By-law Amendment No. 8 (File No. 1601-005-24)**
CONTACT: Susan Smyth, Senior Planner
Gerrit Boerema, Acting Director of Planning & Building

OVERVIEW:

- Following various comments and concerns with the current Zoning By-law regulations and provisions presented by members of the public and Council, Administration has completed this round of housekeeping amendments to the Zoning By-law that relate to:
 - Part 2 – Definitions to provide greater clarity for terms used in the regulations.
 - Part 3 – General Provisions to provide updates and refinements to the following sections and tables:
 - Section 3.1: Decrease regulations for accessory buildings and structures within Agricultural Zones
 - Section 3.2.1: Updates to Accessory Dwellings Units to allow on the ground floor and to align with provincial policy.
 - Section 3.2.2: Clarify when Accessory Farm Dwellings are permitted.
 - Section 3.2.4: Garden Suites (f)
 - Section 3.12.6: Correct inconsistent parking area requirements
 - Section 3.2.17: Reduce regulations for private attached and detached garages
 - Section 3.2.18.1: Replace ‘TransCanada Pipelines’ to ‘Oil and Gas Pipeline’
 - Part 5 – Agricultural Zones and Table 12
 - Part 6 – Correct a number of Residential zoning provisions.
 - Part 7 – Introduce a new Commercial Mixed Use Zone
- The proposed amendments are to improve the function of the by-law and better align land use regulations with the current community needs, development goals, and the environmental and infrastructure considerations.
- Administration recommends that the amending By-law be passed with the proposed changes recognized in this report with consideration of the comments and suggestions provided by various consultants, members of the public, and Council at large, and in keeping with current Provincial policies and legislation.

RECOMMENDATION:

1. That, Recommendation Report PD-54-2024, titled “Housekeeping By-law Amendment No. 8” (File No. 1601-005-24), dated November 11, 2024 be received; and,
2. That, the Attached draft Zoning By-law Amendment – Housekeeping 8, be approved; and that the Mayor and Clerk be authorized to sign the Bylaw; and,
3. That, no further Public Meeting is required for the consideration of this By-law in accordance with Section 34(17) of the Planning Act.

ALIGNMENT TO STRATEGIC PLAN:

Theme # 1

- **Build** – A safe, connected caring and active community

Theme # 2

- **Champion** – Strategic and responsible growth

BACKGROUND:

The Township’s Zoning By-law 2017-70, as amended has functioned well and has been improved over the years to address minor issues through a number of Housekeeping Amendments. These amendments have focused on Township wide regulations and site specific zoning provisions in an effort to keep the by-law current and align the land use regulations with community needs and strategic development growth.

Over the past year, further issues and opportunities with the by-law regulations and zoning provisions have come to the attention of Administration Staff from various users of the by-law. In addition, there have been a number of significant changes to provincial policy triggering the need to proceed with another housekeeping amendment process.

A Public Meeting was held on July 15, 2024 and Technical Report [PD-32-2024](#) was presented to members of Committee and the public. Coupled with additional feedback and comments received by agencies, consultants and landowners Administration staff have finalized the recommended amendments to the housekeeping by-law eight edition.

Additionally, the revisions to the by-law was necessary to continue to function and implement changes triggered by Provincial Changes through Bill 23, Bill 185 and recently on the new Provincial Planning Statement, 2024 (PPS), introducing fundamental changes in how growth planning is carried out in the province. The PPS is effect as of October 20, 2024 and applies to all decisions with respect to the exercise of any authority affecting planning matters made on or after that date.

On October 15, 2024, Administration Staff submitted Information Report [PD-42-2024](#) to Committee for further consideration. This report was additionally circulated to those who has previously provided comments. A final housekeeping by-law is now presented for

Committee and Council approval which can be found in Schedule B.

CURRENT SITUATION:

Administration has consolidated the issues and comments received to date and summarized them into topics and why the proposed amendments are necessary to resolve the issues that were brought to our attention by the general public, consulting agencies, developers/builders, and Council.

Topic	Comment & Issue/Concern	Response & Proposed Amendment	Provincial, Regional & Local Policy
Part 2 – Definitions			
Bonafide Farm Operation Definition	Bonafide farm operation is too individualized and does not speak to the changing trends on farming.	Definition of ‘bonafide farm operation’ was taken from the Township’s OP with some minor changes to broaden the terms for operators and persons working on a farm.	PPS encourages the long term protection and sustainability of farm operations. Similarly the Region and Local Official Plan (OP) promotes a variety of agricultural uses and related uses to facilitate a strong, diverse and resilient agricultural community. Including the definition of bonafide farm operation ensures that agricultural operations are protected. Administration will be undertaking the 5-year review of the OP in the early 2025 to explore additional opportunities to improve terms used in the OP and Zoning By-law to be consistent with current legislation and policies.
Warehousing	Term and parking requirements not provided.	Updated the by-law to include warehousing/ warehouse as a permitted use and provided the parking requirement for an industrial type of use.	
Part 3 – General Provisions			
Accessory Buildings in the Agricultural Areas	Issue with the regulation for the maximum distance from a main building and for an agricultural	For easier use of the by-law and to allow for greater flexibility when clustering agricultural buildings, maximum	PPS encourages the long term protection of farmland and the proposed maximum distance from buildings is

	<p>use and clarification on the definition of “agricultural use” as a “principle use” and what is considered a main building. Issues also around locating accessory buildings in front of a main building.</p>	<p>setbacks can be taken from not only a main agricultural building but accessory buildings as well. Also proposed is to allow larger accessory agricultural buildings to be located in front of a main building in the agricultural area provided it provides the minimum 30 metre setback from the front property line.</p>	<p>one method to cluster farm buildings and maintain as much land dedicated for agricultural uses. This provides a balance to address the needs of different farming practices.</p>
<p>Accessory Dwelling Unit</p>	<p>Need to be consistent with the Province and access to more housing that is affordable.</p> <p>Concerns around the accessibility of ADUs, as the Zoning By-law currently does not permit ground floor detached accessory units in hamlets or the agricultural area.</p>	<p>Proposed changes to the by-law include to permit up to two (2) ADUs anywhere in the Township subject to regulations. Permit ADUs in the main dwelling (basement, attached, attic) or in an accessory building. Specific regulations have added to ensure that the main dwelling remains the principle and the ADUs are subordinate. Parking requirements and distance separation of ADUs to the main dwelling have also been provided.</p>	<p>Consistent with PPS, Region and Local policies for housing is to accommodate an appropriate range and mix of housing types to meet the projected needs of current and future residents. The proposed ADU regulations allows for housing options that are required to meet the social, health, economic and well-being requirements of current and future residents, including additional housing and needs arising from demographic changes and employment opportunities.</p>
<p>Garden Suites</p>	<p>More clarification on the types of garden suite is necessary.</p>	<p>Administration received clarification by the Building Department on the minimum requirement for a garden suite.</p>	<p>Consistent with the PPS, Region and Local policies for a mix of housing types that are affordable and equipped to be serviced.</p>
<p>Parking Requirements and Private Garages</p>	<p>Issues with the inconsistent parking dimensions and requirements for using garages as a parking space for different housing uses.</p>	<p>Proposed changes to ensure that the parking dimensions for a private garage are the same through the by-law. To provide a balance with the growing market for</p>	<p>Consistent with the PPS, providing opportunities to accommodate smaller and compact housing units promotes higher densities for new housing that efficiently</p>

		compact build forms like townhouses is to permit a narrower garage width and the change for 3.25 metres by 6 metres depth with a projection of 0.8 metres (one step) can accommodate a vehicle and storage.	uses land, resources and infrastructure. From the Regional and Local policy framework, the ability to balance unit density with built form to include parking supports the achievement towards complete communities.
Landscape Open Space	Concerns that the existing townhouse zoning regulations, particularly regarding the stacked or back-to-back units will not be able to achieve the landscape space since there are no or limited areas on the lots to accommodate this space.	Proposing a reduction of the landscape requirement for stacked and back-to-back townhouse units to 15% which provides a balance between the appearance and function of the dwelling units. The regulation will also meet the needs of persons of all ages and abilities, including pedestrians, to foster social interaction, facilitate active transportation and community connectivity.	Consistent with the PPS, Region and Local polices, flexibility in the requirements for landscape open space and amenity areas supports the integration of higher density developments with efficient use of land to optimize amenity spaces and active living.
Part 6 – Residential Zones and Table 15			
Amenity Area Calculation for Medium and High Density Residential with 5 or more Units	Issues with the amenity area calculation for the multiple residential units when compared to other municipalities and current planning trends.	The previous housekeeping amending by-law 7 (By-law 2023-79) applied changes to the amenity area which created greater restrictions in terms of amenity areas for certain built forms. Through recent development applications it became apparent that the required amenity area is too large in many circumstances. The amenity areas was reduced from 40m ² plus 10m ² per dwelling unit for RM2, RM3, and RM4 to 20m ² per dwelling plus 10m ² per unit and from 80m ² plus 10m ² per dwelling unit for RH to	Consistent with the PPS, Region and Local policies, the modifications better align with current trends with the higher density residential uses and comparable to area municipalities in the Region.

		40m ² per dwelling plus 5.5m ² per unit.	
Part 7 – Commercial Zones and Table 16			
Commercial Mixed Use Zone	There is no zone provided for this use in the current by-law, however there are a number of property's designated Mixed use in the Township's Official Plan.	Proposed new Commercial Mixed Use – 'CM' Zone which integrates the commercial and residential uses into a compact form and higher density threshold. The zone provides regulations that offer sufficient separation between buildings for maintenance and serves to mitigate potential impacts of massing and shadowing to lower density uses while supporting urban design guideline and efficient use of land.	Consistent with PPS for the promotion of mixed uses in strategic locations to integrate employment with residential uses efficiently.
Maximum gross leasable floor area Commercial Mixed Zone	Concerns that the maximum gross leasable floor area for the Commercial Mixed Zone is too restrictive with the permitted dwelling units not able to abut the front wall of the building especially if there are physical or functional constraints of the building to avoid the dwelling units to have some street frontage.	Administration revised the regulation to be more flexible although ensuring that the commercial gross leasable space has a minimum of 50% of the ground floor.	Same as above.

The proposed housekeeping amendment by-law aims to address a number of concerns including:

- Removing and reducing regulations for agricultural buildings which are intended for residential and urban zones;
- Update the accessory dwelling unit regulations in response to provincial policy and accessibility requirements; and
- Provide greater flexibility within the residential zone regulations to support a mix of housing options
- Include a new Commercial Mix Use Zone in response to a number of newly designated mixed use areas in Smithville.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report. Costs associated with notice and staff time is within the 2024 Planning Operating Budget.

EXTRENAL COMMENTS:

The external oral and written comments provided by Township Departments, the general public, consultants, developers/builders, in addition to the Planning and Environmental Committee/Council comments received at the Public Meeting held on July 15, 2024 were considered in the preparation of this housekeeping amending by-law. Refer to Schedule A for the external comments.

A series of comments were provided by NPG consultants on behalf of a landowner/developer requesting the definition of the term ‘buffer area’ be revised. The concern was that the term ‘buffer’ was loosely included in the current by-law although considering the recent OLT for OPA 63, a variety of uses are permitted within buffer areas and the current term was not accurate. Administration opted to not include the definition of ‘buffer area’ in this housekeeping amending by-law since the intent of the definition is covered by other definitions such as public utility and public uses which encompass the formal planning approvals required to provide for the necessary infrastructure and other public uses in buffer areas.

NPG also provided comments with respect to the proposed definition of ‘bona-fide farm operation’ and comments relating to the proposed amenity area requirements for residential developments. Administration could not make the changes to the definition of ‘bona-fide farm operation’ as requested, as what is proposed is consistent with the Township’s Official Plan. Administration staff did take into consideration the comments with respect to amenity area and made further changes to address the comments. Administration will be undertaking the 5-year review of the OP in the early 2025 to explore opportunities to improve terms used in the OP and Zoning By-law to be consistent with current legislation and policies.

A member of the public provided written comments on the proposed accessory dwelling unit zoning regulations in support of permitting the units on the ground floor in accessory buildings in the agricultural area. This comment has also been addressed as Administration Staff have also proposed to permit ground floor accessory dwelling units in the agricultural area subject to a number of regulations.

SCHEDULES:

- Schedule A – External Comments
- Schedule B – Final Zoning By-law Amendment

Prepared & Submitted by:

Susan Smyth, CPT
Senior Planner

Approved by:

Truper McBride
CAO

Reviewed and Approved by:

Gerrit Boerema, MCIP, RPP
Acting Director of Planning & Building

July 8, 2024

Brian Treble
Director of Planning and Building
Township of West Lincoln
btreble@westlincoln.ca

**RE: Zoning By-law Housekeeping Amendment No. 8
File No. 1601-007-23**

Dear Mr. Treble

NPG Planning Solutions Inc. are planning consultants to Phelps Homes Ltd. on various lands within the Township.

We understand that a Public Meeting is scheduled for July 15, 2024 regarding File No. 1601-005-24, a proposed Housekeeping Amendment to Comprehensive Zoning By-law 2017-70. We are pleased to provide this comment letter for Council and Staff review. Our comments revolve around the proposed changes/additions to the minimum amenity area regulations within the Regulations for Medium and High Density Residential Zones.

Minimum Amenity Area Calculation

We have reviewed the amended version of *Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones*. We commend the Township for updating its zoning regulations for medium and high density uses as this is an important part of streamlining development approvals. The following comments are offered for consideration:

1. *Table 15: Permitted Uses in Medium and High Density Residential Zones*

The RM2, RM3, RM4 zones are proposed to require a minimum 40 m² of amenity area per dwelling unit for dwellings with 5 or more dwelling units on one lot, and 80 m² is required for dwellings with 9 or more dwelling units on one lot within the RH zone.

We believe that a minimum of 40 square metres is not consistent with current planning trends. In 2022, GSP Group conducted a zoning review of the Township's regulations for medium and high density residential zones – their review and recommendations were attached to Report No. PD-54-2023 regarding Housekeeping Amendment No. 7.

GSP recommended a “base” amenity area requirement of 40 square metres (total) for a street townhouse dwelling, a townhouse dwelling, a stacked townhouse dwelling, a

back to back townhouse dwelling, and an apartment dwelling. In addition to this “base” requirement for a dwelling, GSP also recommended additional amenity area requirements *per dwelling unit* (i.e., 10 square meters for street townhouse dwelling units and townhouse dwelling units; 15 square metres for stacked townhouse dwelling units, back to back townhouse dwelling units, and apartment dwelling units).

An important distinction is that the Township’s Zoning By-law defines “dwelling” as “a building containing dwelling units”. GSP recommended the base 40 square metre requirement for the dwelling (i.e., the entire building), with the additional requirements *per dwelling unit*. The Township’s draft Housekeeping Amendment No. 8 appears to apply the 40 square metre requirement on a *per unit* basis instead of the building as a whole. This will result in an unachievable minimum amenity area requirement.

We recommend following the GSP calculation of a 40 square metre “base” requirement for the building, plus the additional requirement on a *per dwelling unit* basis.

Additionally, when comparing to other area municipalities with minimum amenity area requirements, requirements are much lower than 40 square metres per dwelling unit (see below):

City of Niagara Falls (updated 2022):	20 m ² per dwelling unit
Town of Lincoln (2022):	10 m ² per dwelling unit
Haldimand County (2020):	20 m ² per dwelling unit

We request the Township revise the amenity area requirements to be consistent with the recommendation of GSP Group in 2022, which we believe are appropriate.

We look forward to participating in continued discussions on this matter and reviewing the final draft By-laws.

Sincerely,



Aaron Butler, MCIP, RPP
Principal Planner, Niagara
NPG Planning Solutions Inc.

From: [Aaron Butler](#)
To: [Brian Treble](#)
Cc: [Susan Smyth](#); [Gerrit Boerema](#); [Max Fedchyshak](#); [Jon Whyte](#); [Jowett Lau](#)
Subject: Re: Draft House Keeping By-law No. 8 - Notice of Public Meeting
Date: July 23, 2024 2:49:06 PM
Attachments: [image19ef54.PNG](#)
[image85e125.PNG](#)
[image3190b1.PNG](#)
[image9ffda2.PNG](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[By-law 2023 - 79 Housekeeping 7\[192\].pdf](#)

Hi Brian,

Thanks for the response.

Here's what was passed through Housekeeping Amendment 7:

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
Minimum amenity area ⁽⁵⁾⁽⁶⁾	Dwelling with 3 or 4 dwelling units on one lot	-	20m ² per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot		40m ² plus 10m ² per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		40m ² plus 5m ² per dwelling unit	40m ² plus 10m ² per dwelling unit	80m ² plus 10m ² per dwelling unit	

Here is what your current draft Housekeeping Amendment 8 is proposing:

Minimum amenity area ⁽⁵⁾⁽⁶⁾	Dwelling with 3 or 4 dwelling units on one lot	-	20m ² per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot		40m² plus per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		40m² per dwelling unit		80m² per dwelling unit	

The draft has eliminated the approach from the GSP Memo and the current Township By-law, which is to have a “base” requirement for the *dwelling* and an additional requirement per *dwelling unit*. This does not work as the requirement is simply too high. We have no issue with how the By-law is currently worded subject to a correct interpretation.

One simple fix, to avoid any misinterpretation is to add the words “per dwelling” into the requirement under the current By-law wording. For example, the requirement for dwellings with 9 or more dwellings on one lot, in the RM2 and RM3 Zones, would read (red added):

40m² **per dwelling** plus 5m² per *dwelling unit*. This is in line with how the by-law is intended to be interpreted, in my opinion. And is in line with the GSP Memo.

Please let me know if you have any questions.

Aaron

Aaron Butler, MCIP, RPP
 Principal Planner, Niagara
 M 905 246 1576 E abutler@npgsolutions.ca



To our valued clients and industry partners:

Offices: We are working in a hybrid office format at full capacity in our Niagara Falls, Hamilton and Toronto offices.

Contacting us: Our landline - 905 321-6743, is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @ drintjema@npgsolutions.ca. *Thank you for working with NPG.*

Summer Office Hours:

Our offices hours are revised for the summer season: From June through to the end of September all NPG office locations will close at noon on Fridays. Thank you.

From: Brian Treble <btreble@westlincoln.ca>

Date: Monday, July 22, 2024 at 8:01 AM

To: Aaron Butler <abutler@npgsolutions.ca>

Cc: Susan Smyth <ssmyth@westlincoln.ca>, Gerrit Boerema <gboerema@westlincoln.ca>, Max Fedchyshak <mfedchyshak@npgsolutions.ca>, Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>

Subject: Re: Draft House Keeping By-law No. 8 - Notice of Public Meeting

Aaron:

I have read your letter a couple of times. I have the gist of your concern as it relates to amenity area, but I'm not clear on exactly what your ask is. I get your distinction between dwelling and dwelling unit criteria. From your experience, what is the preferred method by which to calculate such a requirement?

Brian.

Sent from my iPhone

On Jul 11, 2024, at 8:42 AM, Aaron Butler <abutler@npgsolutions.ca> wrote:

Good morning Susan,

Thank you for including us on this circulation. Please see our comment letter attached regarding the proposed Amendment. If you have any questions about our comments we'd be happy to discuss with you.

Aaron

Aaron Butler, MCIP, RPP

Principal Planner, Niagara

M 905 246 1576 **E** abutler@npgsolutions.ca

<image001.png>

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Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.

Ms. Susan Smyth
Senior Planner
Township of West Lincoln
318 Canborough Street.
PO Box 400
Smithville, ON L0R 2A0

Arcadis Professional Services
(Canada) Inc.
360 James Street North
Suite 200
Hamilton, Ontario L8L 1H5
Canada
Phone: 905 546 1010
www.arcadis.com

Date: July 18, 2024

Subject: **REVIEW OF TECHNICAL REPORT – COMPREHENSIVE ZONING
BY-LAW 2017-70 HOUSEKEEPING AMENDMENT No. 8 (FILE No. 005-24)**

Dear Ms. Smyth,

Arcadis Professional Services (Canada) Inc. represent landowners and their developments in the Township of West Lincoln. We have had an opportunity to review the Township’s proposed Zoning By-law Housekeeping Amendment and we are in support of the proposed key elements but would like to provide some comments and suggestions for your consideration prior to the final technical recommendation report to Council.

THAT, Part 3 “General Provisions” and Section 3.12.7 Private Garages of Zoning Bylaw 2017-70 as amended, is hereby amended and modify the following regulation:

The following regulations apply to private garages:

- e) *For the purposes of meeting the parking requirements of this By-law, a private garage shall have a minimum width of **3.5 metres for single detached, semidetached dwelling units and for townhouse dwelling units a minimum width of 3.25 metres wide by 6 metres long (measured from interior walls) unobstructed.***

We support that the Township is considering a reduction to the minimum width of a private garage; however, the proposed minimum width remains wider than the required minimum garage size in other local area Municipalities. Many developers use the same architectural plans between different projects and in different municipalities, and consistent design helps keep housing more affordable. Along with the reduction to the garage size, the Township could consider including encroachment permissions. For example, the City of Stoney Creek Zoning By-law requires a private garage to be a minimum of 3 metres width by 6 metres length, but also permits encroachments of up to 0.3 metres for steps, hose bibs, electrical devices, and ductwork.

By-law 5068-00	b) For other than 90° perpendicular parking spaces and for parking spaces within private residential garages designed to accommodate one motor vehicle, the parking space shall not be less than 3 metres in width or less than 6 metres in length exclusive of any land used for access, manoeuvring, driveways or a similar purpose. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than .3 metres into the required length or width of a parking space.
-----------------------	---

Similarly, the new City of Hamilton Zoning By-law permits the encroachment of an open stairway so long as the height does not exceed 0.5m metres.

- iv) The length of each parking space in an attached garage of a dwelling unit shall be increased by an equivalent length of the step, steps or stairwell that extends into the parking space;
(By-law No. 21-189, October 13, 2021)
- v) Notwithstanding Subsection iv), an open stairway may project into the length of the required parking space not more than 0.75 metres provided the height of the stairway does not exceed 0.5 metres;
(By-law No. 21-189, October 13, 2021)

The Town of Grimsby Zoning By-law allows an encroachment of one interior step into the required width and an encroachment of two steps into the depth.

5.14 Garage Parking Size

Each *parking space* within a *garage* shall have a minimum width of 2.9 metres and a minimum depth of 6.0 metres provided, however, that the minimum required width may include one interior step, and the minimum required depth may include two interior steps.

This demonstrates that many area Municipalities require minimum garage parking sizes that are smaller than the proposed reductions, but also allow for encroachments into that minimum size. We would suggest that the staff consider the implementation of further encroachments for stairs, and other similar household appurtenances.

The Housekeeping Amendment also proposes several changes to the performance standards for Residential zones. We have reviewed the draft By-law and support all the proposed changes; however, we would like to suggest one further modification to the Minimum Landscape Open Space requirement.

As currently written, all residential developments are required to provide a Minimum Landscape Open Space of 25% of the lot area, but there is no differentiation between different built forms, or tenures of development. For example, a typical low-density dwelling, such as a single, semi, or street townhouse, would have a private rear yard amenity area that would on average be 7.5 metres deep, and coupled with the front yard landscape area would easily meet the required 25% of the lot area.

However, when designing a back-to-back townhouse development, the individual lots do not contain a rear yard amenity area which makes it impossible to meet the 25% landscape open space requirement without significantly reducing the total building area on the lot or increasing the lot depth and front yard landscaping.

For comparison, we have produced two sample back-to-back townhouse lots, both of which are based on the minimum lot width of 5.5 metres, and the minimum lot area of 75 square metres. The first, **Figure 1** below, looks at the results of following the minimum required building setbacks of 6 metres to a garage, and 4.5 metres to the building. The resulting minimum landscape open space is only 12%. The second, **Figure 2** below, looks at the results of designing to meet the minimum landscape open space. The result is a ground floor building area of only 35.3 square metres, which presents an inefficient building layout.

Finally, we represent a local area developer who have a current development that features back-to-back townhouse dwellings, so we have provided a sample of their back-to-back townhouse design for comparison, shown as **Figure 3** below. The development proposes back-to-back townhouse dwellings that are 6.38 metres wide with a lot area of 85.1 square metres, both of which significantly exceed the By-law minimums. The main building and driveway are both setback further than the minimum requirements, but in this case an unenclosed porch is proposed. The resulting landscape open space is still only 14.6% of the total lot area. Even if the unenclosed porch was removed the proposed design would not meet the minimum landscape open space requirement.

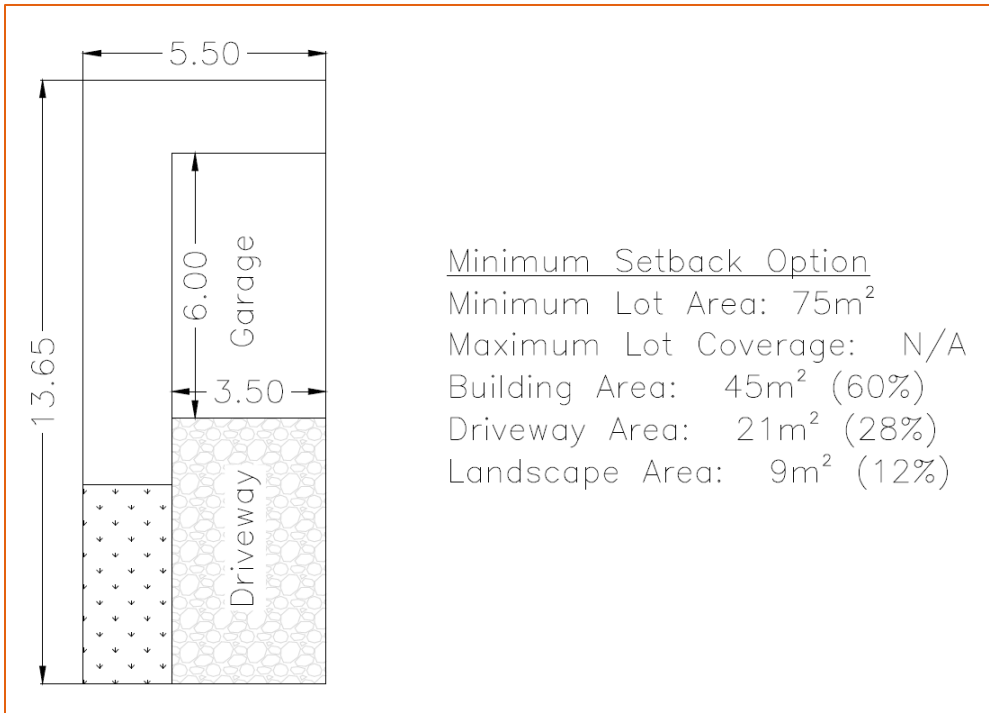


Figure 1 - Minimum Zoning Setbacks

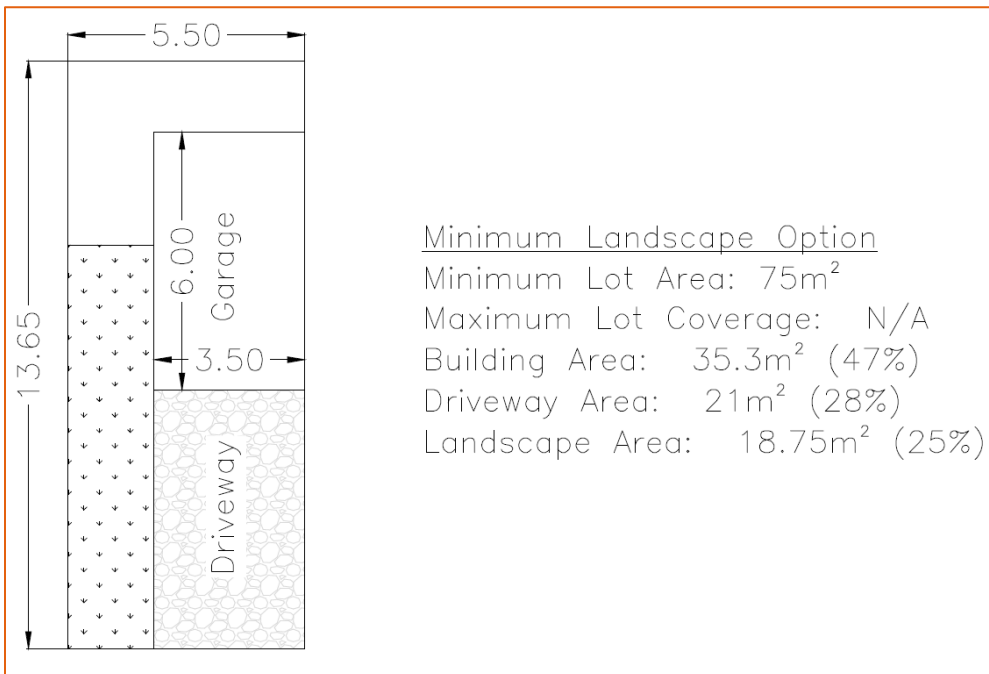


Figure 2 - Minimum Landscape

Ms. Susan Smyth
Township of West Lincoln
July 18, 2024

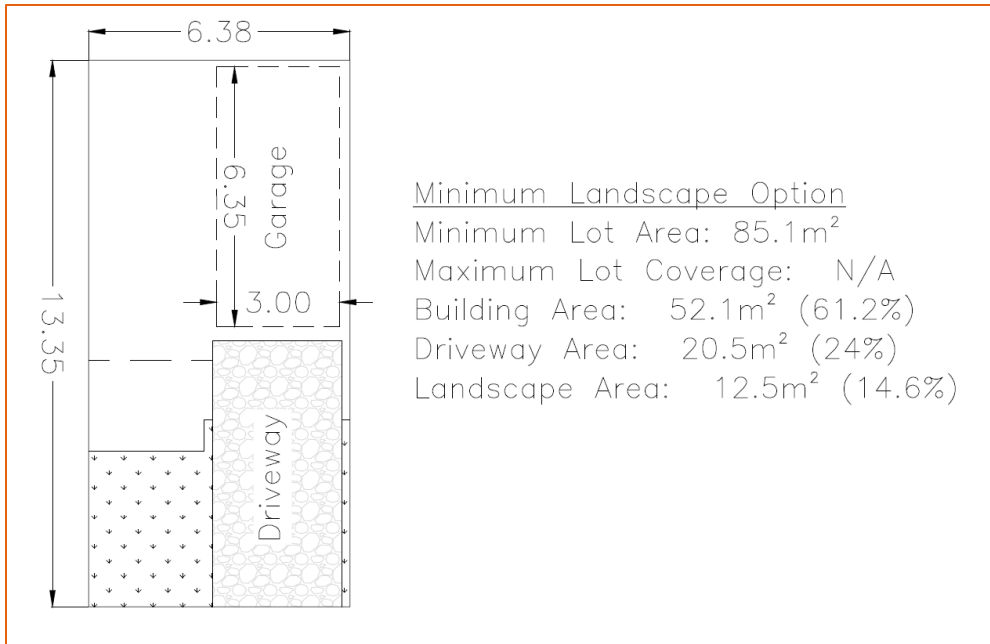


Figure 3 – Actual Development Concept

The implementation of the minimum landscape open space requirement also appears to require consideration; as noted above, the provision as written does not appear to contemplate the tenure of a development. The examples we have provided above look only at individual lots that would be created through a land division process, however it is possible that a back-to-back townhouse development would be purpose-built rental or part of a standard condominium in which case there would likely be provision for broader landscape area within the development.

The individual lot example above forms part of a larger development with an associated common elements condominium that can accommodate the landscape requirement. However, there may be a scenario where a back-to-back townhouse development has frontage on a Municipal road and would not have the associated common areas.

Similarly, the Minimum Amenity Area requirement doesn't appear to differentiate between a back-to-back townhouse development fronting a Municipal road and a condominium or purpose-built rental development.

Sincerely,

Arcadis Professional Services (Canada) Inc.

Jared Marcus, CPT
Associate – Manager, Planning

Susan Smyth

From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 14, 2024 6:36 PM
To: Susan Smyth
Cc: Jon Whyte; Jowett Lau; Brian Treble; Justin Paylove; Gerrit Boerema
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hi Susan

I think it would be best to have a meeting on this. I believe we need to walk through the Phelps/JTG lands and understand how the definition will be applied to various linkages and buffers. I am away until middle of next week – can we look for something either on the 21st or the week of the 26th please?

Thanks.

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP
President
M 289-776-8904 E mtanner@npgsolutions.ca



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From: Susan Smyth <ssmyth@westlincoln.ca>
Date: Wednesday, August 14, 2024 at 10:54 AM
To: Mary Lou Tanner <mtanner@npgsolutions.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>, Brian Treble <btreble@westlincoln.ca>, Justin Paylove <jpaylove@westlincoln.ca>, Gerrit Boerema <gboerema@westlincoln.ca>
Subject: RE: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Good Morning Mary Lou,

Thank you for providing these comments and upon staff review of OPA 63 and the current zoning by-law regulations, we found the following policies and regulations around buffer areas and confirm they do permit infrastructure (as per the by-law definitions below) although subject to the Class EA Act or Drainage Act. Our Zoning By-law is already consistent in this regard to OPA 63. This would not apply for a private development including private roads or other private service infrastructure and will be clarified in the definition.

6.11.7.14 Conceptual Buffers (page 78 of OLT Decision OLT 23-000470)

- f) The uses permitted within a Buffer shall be limited to:
 - i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e); and
 - ii. passive recreation uses, provided that appropriate separation from the feature protected by the Buffer is maintained.
- h) Buffers shall be maintained as self-sustaining, natural vegetation, primarily comprised of native species.

6.11.7.5 (page 71, of OLT Decision OLT 23-000470)

- e) Notwithstanding Policy Nos. 6.11.7.3.5.b), c) and d) above, the following uses are not considered as development and may be permitted as follows:
 - i. forest management, fisheries management, and wildlife management, subject to the approval of the Township in consultation with Niagara Region and the NPCA;
 - ii. conservation projects, flood control projects, and erosion control projects, as approved by the Township in consultation with the Region and the NPCA, provided that it has been demonstrated that the project is necessary to maintain the public interest and all alternatives have been considered;
 - iii. activities that create or maintain infrastructure authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the *Environmental Assessment Act*; and
 - iv. small-scale structures for passive recreational uses, such as boardwalks, footbridges, and picnic facilities, provided that the Township, in consultation with the Region and the NPCA, is satisfied that the number of such structures will be minimized and that there will be no negative impacts on Core Area features or their functions.

The Township's Zoning By-law definitions and regulations for public uses.

PUBLIC USES

The following regulations apply to *public uses*:

Public uses shall be permitted in all *zones*, in accordance with the requirements of this Section, except that permitted public uses within Environmental *Zones* shall be limited to *infrastructure* authorized under an environmental assessment process and works subject to the Drainage Act, unless otherwise specified in this By-law.

INFRASTRUCTURE means drainage and stormwater management facilities, electricity distribution systems, flood control structures, natural gas distribution systems, oil and gas pipelines, public streets, public transit systems, railways, sewers, telecommunications lines and other cabled services, watermains and related buildings or structures located within a public right of way or easement controlled by a public authority, and related service laterals for individual lots, excluding renewable energy systems.

PUBLIC AUTHORITY means any Federal, Provincial, Regional or Municipal government commission, board, or authority and includes utilities which provide infrastructure for public use.

PUBLIC USE means any use of land, buildings or structures by or on behalf of a public authority.

New definition:

BUFFER AREA means land to be used for ecological enhancement, restoration of the natural environment, and maintained as self-sustaining, natural vegetation, primarily comprised of native species. Land that can include infrastructure and passive recreation uses (e.g., trails and rest areas) located within a public right of way or easement controlled by a public authority that is to protect key natural heritage features and their functions.

Please let us know if we have satisfactorily addressed your comments and/or if you should have any outstanding concerns.

Thank you,
Susan

From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 12, 2024 9:30 AM
To: Susan Smyth <:ssmyth@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>; Jowett Lau <JLau@phelpshomes.com>; Brian Treble <btreble@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hi Susan

Thank you for your reply and updated wording. Within OPA 63 there are buffer areas which include infrastructure (watermain) as well as the uses listed below. Two comments on this –

1. The infrastructure needs to be recognized as permitted in the buffer area which is in the policies in OPA 63
2. It will be challenging to have self-sustaining vegetation when there the buffer includes infrastructure and passive recreation.

I'd be happy to discuss this further with you.

Thank you.

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP
President

M 289-776-8904 E mtanner@npgsolutions.ca



Our offices:

To our valued clients and industry partners: We are now working in a hybrid office format at full capacity at each of our three office locations: Niagara Falls, Hamilton, and Toronto. Our landline (905) 321-6743 is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @drintjema@npgsolutions.ca. Thank you for working with NPG.

Summer Office Hours:

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From: Susan Smyth <ssmyth@westlincoln.ca>

Date: Thursday, August 8, 2024 at 1:23 PM

To: Mary Lou Tanner <mtanner@npgsolutions.ca>

Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>, Brian Treble <btreble@westlincoln.ca>, Justin Paylove <jpaylove@westlincoln.ca>, Gerrit Boerema <gboerema@westlincoln.ca>

Subject: RE: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hello Mary Lou,

Thank you reaching out and I can advise you that Staff have been considering the comments received on the housekeeping by-law and we have modified the definition to buffer area as follows:

Buffer Area means land to be used for ecological enhancement, restoration of the natural environment, and maintained as self-sustaining, natural vegetation, primarily comprised of native species. Land that can include passive recreation uses (e.g., trails and rest areas) that is to protect key natural heritage features and their functions.

Please note that this has been refined to be consistent with the OPA 63 policies and intent of buffer areas. As you may be aware this is Staff's recommendation and may be subject to further refinements by Council.

Please let me know if you have any concerns or additional comments on the proposed definition. I kindly ask that your comments are provided no later than Wednesday August 14th.



Thank you,
Susan

Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.

Susan Smyth

Senior Planner

Tel: 905-957-3346 ext.5133
Email: ssmyth@westlincoln.ca
Web: www.westlincoln.ca



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From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 7, 2024 4:16 PM
To: Brian Treble <btreble@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>; Jowett Lau <JLau@phelpshomes.com>
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Thanks Brian.

Susan – look forward to your update.

Best

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP
President
M 289-776-8904 E mtanner@npgsolutions.ca



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From: Brian Treble <btreble@westlincoln.ca>
Date: Wednesday, August 7, 2024 at 4:15 PM
To: Mary Lou Tanner <mtanner@npgsolutions.ca>, Susan Smyth <ssmyth@westlincoln.ca>, Justin Paylove <jpaylove@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>
Subject: RE: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hi Mary Lou:


We just had a staff meeting discussing housekeeping comments. Your comments are very helpful and generally made sense to us....

Susan will be able to get into more specifics for you.

Thank you.

Brian

Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.

	<p>Brian Treble</p> <p>Director of Planning & Building</p> <p>Tel: 905-957-3346 ext.5138 Email: btreble@westlincoln.ca Web: www.westlincoln.ca</p> 
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From: Mary Lou Tanner <mtanner@npgsolutions.ca>
Sent: August 7, 2024 9:10 AM
To: Brian Treble <btreble@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>
Cc: Jon Whyte <jwhyte@phelpshomes.com>; Jowett Lau <JLau@phelpshomes.com>
Subject: Re: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hello Brian

I hope this email finds you well. I'm following up on this email and our comments. Have you had an opportunity to review this? Your input on our comments is appreciated.

Thank you.

Mary Lou

Mary Lou Tanner (she/her), RPP, FCIP
President

M 289-776-8904 E mtanner@npgsolutions.ca



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From: Mary Lou Tanner <mtanner@npgsolutions.ca>

Date: Tuesday, July 23, 2024 at 2:54 PM

To: Brian Treble <btreble@westlincoln.ca>, ssmyth@westlincoln.ca <ssmyth@westlincoln.ca>, jpaylove@westlincoln.ca <jpaylove@westlincoln.ca>

Cc: Jon Whyte <jwhyte@phelpshomes.com>, Jowett Lau <JLau@phelpshomes.com>

Subject: Township of West Lincoln Zoning By-law - Housekeeping Amendment No. 8

Hello Brian

Please find our comments on the above proposed amendment on behalf of Phelps Homes.

We would be happy to meet with you to discuss this letter and the proposed amendment.

Kind regards

Mary Lou

Mary Lou Tanner, RPP, FCIP
President

M 289-776-8904 E mtanner@npgsolutions.ca



Our offices:

Mayor Gannon and Members of Council

RE: 1601-005-24(ZBA) – Township of West Lincoln Housekeeping Amendments No. 8

Thank you for the opportunity to address the Township's Housekeeping Amendments, this correspondence specifically relates to the proposed adjustments to the regulations for accessory dwelling units (ADUs).

This correspondence relates to subsection 3.2.1 a) ii. (below) paragraph 3 of the draft Zoning By-law Amendment (**bold** text is Township initiated amendment).

3.2.1 Accessory Dwelling Units

The following regulations apply to accessory dwelling units:

a) *Accessory dwelling units shall be located within:*

- ii. *Within a main building containing an existing principal use, or within a residential accessory building on a lot where both the principal use and an accessory dwelling unit are permitted by the applicable zone. **For accessory dwelling units within a Settlement Area, the accessory dwelling unit may be located on the ground floor. For all other accessory dwelling units, these units shall be located above the ground floor and remain a secondary use to the accessory building.** An area of no greater than 10 square metres of the ground floor he ground floor is permitted to be used for entrance purposes to the above ground floor accessory dwelling unit.*

The concern is that the proposal to allow ADUs on the ground floor of accessory buildings is limited to those located in the urban area only and does not extend to the rural areas.

Background

In November of 2014, Township Planning Staff presented report PD-146-14 (attached) addressing the Provincial 2012 enactment of *Bill 140: Strong Communities through Affordable Housing Act*. The report identified the Act as ... *the foundation for Ontario's long term commitment to affordable housing* and recommended approval of amendments to the Official Plan and Zoning By-law for the accommodation of affordable housing.

The report informed that the Township would benefit from these amendments by,

- *Increasing the stock of affordable rental accommodation in the Township;*
- *Opportunities for homeowners to earn additional income;*

- *Provides more housing opportunities (i.e., elderly parents, or for a live-in caregiver);*
- *Maximizes densities; and*
- *Creates jobs (i.e. construction of second dwelling units).*

Council's adoption of Official Plan Amendment 44, introduced Section 17 Affordable Housing,

17.1.1 General Provisions for Accessory Apartments

- Only one accessory apartment will be permitted per property, either in a dwelling or in an accessory building.*
- The accessory apartment must be subordinate in size to the main dwelling.*
- The lot size and configuration are sufficient in size to accommodate parking and amenity areas and services.*
- Details regarding size and permitted zones will be outlined in the Township's Zoning By-law.*
- Where the main dwelling is serviced by a septic system and private potable water, verification must be provided that the septic system is capable of accommodating an additional dwelling unit and that there is adequate potable water to service both the accessory apartment and the main dwelling unit.*
- The accessory apartment shall not be severed from the property that contains the principal residence.*
- A lot may not have both an accessory apartment and a garden suite.*
- A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.*

17.1.3 Detached Accessory Apartment Units

- Must be secondary and subordinate to the main dwelling on the property.*
- Must be located in the same cluster of buildings as the main dwelling on the property.*
- Must comply with zoning regulations regarding size, setbacks, height, etc.*
- The requirements of the Building and Fire Codes must be satisfied.*

These policies were reflected in the associated Zoning By-law Amendment and were eventually carried through to Comprehensive Zoning By-law 2017-70.

Section 3.2 of the original version of 2017-70 reflected the policies of the Official Plan, providing for the accommodation of accessory dwelling units "within a single detached dwelling, semi-detached dwelling or an accessory building on the same lot as a single detached dwelling or semi-detached dwelling." (subsection 3.2.1 g)ii). Subsequent subsections detailed size and height requirements.

At that time, the location of the accessory dwelling unit was permitted on the ground floor and there were no provisions regulating the location of the accessory dwelling unit

in relation to the main residential use.

Over the following years, a number of amendments added requirements for the accessory dwelling unit regarding:

- septic systems;
- location on the upper floor of an accessory building; and
- proximity to the main residential use.

Comment

In addition to reducing the visual impact of accessory dwelling units, it appears that the various amendments were implemented to avoid efforts/pressure to sever accessory dwelling units.

In review of the various reports it is not clear that the amendments were ever weighed against the original purpose – to accommodate affordable housing.

In particular, the amendment requiring accessory dwelling units to be located on the upper floor of accessory buildings is contrary to the intent of the Official Plan as it challenges the ability of a landowner to meet the Township's stated intent to

- *Increasing the stock of affordable rental accommodation in the Township;*
- *Opportunities for homeowners to earn additional income;*
- *Provides more housing opportunities (i.e., elderly parents, or for a live-in caregiver);*
- *Maximizes densities; and*
- *Creates jobs (i.e. construction of second dwelling units).*

Specific to the requirement for accessory dwelling units on upper floors, the Zoning By-law,

- Ignores opportunities to affordably use existing one-storey structures;
- Requires significant expense by adding a second storey to a one-storey accessory structure;
- Severely restricts opportunity to earn additional income; and
- Eliminates housing opportunities for persons with mobility issues (i.e., elderly parents).

Request

In order to align the Zoning By-law with the Township's Official Plan and the Province's continued directives concerning affordable housing, it is respectfully requested that Council consider expanding permission for accessory dwelling units on the ground floor of all accessory dwelling units.

Please ensure that you provide notification of any additional Staff reports, Council meetings and decisions with respect to this matter.

Sincerely,

Craig Larmour, MCIP, RPP

cc Ryan Van Lochem

October 15, 2024

Brian Treble
Director of Planning and Building
Township of West Lincoln
btreble@westlincoln.ca

**RE: Zoning By-law Housekeeping Amendment No. 8
File No. PD-42-2024**

Dear Mr. Treble -

NPG Planning Solutions Inc. are planning consultants to Phelps Homes Ltd. on various lands within the Township.

We understand that a third Information Report has been prepared regarding a proposed Housekeeping Amendment to Comprehensive Zoning By-law 2017-70 (Report No PD-42-2024). We are pleased to provide this comment letter for Council and Staff review. Our comments revolve around the definitions and amenity area requirements included within the proposed Housekeeping Amendment No. 8.

Bonafide Farm Operation Definition

We have reviewed the amended version of *Part 2 "Definitions"*. The definition for "Bonafide Farm Operation" is intended, as we understand the proposed By-law, to provide clarity in interpretation. The proposed definition is included below:

Bonafide Farm Operation shall be:

- a) An operation actively engaged, employed, and managing a farm exclusively for agricultural use;*
- b) Operators earn majority of their income from farming (the scale of the farm operation should be capable of generating a reasonable operating profit under normal economic conditions and have a valid Farm Business Registration number);*
- c) Demonstrate a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops; and*
- d) An operation that provides full time employment on the farm for one or more persons.*

Respectfully, clause b) within the above definition should be removed. This clause requiring operators earn a majority of their income from farming places restrictions on farming operations with diverse revenue streams, such as farms which feature agri-tourism and or other complimentary uses. Further, it may be challenging for the Township to monitor and enforce an income based requirement as this involves private information which is not typically provided to the Township for zoning purposes. Zoning by-laws regulate land use, not income or financial viability. The core focus should be on whether the land is actively used for agricultural and farming purposes and not be impacted by the financial viability of the operation.

Additionally, clause d) does not consider if a farm is leased. In this scenario, the property owner may not directly employ anyone, despite the property being used as a farm. This clause could penalize property owners for using their land as intended due to a technicality. Further, many farms do not require full-time employees year-round as they may rely on seasonal or part-time labor during peak periods like planting or harvest. Requiring full-time employment could exclude legitimate farming operations that don't meet this specific criterion.

We request that the definition of “Bonafide Farm Operation” be revised as follows:

Bonafide Farm Operation shall be:

- a) *An operation actively engaged, employed, and managing a farm exclusively for agricultural use; and*
- b) *Demonstrate a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops;*

Minimum Amenity Area Calculation

We have reviewed the amended version of *Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones*. We commend the Township for updating its zoning regulations for medium and high density uses as this is an important part of streamlining development approvals. The following comments are offered for consideration:

1. *Table 15: Permitted Uses in Medium and High Density Residential Zones*

The RM2, RM3, RM4 zones are proposed to require a minimum 20 m² of amenity area per dwelling plus 10 m² per unit for dwellings with 5 or more dwelling units on one lot, and 80 m² per dwelling plus 10 m² per unit or dwellings with 9 or more dwelling units on one lot within the RH zone.

We believe that that the inclusion of both a “per dwelling” and “per unit” requirement significantly hinders developments with multiple buildings on one block. For example, a development with 10 units across two buildings would require a total of 140 m² for two buildings, plus 100 m², for a total of 240 m² of amenity area for 10 units.

In 2022, GSP Group conducted a zoning review of the Township’s regulations for medium and high density residential zones – their review and recommendations were attached to Report No.

PD-54-2023 regarding Housekeeping Amendment No. 7. GSP recommended a “base” amenity area requirement. In addition to this “base” requirement for a dwelling, GSP also recommended additional amenity area requirements *per dwelling unit* (i.e., 10 square metres for street townhouse dwelling units and townhouse dwelling units; 15 square metres for stacked townhouse dwelling units, back to back townhouse dwelling units, and apartment dwelling units).

An important distinction is that the Township’s Zoning By-law defines “dwelling” as “a building containing dwelling units”. Therefore, every separate building on a lot would require 20 square metres of amenity area in addition to the per unit count. GSP recommended the base with the additional requirements *per dwelling unit*. The Township’s draft Housekeeping Amendment No. 8 appears to apply the “base” requirement per each dwelling unit in addition to the requirement on a *per unit* basis. This will result in an unachievable minimum amenity area requirement. Further, we believe that the provided amenity area requirements will constrain development and make it challenging for the Township to achieve the density targets established within OPA 63 (Smithville Master Community Plan).

When comparing to other area municipalities with minimum amenity area requirements, requirements are much lower than proposed within Housekeeping Amendment 8:

City of Niagara Falls (updated 2022):	20 m ² per dwelling unit
Town of Lincoln (2022):	10 m ² per dwelling unit
Haldimand County (2020):	20 m ² per dwelling unit

We request the Township revise the amenity area requirements to be consistent with the recommendation of GSP Group in 2022 and surrounding municipalities, which we believe are appropriate. We recommend removing the “per dwelling” requirement to provide a standard baseline and reducing the requirement within RH zones from 80 m² to the 40 m² as originally recommended by GSP Group.

Sincerely,



Max Fedchyshak, MCIP, RPP
Intermediate Planner
NPG Planning Solutions Inc.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

WHEREAS the Township of West Lincoln Council is empowered to enact this By-Law by virtue of the Provisions of Section 34 of the Planning Act, 1990, as amended;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:

1. THAT, Part 2 “Definitions” of Zoning By-law 2017-70 as amended, is hereby amended by adding the following definitions:

Berm means a mound of earth which may include landscaping features, formed to provide visual and/or acoustical separation.

Bonafide Farm Operation shall be:

- a) **An operation actively engaged, employed, and managing a farm exclusively for an agricultural use;**
- b) **Operators** earn majority of their income from farming (the scale of the farm operation should be capable of generating a reasonable operating profit under normal economic conditions **and have a valid Farm Business Registration number**);
- c) **Operators** spends a majority of his/her working time on the farm and is available to work on the farm when required by the farm operation; and
- d) Demonstrate a continuing commitment to the farm operation, such as through farm maintenance practices, and investment in equipment, buildings and crops.

Utility means any system, works, plant, pipeline, or equipment providing a service necessary to the public interest including but not limited to electric power generation and transmission, stormwater management, water supply, sewage treatment and disposal, waste management, communications and telecommunications, and oil and gas pipelines and associated facilities.

Warehousing means a process of storing goods in a warehouse building or structure for the purpose of distribution, sale, or manufacturing.

2. THAT, Part 3 “General Provisions” and Section 3.1, Accessory Buildings or Structures and Accessory Uses, Table 1-1 Regulations for Accessory Buildings and Structures in Agricultural Zones is hereby amended and modified to the following regulations:

Table 1-1: Regulations for Accessory Buildings and Structures in Agricultural Zones

Regulation		Accessory Buildings or Structures in an Agricultural Zone		
		Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
Maximum <i>ground floor area</i> per <i>building</i> or <i>structure</i>		10m ²	120m ²	Based on maximum <i>lot coverage</i> (see below)
Maximum number of <i>accessory buildings</i> or <i>structures</i> per <i>lot</i>	<i>Accessory buildings</i>	3	2	Based on maximum <i>lot coverage</i> (see below)
	<i>Accessory Structures</i>	Based on maximum <i>lot coverage</i> (see below)		

Regulation	Accessory Buildings or Structures in an Agricultural Zone		
	Type 1 (0.1 to 10m ²)	Type 2 (10.1 to 120m ²)	Type 3 (greater than 120m ²)
Permitted yards	All Yards except the required <i>front yard</i> or required <i>exterior side yard</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall be permitted in the required <i>front yard</i> and required <i>exterior side yard</i>		All Yards
Minimum setback to <i>front lot line</i>	No closer to the <i>front lot line</i> than the <i>main building</i> , and in accordance with the minimum <i>yard</i> requirements of the applicable <i>zone</i> , except that a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be closer than 1 metre to the front lot line		30 metres
Minimum setback to <i>exterior side lot line</i>	No closer to the <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i> , and a Type 1 <i>accessory building or structure</i> used for the retail sale of farm produce shall not be located any closer than 1 metre to the exterior side lot line		
Minimum setback to <i>interior side lot line</i>	1.2 metres	2 metres	7.5 metres
Minimum setback to <i>rear lot line</i>			
Maximum <i>height</i>	3 metres	5.5 metres	10 metres
Maximum <i>lot coverage</i> of all <i>accessory buildings or structures</i> on the <i>lot</i>	<i>Lot area</i> 0.4 ha or less	200m ² or 8% of the <i>lot area</i> , whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>	
	<i>Lot area</i> 0.5 ha to 2 ha	Greater of 5% or 320m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>	
	<i>Lot area</i> 2.1 ha to 10 ha	Greater of 2.5% or 1,000m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>	
	<i>Lot area</i> greater than 10 ha	Greater of 1% or 2,500m ² , provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings and structures</i> in the respective <i>zone</i>	
Minimum setback from <i>main building</i> ⁽¹⁾	1.5 metres	3 metres	
Maximum distance from an accessory building or <i>main building</i>	The nearest point of a wall of any building must be located within 50 metres of all other related residential or agricultural buildings respectively.		

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a main building.

3. THAT, Part 3 “General Provisions” and Section 3.1, Accessory Buildings or Structures and Accessory Uses, Table 1-2 Regulations for Accessory Buildings and Structures in Non-Agricultural Zones, is hereby amended and modified to the following regulations:

Table 1-2: Regulations for Accessory Buildings and Structures in Non-Agricultural Zones

Regulation		Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
Maximum ground floor area per building or structure	RuR and R1A Zones	120m ²	Based on maximum <i>lot coverage</i> (see below)	
	All other Residential Zones	50m ² ⁽¹⁾		
Maximum number of accessory buildings or structures per lot	Accessory buildings	2		
	Accessory Structures	Based on maximum <i>lot coverage</i> (see below)		
Permitted yards		Interior Side Yard and Rear Yard	All Yards	
Minimum setback from <i>front lot line</i>		No closer to the established <i>front lot line</i> than the <i>main building</i>	4.5 metres	15 metres
Minimum setback to <i>exterior side lot line</i>		No closer to the required <i>exterior side lot line</i> than the <i>main building</i> , except that a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 6 metres to the <i>exterior side lot line</i>		
Minimum setback to <i>interior side lot line</i>		1.2 metres, except that this shall not apply to prevent a permitted detached <i>private garage</i> which services two <i>dwelling</i> s that are each on a separate <i>lot</i>	1.2 metres, or as required in the applicable <i>zone</i> where a lesser <i>interior side yard</i> is required for the <i>main building</i>	5 metres
Minimum setback to <i>rear lot line</i>			1.2 metres	7.5 metres
Maximum height		5 metres	6 metres	10 metres
Maximum <i>lot coverage</i>	RuR and R1A Zones	200m ² or 8% of the <i>lot area</i> , whichever is less, provided the total <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	8% of the <i>lot area</i> , provided the total <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>	
	All other Residential Zones	100m ² or 8% of the <i>lot area</i> , whichever is less, provided the total <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the		

Regulation	Accessory Buildings or Structures in a Residential Zone	Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone	Accessory Buildings or Structures in an Employment Zone
	respective zone		
Minimum setback from <i>main building</i> ⁽²⁾	1.5 metres	3 metres	

⁽¹⁾ Accessory Dwelling Units located in an accessory building or structure refer to Section 3.2.1.

⁽²⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a *main building*.

4. THAT, Part 3 “General Provisions” and Section 3.2.1 Accessory Dwellings Units is hereby amended by deleting Article 3.2.1 – Accessory Dwelling Units and replaced by the following regulations:

3.2.1 Accessory Dwelling Units

a) The following regulations apply to *accessory dwelling units*:

- i. Where a residential dwelling is permitted on a lot, up to two (2) *accessory dwelling units* are permitted on a *lot*, where at least one of the accessory dwelling units are located within, or attached to the principle dwelling;
- ii. An *accessory dwelling unit* shall have a maximum *gross floor area*, of the lesser, of 100 square metres or 40% of the *gross floor area* of the principle dwelling. For the purposes of this provision, associated garage and/or basement contributes to the maximum gross floor area of the accessory dwelling unit.
- iii. Where attached to or located within a principle dwelling, the residential appearance and character of the principle dwelling including a *single detached, semi-detached, townhouse* shall be maintained, and any separate entrance and exit for the *accessory dwelling unit* shall be oriented toward the *exterior side lot line, interior side lot line, or rear lot line*, and not located on the front façade of the principle dwelling;
- iv. An *accessory dwelling unit* may be in located in the *basement* with a ceiling *height* no less than 2.2 metres, or in an *attic*, or as an addition to the principle dwelling;
- v. An *accessory dwelling unit* may be located in an *accessory building*.
- vi. An *accessory building* that is used for an *accessory dwelling unit* shall comply with the requirements of Section 3.1 and any additional requirements in Section 3.2.1, except the maximum height of an *accessory building* that contains an *accessory dwelling unit* above the first storey shall be 8 metres;
- vii. The *accessory building* that is used for an *accessory dwelling unit* shall not be located in the *front or exterior yards* and shall remain secondary and subordinate to the principle dwelling;
- viii. The *accessory building* that is used for an *accessory dwelling unit* shall be located within 50 metres of the principle dwelling.

- ix. **An accessory dwelling unit can be a garden suite and subject to additional regulations in Section 3.2.4.**
 - x. **An accessory dwelling unit shall not be used for a bed and breakfast establishment, boarding or rooming house, group home or home occupation.**
 - xi. **Parking shall be provided in accordance with Tale 6 and access to the required parking for the accessory dwelling unit shall be provided from the same driveway that provides access to the principle dwelling unit on the same lot.**
- b) **Where accessory dwelling units are permitted on lots that are not serviced by municipal sanitary and water services in the Rural Settlement Areas and Agricultural Areas:**
- i. **Accessory dwelling units shall not be permitted unless the lot has a minimum lot area of 0.4 hectares and the private sewage services and/or private water services are approved for the lot with adequate capacity for the accessory dwelling unit and any other uses on the lot. Accessory dwelling units may only be permitted to have separate septic systems in extenuating circumstances;**
 - ii. **An accessory dwelling unit located in a detached accessory building shall comply with the minimum distance separation formulae;**
 - iii. **Accessory dwelling units permitted on a lot are in addition to an accessory farm dwelling that is permitted as an agricultural use and subject to Section 3.2.2 regulations.**
- c) **Where permitted in a Commercial Zone with the exception of the Commercial Mixed Zone, an accessory dwelling unit is only permitted within the same building as a permitted art gallery, commercial school, dry cleaning/laundry depot, financial institution, office including a medical office, personal service shop, private club, restaurant, retail store, service shop or studio, and shall be located above the first storey of the commercial building.**

5. THAT, Part 3 “General Provisions” and Section 3.2.2 Accessory Farm Dwellings is hereby amended and modified by the following regulation:

The following regulations apply to *accessory farm dwellings*:

- a) **An accessory farm dwelling shall be located on a lot having a minimum lot area of 10 hectares and containing a permitted agricultural use with a bonafide farm operation and an associated single detached dwelling, where permitted by the applicable zone.**

6. THAT, Part 3 “General Provisions” and Section 3.2.4 Garden Suites is hereby amended by adding the following clause to the regulations:

The following regulations apply to *garden suites*:

- f) **The garden suite shall be of a four season or all season design including mobile home on a secured foundation that is subject to the Ontario Building Code, Building Code Act, and approved by the Chief Building Official.**

7. THAT, Part 3 “General Provisions” and Section 3.12.6 Off-Street Motor Vehicle Parking Facility Requirements and Table 6 Required Parking Facilities is hereby amended and modified by the following regulations:

The following regulations apply to *motor vehicle* parking facilities:

- a) *Parking spaces for motor vehicles* shall be provided and maintained for the identified uses of *lots, buildings and structures* in accordance with Table 6.

Table 6: Required Parking Facilities

Use	Minimum Number of <i>Parking Spaces</i> to be Provided
Industrial uses and processing facilities	
Warehouse/Warehousing	1 parking space per 180 m² of gross floor area

- d) *Parking spaces* shall have minimum dimensions of 2.7 metres in width by 6 metres in length, except:
- vii. Private residential garages counted as a required parking space must be a minimum width of **3.25 metres** wide by **6 metres** long (measured from interior walls) unobstructed with a maximum of one step having an allowable projection of 0.8 metres into this space.

8. THAT, Part 3 “General Provisions” and Section 3.12.7 Private Garages of Zoning is hereby amended and modified by the following regulations:

The following regulations apply to private garages:

- e) For the purposes of meeting the parking requirements of this By-law, a private residential garage counted as a required parking space must be a minimum width of **3.25 metres** wide by **6 metres** long (measured from interior walls) unobstructed with a maximum of one step having an allowable projection of 0.8 metres into this space.
- f) Except where otherwise specified in this By-law, the front of a private garage shall be located as follows:
- iii) In all other zones where private garages are permitted, an attached private garage may **project closer to the front lot line than the main front wall of the dwelling on the same lot provided the front yard setback is met for the dwelling and private garage.** Detached private garages must be located in accordance with Section 3.1.
- h) The maximum garage width for an attached private garage shall be no greater than 50% of the total width of the dwelling on the lot, **except in Residential Zones where the maximum garage width for an attached private garage shall be no greater** than 50% of the total width of the dwelling on the lot or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling shall be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the dwelling.

9. THAT, Part 3 “General Provisions” and Section 3.18 Setbacks to Pipelines, specifically Section 3.18.2 Enbridge Pipelines is hereby amended and modified to:

3.18.2 Oil and Gas Pipeline

- a) Notwithstanding any other provisions of this By-Law to the contrary, no building or structure used for a dwelling or associated with a dwelling shall be located closer than 3 metres to the limit of the right of way for an **oil and gas pipeline** easement.

10. THAT, Part 5 “Agricultural Zones” and Section 5.3 Regulations and Table 12 Regulations of Permitted Uses in Agricultural Zones is hereby amended and adding to the following to the regulations:

Table 12: Regulations for Permitted Uses in Agricultural Zones

Regulation		Zone Requirements		
		A	APO	AR
Minimum <i>lot area</i>		40 ha	39 ha	0.4 ha
Minimum <i>lot frontage</i>		100m		50m
Minimum <i>front yard</i>	<i>Dwelling</i>	15m		-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150m ⁽¹⁾		-
	<i>Other main building</i>	20m		10m
Minimum <i>exterior side yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	30m		
	<i>Mushroom farm building</i>	150m ⁽¹⁾		-
	<i>Other main building</i>	20m		10m
Minimum <i>interior side yard</i>	<i>Dwelling</i>	5m	-	-
	<i>Greenhouse</i>	15m ⁽²⁾		
	<i>Mushroom farm building</i>	75m ⁽¹⁾		-
	<i>Other main building</i>	15m		7.5m
Minimum <i>rear yard</i>	<i>Dwelling</i>	15m	-	-
	<i>Greenhouse</i>	15m ⁽²⁾		
	<i>Mushroom farm building</i>	75m ⁽¹⁾		-
	<i>Other main building</i>	20m		7.5
Maximum distance from an accessory building or main building	The nearest point of a wall of any building must be located within 50m of all other related residential or agricultural buildings respectively.			
Maximum <i>lot coverage</i>	<i>Greenhouse</i>	70%		40%
	Dwelling ⁽⁴⁾	10%		
	<i>Other buildings or structures</i>	10%		
Maximum <i>height</i>		15m		
Minimum <i>landscaped open space</i>		No minimum		10%
Maximum <i>outside storage</i>		5% of lot area ⁽³⁾		10% of lot area ⁽³⁾

(1) No building or structure used for the growing of mushrooms shall be located closer than 150 metres to the nearest main wall of a dwelling on a separate lot or any street line, and 300 metres to the nearest boundary of an Institutional Zone or a Residential Zone other than the Rural Residential Zone.

(2) The minimum interior side yard and rear yard for a greenhouse shall be 25 metres where one or more ventilating fans exhaust into the respective yard.

(3) Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots. No manure, compost or equipment storage area shall be permitted within 30 metres of a street line or a lot line of a separate lot that contains a residential use or the top of bank of a municipal drain or watercourse.

(4) On lots 0.4 hectares in size or less, a maximum lot coverage of 20%.

11. THAT, Part 6 “Residential Zones” and Section 6.3 Regulations and Table 15 Regulations for Permitted Uses in the Medium and High Density Residential Zones is hereby amended by deleting and replacing with the following regulations:

In the zones identified in Section 6.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations in Tables 14 and 15.

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones

Regulation		Zone Requirements				
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per principle dwelling unit)	Apartment dwelling	-		160m ²		50m ²
	Duplex dwelling	-	250m ²	-		
	Fourplex dwelling	-	220m ²	180m ²	-	
	Retirement home	-				120m ²
	Semi-detached dwelling ⁽¹⁾	270m ²	200 m ²		-	-
	Stacked townhouse dwelling	-	-	160m ²	50m ²	-
	Back to back townhouse dwelling ⁽⁷⁾	-	-	-	75m ²	-
	Street townhouse dwelling	225m ²	180m ²		-	-
	Townhouse dwelling	-	180m ²	180m ²	-	-
	Triplex dwelling	-	220m ²	180m ²	-	-
Minimum lot frontage ⁽²⁾	Apartment dwelling	-		30m		
	Duplex dwelling	-	15m		-	
	Fourplex dwelling	-	25m		-	
	Retirement home	-				30m
	Semi-detached dwelling ⁽¹⁾	9m/unit	8m/unit		-	-
	Stacked townhouse dwelling	-	-	30m	30m	-
	Back to back townhouse dwelling	-	-	5.5m/unit	5.5m/unit	-
	Street townhouse dwelling	7.5m/unit	6m/unit			-
	Townhouse dwelling	-	30m			-
	Triplex dwelling	-	20m	18m	-	-
Minimum front yard	Dwelling	4.5m			7.5m	
	Private garage	6m				
Minimum exterior side yard		3m			Greater of 50% of building height of finished grade or 3m	
Minimum interior side yard	Adjoining a lot in a low density residential zone	3m ⁽³⁾			Greater of 50% of building height of finished grade or 3m	
	Adjoining a lot in any other zone	1.2m ⁽³⁾			3m	
Minimum rear yard ⁽⁴⁾	Adjoining a lot in a low density residential zone	7.5m		7.5m	Greater of 50% of building height of finished grade or 7.5m	
	Adjoining a lot in any other zone	6m		6m	6m	

Regulation		Zone Requirements				
		RM1	RM2	RM3	RM4	RH
Maximum <i>lot coverage</i> ⁽⁸⁾		45%	50%			
Minimum separation distance between <i>dwelling</i> s on the <i>same lot</i>	Between exterior side walls	-	3m			
	Between exterior front or rear walls		12m			
	Between exterior front or rear walls and side walls		7.5m			
Maximum <i>height</i> ⁽⁹⁾		10m	12m	15m	21.5m	
Minimum <i>landscaped open space</i>		25% ⁽¹⁰⁾				
Minimum <i>amenity area</i> ⁽⁵⁾⁽⁶⁾	<i>Dwelling with 3 or 4 dwelling units on one lot</i>	-	20m ² per unit			
	<i>Dwelling with 5 to 8 dwelling units on one lot</i>		20m ² per dwelling plus 10m ² per unit			
	<i>Dwelling with 9 or more dwelling units on one lot</i>		20m ² per dwelling plus 10m ² per unit	40m ² per dwelling plus 5.5m ² per unit		

- (1) Where semi-detached dwellings are located in the RM2 or RM3 zone, the dwelling units shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium private street.
- (2) Where multiple attached dwellings are located on the same lot in the RM2 or RM3 Zone, including more than one type of attached dwelling, the minimum lot frontage requirement of the RM2 or RM3 zone, as applicable, shall be 30 metres in the case of a lot that contains one or more fourplex and/or townhouse dwelling and/or stacked townhouse dwelling, 45 metres in the case of back-to-back townhouse dwelling, and 20 metres in all other cases, and shall apply to the entire lot. For semi-detached dwellings where each unit is located on a separate lot, and for street townhouse dwellings, each lot shall meet the prescribed minimum lot frontage.
- (3) Where each dwelling unit of a semi-detached dwelling is located on a separate lot, and for street townhouse dwellings, no interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.
- (4) Where each dwelling unit of a back-to-back townhouse dwelling is located on a separate lot and not part of a condominium; no rear yard and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.
- (5) No common outdoor amenity area provided at grade shall have an area less than 60m². Refer to urban Design Guidelines for any limit to the massing of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight.
- (6) Each unit in a back-to-back townhouse development shall contain an individual balcony with an area of 5.5m², separated from adjoining units by a wall or privacy screen and with a maximum projection of 1.8m from the front wall of the back-to-back townhouse building.
- (7) For stacked and back-to-back units, minimum lot area per unit shall not be less than 50m² per unit.
- (8) For stacked and back-to-back units, there is no maximum lot coverage.
- (9) For stacked and back-to-back units, and apartment units with ground level parking, ground level storey parking height shall not be included as part of the total building height, to a maximum of 3 metres.
- (10) For stacked and back-to-back units, the minimum landscape open space shall be 15%.

12. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70 as amended, is hereby amended by amending Section 7.1 Applicable Zones and adding Commercial Mixed – CM zone as a permitted use:

7.1 APPLICABLE ZONES

The permitted *uses* and regulations of Part 7 apply to land within the following *zones*:

Zone	Symbol
Core Commercial	C1
Neighbourhood Commercial	C2
Service Commercial	C3
Commercial Plaza	C4
Commercial Mixed Use	CM

These zones apply to land identified with the corresponding zone symbol as shown in Schedule “A”.

7.2 PERMITTED USES

In the zones identified in Section 7.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the permitted uses in Table 16.

Table 16: Permitted Uses in Commercial Zones

Uses	Zones where Permitted				
<i>Principal Uses</i>					
Single Detached Dwelling			C3 ⁽²⁾		
Apartment Dwelling	C1				CM
Townhouses, Live work, Stacked, Back-to-Back Dwellings					CM
Art gallery	C1				CM
Commercial kennel (see s. 3.8)			C3		
Commercial school	C1	C2	C3	C4	
Communications establishment	C1		C3	C4	CM
Contractors establishment			C3		
Day care (Bylaw 2022-67)		C2		C4	CM
Drive-through facility (see s. 3.12)			C3	C4	
Dry cleaning/laundry depot	C1	C2	C3	C4	CM
Financial institution	C1		C3	C4	CM
Funeral home	C1		C3		
Garden centre			C3	C4	
Hotel/motel			C3		
Motor vehicle dealership			C3		
Motor vehicle gasoline bar			C3	C4	
Motor vehicle repair establishment			C3		
Motor vehicle service station			C3	C4	
Motor vehicle washing establishment			C3	C4	
Office, including a medical office	C1	C2	C3	C4	CM
Personal service shop	C1	C2	C3	C4	CM
Pet care establishment (see s. 3.8)			C3	C4	
Place of entertainment	C1		C3	C4	CM
Private club	C1		C3	C4	CM
Recreation facility	C1		C3	C4	
Restaurant	C1	C2	C3	C4	CM
Retirement Home /Long Term Home Care Facility					CM
Retail store	C1	C2	C3	C4	CM
Service shop	C1		C3	C4	CM
Shopping center				C4	
Studio	C1	C2	C3	C4	CM
Veterinary clinic	C1		C3	C4	
Wayside pit or quarry (see s. 3.27)			C3	C4	
Accessory Uses ⁽¹⁾					
Accessory buildings or structures and accessory uses (see s. 3.1)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾	CM
Accessory dwelling units (see s. 3.2)	C1 ⁽¹⁾				
Outside display and sales area			C3 ⁽¹⁾	C4 ⁽¹⁾	
Outside storage			C3 ⁽¹⁾	C4 ⁽¹⁾	
Renewable energy system (see s. 3.15)	C1 ⁽¹⁾	C2 ⁽¹⁾	C3 ⁽¹⁾	C4 ⁽¹⁾	CM

(1) Denotes uses that are only permitted accessory to or in conjunction with a permitted principal use.

(2) Existing Single Detached Dwellings outside of settlement areas within Commercial 'C3' Zones, and additions and alterations are permitted and are subject to the setbacks and lot coverage regulations of the Rural Residential 'RuR' zone. (By-Law No. 2022-67)

7.3 REGULATIONS

In the zones identified in Section 7.1, no person shall use or permit the use of any lot or erect, alter or use any building or structure for any purpose except in accordance with the regulations in Table 17.

Table 17: Regulations for Permitted Uses in Commercial Zones

Regulation		Zone Requirements				
		C1 ⁽¹⁾⁽²⁾	C2	C3	C4	CM
Minimum lot area		-	500m ²	750m ²	900m ²	-
Minimum lot frontage		-	15m	25m	30m	-
Minimum front yard	Adjoining Regional Road 14 or 20	-	6m	9m	3m	
	Other	6m				
Minimum exterior side yard	Adjoining Regional Road 14 or 20	-	6m	3m		
	Other	6m				
Minimum interior side yard	Adjoining a lot in a Residential Zone	3m	5m	9m	4.5m or one-third of building height whichever is greater	
	Other	-	3m	6m		
Minimum rear yard	Adjoining a lot in a Residential Zone	6m	6m	9m	9m or one-third of building height whichever is greater	
	Other			6m		
Maximum lot coverage		-	45%	50%	-	
Minimum height		2 storeys		-		
Maximum height		15m	10m		15m	
Minimum landscaped open space		-	20%	10%	-	
Maximum outside storage		-		25% of lot area ⁽³⁾	Not Permitted	
Maximum gross leasable floor area	Per commercial use	-	280m ²	-	-	
	Total % of lot area	-	45%	50%	50% ⁽⁴⁾	

(1) An apartment dwelling in the C1 Zone shall be permitted as an exclusive principal use of a main building or shall be located above the first storey within a main building containing a permitted non-residential principal use on the ground floor, and shall be subject to the minimum lot area, minimum separation distance between dwellings on the same lot and minimum amenity area requirements of the RH Zone in accordance with Section 6.3, Table 15. All other requirements of the C1 Zone shall apply.

(2) The maximum number of accessory dwelling units on a lot in the C1 Zone shall not exceed 1 dwelling unit per 120m² of lot area.

(3) Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots.

(4) An apartment dwelling unit in the CM Zone shall be permitted on the ground floor within a main building containing a permitted non-residential principal use provided a minimum of 50% of the gross floor area of the ground floor of the main building is commercial leasable floor area.

13. THAT, all other provisions of Zoning By-law 2017-70 as amended continue to apply;

14. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law;

and

15. THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS XX
DAY OF XX, 2024.**

MAYOR CHERYL GANANN

**JUSTIN PAYLOVE
ACTING DIRECTOR OF LEGISLATIVE SERVICES/CLERK**

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2024-XX

The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues and opportunities that have become apparent during implementation.

A Public Meeting was held on July 15, 2024. All comments received were evaluated by Staff and Council through their decision.

File: 1601-005-24
Township of West Lincoln

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

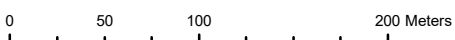
Madyson Ettl
Senior Planner



Location Map
5357 & 5377 Elcho Road

Legend

- ZoneBoundary
- Subject Property



SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

SKETCH FOR PLANNING ACT APPLICATION
5357 & 5377 ELCHO ROAD
 TOWNSHIP OF WEST LINCOLN



SCALE 1: 1000
 RASCH & HYDE LTD.
 ONTARIO LAND SURVEYORS

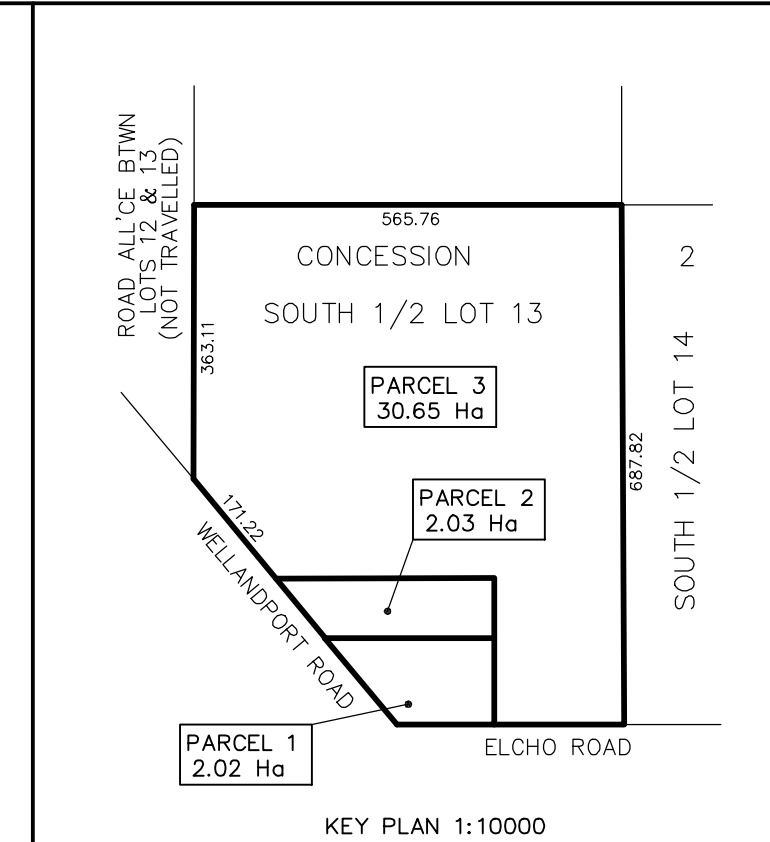
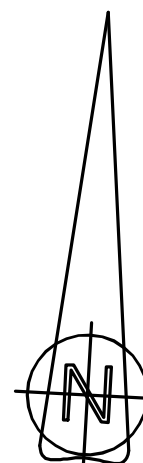
© COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2023

PARCEL 3
 30.65 Ha
 (TO BE RETAINED)

PARCEL 2
 2.03 Ha
 (TO BE SEVERED AND ADDED TO PARCEL 1)

PARCEL 1
 2.02 Ha

PART 1 PLAN 30R-2450
 SUBJECT TO R-0-W AS IN R0395283
 (WIDTH EXAGGERATED FOR CLARITY)
 (0.30 WIDE)
 PIN 46080-0098 (LT)



LEGEND & NOTES

- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- PIN DENOTES PROPERTY IDENTIFIER NUMBER

**BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS, PLAN 30R-1646, PLAN 30R-2450 AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF THE SOUTH 1/2 OF LOT 13, CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
 TOWNSHIP OF WEST LINCOLN
 REGIONAL MUNICIPALITY OF NIAGARA
 PIN 46080-0041 (LT) AND PIN 46080-0042 (LT)

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APRIL 27, 2023

DATE

Harold D. Hyde
 HAROLD D. HYDE
 ONTARIO LAND SURVEYOR

PIN 46080 - 0071 (LT)
 ROAD ALLOWANCE BETWEEN
 CONCESSIONS 1 AND 2, GAINSBOROUGH
 ALSO KNOWN AS ELCHO ROAD

RASCH + HYDE LTD.
 Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
 DUNNVILLE, ONT, N1A 2X1
 905-774-7188
 (FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street
 FORT ERIE, ONT, L2A 5Y1
 905-871-9757
 (FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 1000

SURVEY : 22-048

DRWN BY : T. Matheson

Planning Justification Report

5357 & 5377 Elcho Road

Expansion of Agriculture-Related Commercial Use

West Lincoln, ON

August 2024

**Upper Canada Consultants
30 Hannover Drive
St. Catharines, ON L2W 1A3**



UCC FILE NO. 2189

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- Appendix III** – Draft Zoning By-law Amendment
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PREFACE

Upper Canada Consultants has been retained by NGF Property Inc. to prepare a Planning Justification Report pertaining to applications for Zoning By-law Amendment and Consent to Sever related to lands known municipally as 5357 and 5377 Elcho Road in the Township of West Lincoln, within the Regional Municipality of Niagara.

The owner of 5377 Elcho Road is proposing the expansion of their business operations northward onto a portion of 5357 Elcho Road which is currently used for agriculture cultivation. The developed portion of the property is zoned Service Commercial (C3) and contains agriculture-related commercial uses 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 temporary inventory storage needs of the business and an expansion is required. The total area to be added to the use is 2.03 hectares (5.01 acres) which would be added to the property through a Consent (boundary adjustment) application.

To facilitate the severance and permit the expansion of the existing agriculture-related commercial use, a portion of the zoning on 5357 Elcho Road is proposed to be amended from Agricultural (A) to Service Commercial (C3), consistent with the Zoning of the existing businesses located at 5377 Elcho Road. A site-specific provision for outdoor storage will be applied to the entirety of the consolidated agricultural related commercial property.

This report evaluates how the required Zoning By-law Amendment and Consent applications satisfy the applicable requirements of the Planning Act, are consistent with the Provincial Policy Statement (2020) and conform to the relevant policies of the Growth Plan for the Greater Golden Horseshoe (2020), Niagara Official Plan (2022) and West Lincoln Official Plan (2015).

This Report should be read in conjunction with the following reports and materials:

- Preliminary Site Plan prepared by Upper Canada Consultants
- Preliminary Grading and Drainage Plan prepared by Upper Canada Consultants
- Preliminary Severance Sketch prepared by Rasch and Hyde Land Surveyors
- Draft Zoning By-law Amendment prepared by Upper Canada Consultants
- Stage 1 and Stage 2 Archeological Assessments prepared by Detritus Consulting

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The Zoning By-law Amendment application pertains to lands known municipally as 5357 Elcho Road in the Township of West Lincoln, within the Regional Municipality of Niagara. The subject lands are legally described as PT S1/2 LT 13 Con 2 Gainsborough Pt 2 30R2450 T/W RO395283; West Lincoln. A context map showing the location of the property and portion to be rezoned is provided below in **Figure 1**.

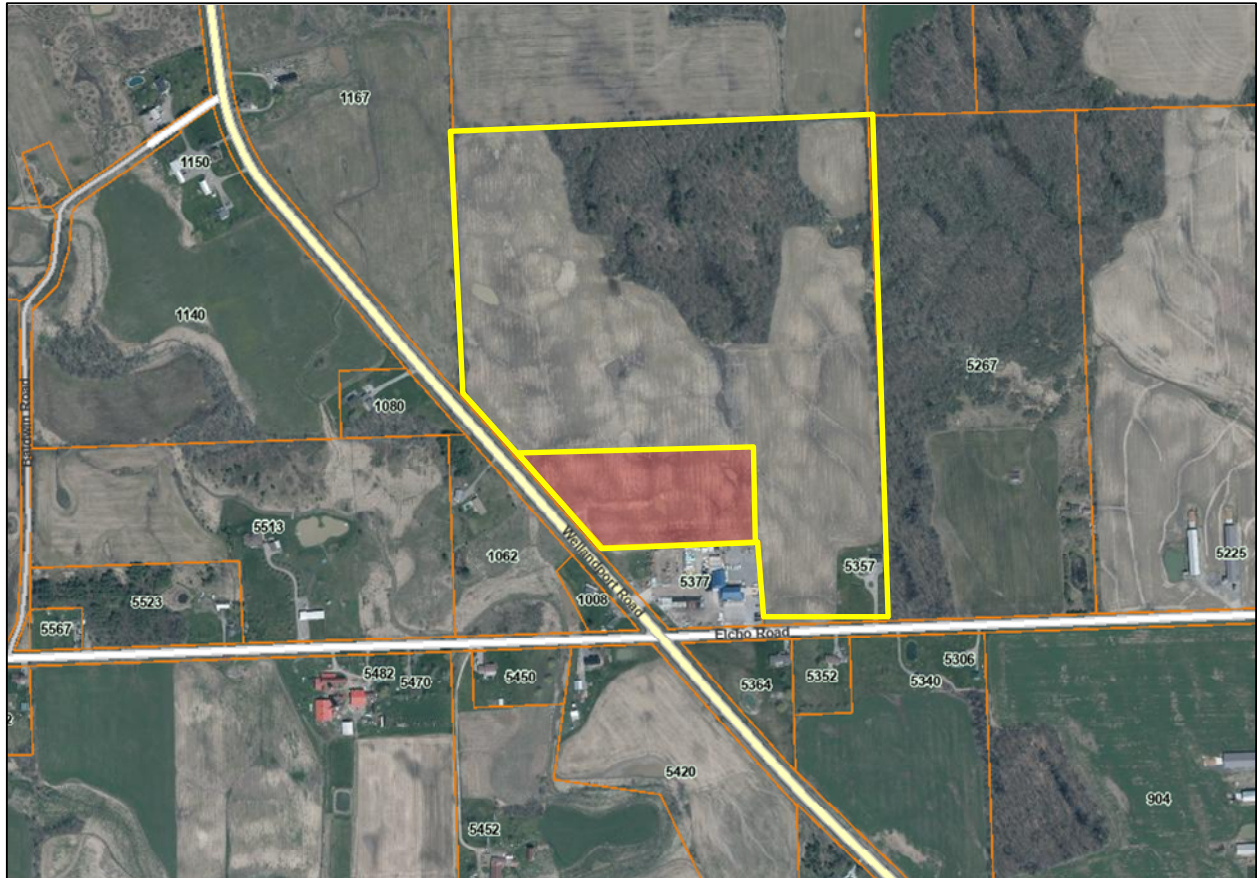


Figure 1 - Context Map – 5357 Elcho Road, West Lincoln – Cropped from Niagara Navigator

The subject lands are approximately 32.69 hectares in area and have approximately 171.64 metres of frontage along Elcho Road. The portion of the property to be severed and have the zoning amended measures 2.03 hectares in area. The portion of the subject lands to be conveyed to 5377 Elcho Road has historically been used for agricultural purposes and does not contain any structures or any municipal or private services.

Existing Uses

5357 Elcho Road

The property known municipally as 5357 Elcho Road currently contains a single detached dwelling and detached garage on the southeast corner of the property. The balance of the lot contains manicured lawn, agricultural fields and a wooded area containing a provincially significant wetland.

5377 Elcho Road

The property known municipally as 5377 Elcho Road is currently used for commercial purposes and is zoned "Service Commercial" (C3). The following businesses operate from the site:

- Excavation Company (Anthony's Excavating)
- Ontario Agra Piping (Agricultural Pipe and Tile vendor)
- Kor Rentals (Farm Equipment Rental and Repairs)
- Enercon (Green Energy Maintenance for Windmills)

The expansion lands are intended to be utilized by Ontario Agra Piping and Kor Rentals, which require additional lands for temporary material and equipment storage prior to being sent to site for installation.

Adjacent Land Uses

Adjacent land uses include the following:

North: Agricultural Lands, Provincially Significant Wetland

West: Regional Road 27 (Wellandport Road), Agricultural Lands, Residential Dwellings

South: Existing Commercial Operation, Residential Dwellings, Agricultural Lands

East: Residential Dwellings, Agricultural lands

Land Use Designations and Zoning

The subject lands are located within the Prime Agricultural Area and are therefore subject to relevant policies within the 2020 Provincial Policy Statement, 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan and 2015 Township of West Lincoln Official Plan.

The subject lands are not located within the Greenbelt Plan Area or the Niagara Escarpment Plan boundary and therefore those plans and policies do not apply to the applications.

The subject lands are designated as Prime Agricultural Lands on Schedule F – Agricultural Land Base of the 2022 Niagara Official Plan.

Schedule B1 of the Township of West Lincoln Official Plan designates both 5357 and 5377 Elcho Road as Good General Agricultural.

Zoning By-law 2017-70 delineates 5357 Elcho Road as being Zoned Agricultural (A), Environmental Protection (EP) and Environmental Conservation (EC), and 5377 Elcho Road as Service Commercial (C3).

Natural Heritage Features

As shown on the Niagara Region’s online Natural Heritage Mapping Viewer, 5357 Elcho Road contains a mix of natural heritage features at the northern end of the property. These features include a provincially significant wetland, significant woodland, watercourse and potential natural heritage corridors.

The proposed expansion is for the commercial business is located at the southern end of the property and greater than 120 metres from these features.

Site Photographs

Pictures of both properties are provided in **Figures 2 to 7** on the following pages for additional site context.



Figure 2 - Existing Office and Retail Space (5377 Elcho Road)



Figure 3 - Outdoor Storage of Pipes and Landscape Materials



Figure 4 - Outdoor Storage of Tanks



Figure 5 - Equipment Parking



Figure 6 - Expansion Lands with Crops, looking North



Figure 7 - Existing Access to 5377 Elcho Road from Wellandport Road

THE PROPOSED DEVELOPMENT

NGF Property Inc. is proposing to expand the existing commercial operation located at 5377 Elcho Road by adding 2.03 hectare contiguous to the northern limit of the existing property from 5357 Elcho Road. The expansion area will be utilized for the storage of agricultural materials and equipment. No structures are proposed within the expansion area, just graded lands for storage and a portion of lands for a Stormwater Management Facility.

The existing land uses at 5377 Elcho Road will remain in operation. No new buildings are proposed.

As shown in **Figure 8** on the following page, and **Appendix IV**, the provisional severance sketch prepared by Rasch and Hyde shows the existing commercial business at 5377 Elcho Road as Part 1, the proposed expansion lands as Part 2 and the remnant lands of 5377 Elcho Road as Part 3.

Figure 9, being the preliminary Grading Plan, shows the proposed stormwater management pond and initial grading concept.

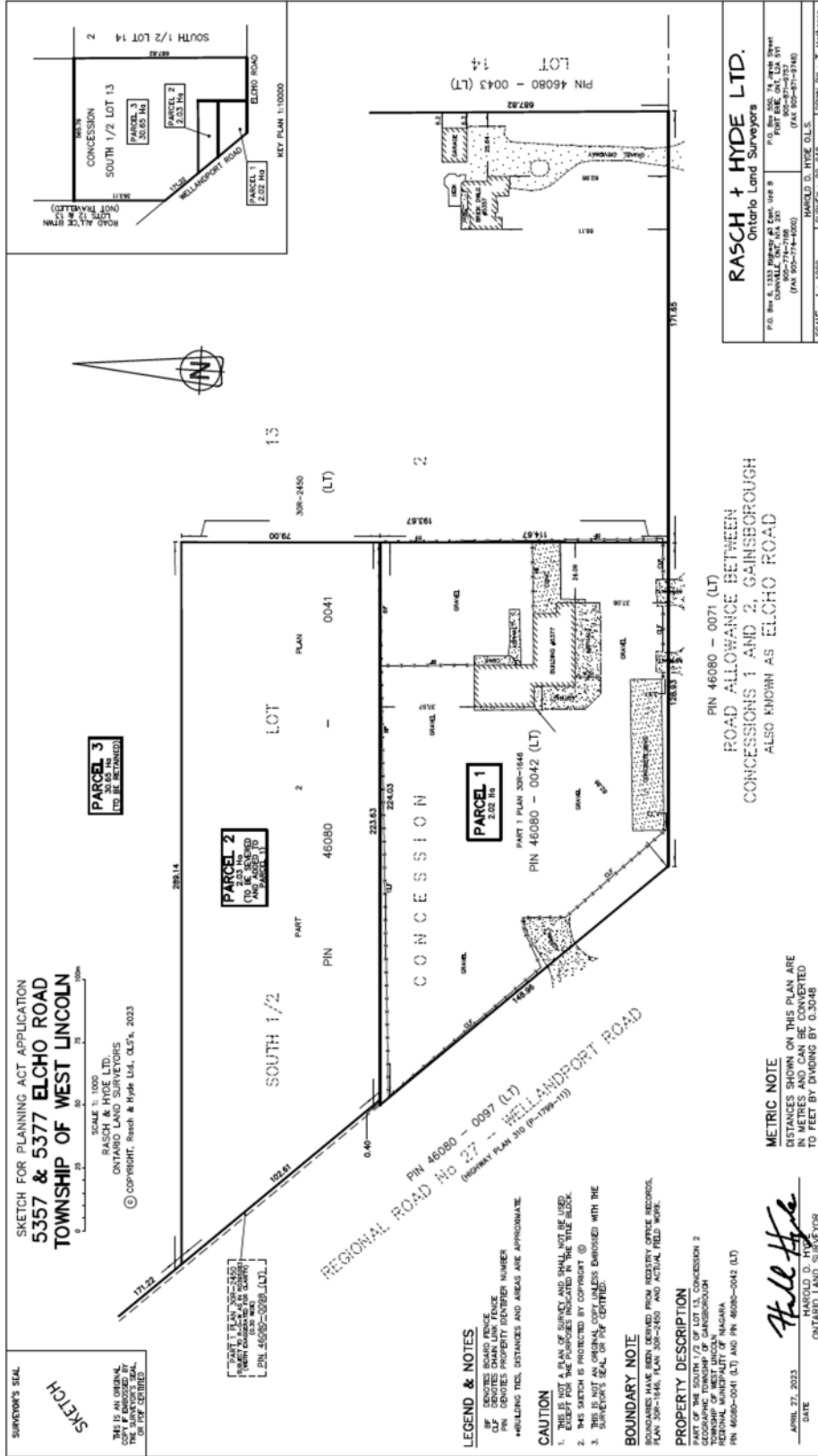


Figure 8 - Preliminary Severance Sketch

REQUIRED APPLICATIONS

Pre-consultation meetings pertaining to the applications were held on April 16, 2020 and May 3, 2023. As per Township staff, applications for Zoning By-law Amendment, Consent to Sever, and Site Plan Approval are required to facilitate the expansion of the commercial use as envisioned by the applicant.

As outlined by the review agencies (Township of West Lincoln, Niagara Region, and Niagara Peninsula Conservation Authority), complete application submission requirements include:

- Planning Justification Report
- Minimum Distance Separation Calculation
- Private Servicing Plans
- Preliminary Site Plan

Copies of the noted Pre-consultation Agreements are provided within **Appendix II** to this report.

Zoning By-law Amendment

To facilitate the expansion of the existing agriculture-related commercial uses, a Zoning By-law Amendment is required to zone a portion of the subject lands from Agricultural (A) to Service Commercial (C3).

A copy of the Draft Zoning By-law Amendment is included as **Appendix III** to this report.

Consent to Sever

Subject to Zoning Approval, the applicant will then be required to apply for a severance to add the lands from 5357 Elcho Road to 5377 Elcho Road. The Zoning By-law Amendment is required to establish the minimum required Lot Area for the remnant parcel.

Site Plan Approval

Site Plan approval will be required after the severance and zoning have been approved. This process will evaluate the proposed expansion, site engineering and other matters.

REQUIRED STUDIES AND REPORTS

Stage 1 Archeological Assessment

As required by Niagara Region, a Stage 1 Archaeological Assessment was prepared for the subject lands by Detritus Consulting in 2024.

Based on the assessment of the property contained within the Stage 1 Report provided with the applications, the consultant has advised that the subject lands exhibit a moderate to high potential for the discovery of archaeological resources. Accordingly, a Stage 2 Assessment has been recommended.

The Stage 2 Assessment was completed in May of 2024. No archeological resources were encountered through the Stage 2 Assessment. The report has been forwarded to the Ministry of Tourism, Culture and Sport for review and inclusion in the Ontario Public Register of Archeological Reports.

Stormwater Management Plan

A Stormwater Management Study has been prepared by Upper Canada Consultants that provides an overview of the existing and proposed stormwater management methods utilized on the subject lands

As outlined in the report, stormwater collected on 5377 Elcho Road is currently directed to roadside ditches along Elcho Road or Wellandport Road over grade or by swale. These flows then proceed under Wellandport Road westward towards Parker's Creek.

The portion of 5357 Elcho Road to be added to 5377 Elcho Road is used for agricultural purposes and also conveys stormwater flows to Wellandport Road.

The proposed stormwater management method for this merged property will be to continue to convey stormwater drainage overland. The flows will be captured through perimeter swales and directed to the proposed stormwater management wet pond facility. The pond will provide quality and quantity controls prior to outletting to the roadside ditch.

PROVINCIAL PLANS

Development applications within this area of the Township of West Lincoln are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and the 2020 Growth Plan for the Greater Golden Horseshoe. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest concerning land use planning and the necessary procedures to be followed when making applications for development.

Section 2 of the Planning Act outlines matters of Provincial interest that the Planning Authority must have regard for when considering applications for development. These matters of Provincial interest include:

- a) *the protection of ecological systems, including natural areas, features and functions;*
- b) *the protection of the agricultural resources of the Province;*
- c) *the conservation and management of natural resources and the mineral resource base;*
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *the supply, efficient use and conservation of energy and water;*
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) *the minimization of waste;*
- h) *the orderly development of safe and healthy communities;*
 - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) *the adequate provision of a full range of housing, including affordable housing;*
- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- m) *the co-ordination of planning activities of public bodies;*
- n) *the resolution of planning conflicts involving public and private interests;*

- o) the protection of public health and safety;*
- p) the appropriate location of growth and development;*
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

The applications have regard for clauses a), b), d), k) and p) of Section 2 of the Planning Act.

- a) the protection of ecological systems, including natural areas, features and functions;*

The proposed expansion area is contiguous to 5377 Elcho Road, on the north side. The northern property limit (i.e. development) will be located greater than 120 metres from mapped natural heritage features on the northern end of 5357 Elcho Road. This distance serves as a general screening area under provincial policies, and as development is proposed outside of this distance, the need for natural heritage assessment has been waived.

There are no anticipated impacts to these features that would be generated by these applications. The use of lands adjacent to the features will continue to be agricultural, which is permitted.

- b) the protection of the agricultural resources of the Province;*

The existing use of 5377 Elcho Road is an agriculture-related commercial use. Agriculture-related uses are permitted in Prime Agricultural Areas as they support farm operations and agriculture, and therefore contribute to the protection of the Province's agricultural resources.

The expansion of the existing agriculture-related commercial operations is desirable and will ensure the long-term sustainability of the business and will ensure that necessary

agricultural products are available close to market for agricultural producers and the rural community.

- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

Stage 1-2 Archeological Assessments have been completed on the subject lands. The lands were not found to contain any archeological resources.

- k) the adequate provision of employment opportunities;

The existing commercial operation at 5377 Elcho Road currently provides local employment opportunities and supports local rural businesses such as farmers, servicing contractors and equipment operators. The expansion of this existing use is necessary to support long term economic resiliency, which in turn will result in stable and/or new employment opportunities in the community.

- p) the appropriate location of growth and development;

The location of the proposed expansion is considered the most appropriate area. Expansion northward will retain existing separation between the commercial use and residential dwelling to the east. Furthermore, the expansion will not encroach within any areas of influence associated with natural heritage features to the north.

This small expansion is preferable to a relocation of the existing business, which benefits from its current location amongst other rural lands uses and in close proximity to regional roadways.

Section 34 – Zoning By-laws and Amendments

Applications for Zoning By-law Amendments are considered under Section 34 of the Planning Act. Amendments are permitted to municipal by-laws subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

Section 53 – Consents

Applications for Consent are governed under Section 53 of the Planning Act. Section 53(12) states that an Approval Authority when considering an application for Consent, must have regard for the matters under Section 51(24) which apply to Plans of Subdivision. An evaluation of how the proposed consents satisfy this criteria is provided below:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As noted above, the applications satisfy Section 2, clauses a), b), d), k) and p) of Section 2 of the Planning Act.

- b) whether the proposed subdivision is premature or in the public interest;

The proposed consent application will be advanced after the consideration and approval of the extension of Commercial Zoning onto Part 2. The related Zoning By-law Amendment is required to establish minimum lot area for the retained parcel (Part 3).

- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The application conforms to the Township of West Lincoln Official Plan.

A detailed overview of specific conformity with relevant policies of Official Plan policies is provided further on in this report.

- d) the suitability of the land for the purposes for which it is to be subdivided;

Part 2 is suitable for severance as it is contiguous to the existing commercial operation.

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Residential development is not proposed. This provision is not applicable.

- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

5357 Elcho Road has existing access provided from Elcho Road, which is a Township owned and maintained road.

*5377 Elcho Road has existing access from Wellandport Road (Regional Road 27) and Elcho Road. An additional access to Elcho Road is proposed from the expansion parcel (Part 2), as shown on the preliminary grading plan included as **Appendix V** to this report.*

- f) the dimensions and shapes of the proposed lots;

The proposed expansion area (Part 2) measures 2.03 hectares in area. This Part has 102.61 metres of frontage along Wellandport Road and 289.14 metres of lot depth along the northern limit.

Once merged, Part 1 and 2 will cumulative measure 4.05 hectares and will have 128.93 metres of frontage on Elcho Road, 251.57 metres of flankage along Wellandport Road. The eastern lot line depth will increase to 193.67 metres.

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions to development on the portion of 5357 Elcho Road to be added to 5377 Elcho Road.

- h) the adequacy of utilities and municipal services;

The subject lands are currently supported by private services.

Both parcels will remain unaffected by the applications, and no new physical development is proposed, except for a required stormwater management facility.

- i) the adequacy of school sites;

The proposed severance will have no impact on local school enrollments.

- j) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

There are no lands, exclusive of highways, to be conveyed for public purposes. The provision of cash-in-lieu of parkland will be required as a condition of severance.

- k) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

No physical development is proposed that would require energy inputs.

- l) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

If the zoning and consent applications are approved, the commercial expansion will be subject to a Site Plan approval process.

2020 PROVINCIAL POLICY STATEMENT

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)

The subject lands are located within the Prime Agricultural Area, north of the Wellandport Settlement Area Boundary within the Township of West Lincoln.

Prime Agricultural Areas are defined by the PPS as:

“...areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.”

The subject lands are located within the Provincially defined “Rural Area”. The PPS denotes that Rural Areas are those lands that may include rural settlement area, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. These areas are to be leveraged for their unique character and ability to contribute to a strong rural economy.

As set out in Policy 1.1.4.1 of the PPS, 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 such uses, the PPS notes that it is important to have regard for scale, impacts on the agricultural community including adjacent uses and servicing.

The Zoning By-law Amendment will expand existing Service Commercial zoning onto a 2.03 hectare portion of 5357 Elcho Road to facilitate the physical expansion of established agriculture-related uses operating from 5377 Elcho Road. The continued operation and expansion of these business will have a positive economic benefit on the agricultural community and support the long-term preservation of agriculture in the surrounding area.

Infrastructure and Public Service Facilities (PPS 1.6)

Section 1.6 of the PPS pertains to servicing (water, sanitary), stormwater management, transportation and infrastructure corridors and waste management. As the subject lands are located outside of a Settlement Area, the policies pertaining to private services and stormwater management are applicable. The subject lands do not contain and are not adjacent to major transportation systems or infrastructure corridors.

Sewage, Water and Stormwater (Section 1.6.6.)

Overall, municipal servicing methods are required and preferred to support development, however, the PPS acknowledged that there are some circumstances where such services are not available or appropriate to provide. Policy 1.6.6.1 e) of the PPS outlines the preferred hierarchy of servicing and permits the consideration of the use of private servicing options set out in Policies 1.6.6.3, 1.6.6.4 and 1.6.6.5. Policy 1.6.6.4 of the PPS is relevant to these applications as there are no available municipal services in place or available to connect to in this area.

Policy 1.6.6.4 states that *“Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.”*

The existing dwelling at 5357 Elcho Road is currently supported by a cistern and septic system. The existing businesses at 5377 Elcho Road are also supported by cistern and septic. These existing servicing methods are permitted and therefore consistent with the directions of the PPS. As no new buildings are being proposed as a result of these applications, there will be no further burden on the septic or potable water supplies.

Policy direction pertaining to Stormwater Management best practices is provided in Policy 1.6.6.7 of the PPS. Currently, on-site stormwater is conveyed through swales and grading to roadside ditches. The expansion of the agriculture-related commercial uses will add additional land area and flat surface to 5377 Elcho Road, which will generate greater stormwater flows than the current agriculture use. As outlined in the Stormwater Management Report prepared by Upper Canada Consultants, stormwater will require both quality and quantity controls.

The proposed stormwater management method outlined in the report is consistent with the PPS as it will protect human health, property and the environment and provide appropriate treatment before being released into the natural environment.

Long-Term Economic Prosperity (PPS 1.7)

Section 1.7 outlines various manners in which economic prosperity should be supported in Ontario communities. Policy 1.7.1 i) denotes that “*sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network*” is desirable.

The Zoning By-law Amendment will expand existing Service Commercial (C3) zoning onto a 2.03 hectare portion of 5357 Elcho Road to facilitate the physical expansion of established agriculture-related commercial uses operating from 5377 Elcho Road.

The continued operation and expansion of these businesses will have a positive economic benefit on the agricultural community and support the long-term preservation of agriculture in the surrounding area, consistent with the directions on the PPS.

Natural Heritage (PPS 2.1)

As outlined in Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands. This protective policy framework is also applicable to natural heritage features on adjacent lands.

Through preliminary review by Niagara Region and the NPCA, the site has been confirmed to contain and be adjacent to natural heritage features as defined in Section 2.1 of the PPS that include a Provincially Significant Wetland and Significant Woodland.

Per Policy 2.1.5 of the PPS, development and site alteration shall not be permitted in significant wetlands or significant woodlands in Ecoregions 6E and 7E, which includes Niagara, unless it has been demonstrated that there will be no negative impacts on the features or their natural functions. Similarly, Policy 2.1.8 of the PPS restricts development on adjacent lands to the features unless it can be similarly demonstrated that there will be no negative impacts to the features.

The proposed lot creation boundary and limit of Commercial (C3) Zoning will be located greater than 120 metres from the noted features. Given this separation distance, the review agencies have waived the requirement for an Environmental Impact Study to be submitted with the applications.

As the proposed development will occur greater than 120 metres from identified natural heritage features, there are no significant negative impacts that would be generated by the proposed expansion. Therefore, the applications are considered to be consistent with the policies of Section 2.1 of the PPS.

Agriculture (PPS 2.3)

The subject lands are within the Rural Area, as defined by the PPS. More specifically, the subject lands are within a Prime Agricultural Area.

Policy 2.3.1 of the PPS directs that Prime Agricultural Areas are to be protected for the long-term use for agriculture. The subject lands are currently vacant and are used for seasonal cash crop production (i.e. soy, winter wheat). The lands not being conveyed through the severance (i.e. Part 3) will continue to be used for agricultural purposes.

Policy 2.3.4.1 pertains to lot creation in prime agricultural areas. More specifically, policy 2.3.4.1. b) states that “Lot creation in Prime Agricultural Area is discouraged and may only be permitted for agricultural-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

The proposed size of Part 2 is 2.03 hectares, which has been identified as the minimum area required to facilitate the needs of the existing business. This expansion area will not include any structures and will have a negligible impact on existing water and septic systems. A small portion of Part 2 will be utilized for a new stormwater management facility to ensure there are no negative stormwater impacts generated by the increase in impervious area.

Cultural Heritage and Archaeology (PPS 2.3)

Policy 2.6.2 of the PPS states that *“development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources are conserved”*.

Through pre-consultation in 2023 the subject lands were identified as exhibiting archaeological potential by Niagara Region. Accordingly, Niagara Region has requested the completion and

submission of a Stage 1 Archaeological Assessment, at minimum, with the Zoning By-law Amendment application.

The applicant retained Detritus Consulting Ltd. to prepare the required Stage 1 Archaeological Assessment of the property. This report was prepared in 2024 and confirms that the subject lands exhibit archaeological potential.

Accordingly a Stage 2 assessment was completed in May of 2024. No archeological resources were encountered during the Stage 2 Assessment.

The Stage 1 and 2 Reports have been filed with the Ministry of Tourism, Culture and Sport for review and acceptance into the public registrar. A letter of concurrence has not yet been issued.

PROVINCIAL GUIDELINES FOR PERMITTED USES IN ONTARIO'S PRIME AGRICULTURAL AREAS

As noted previously in this report, some of the existing commercial uses operating at 5377 Elcho Road in West Lincoln are considered agriculture-related uses due to their direction relationship with the rural and agricultural community. It is these uses that require the land expansion.

Per Policy 2.3.3.1 of the PPS, agriculture-related uses are permitted in Prime Agricultural Areas and are to be compatible with and not hinder surrounding agricultural operations.

Criteria for their establishment is inferred to be provided in Provincial Guidelines which, in this case, is the document entitled "Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (Publication 851).

Section 2.2 of the Guidelines pertains to agriculture-related uses and outlines six (6) criteria to be considered and met when proposing agriculture-related uses in the Prime Agricultural Area. An overview of conformity with these guidelines is provided in the following section.

1. Farm-related commercial and farm-related industrial use.

The Guidelines indicate that farm-related commercial uses include retailing of agriculture-related products, livestock assembly yards and farm equipment repair shops.

The existing commercial operation contains two companies that sell agricultural field materials (tiles, piping) and repairs and rents agricultural equipment. These services are integral to the farm community.

2. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

Immediate adjacent agricultural operations only include the lands to be rezoned (5357 Elcho Road) which bounds the site to the north and east. Other adjacent agricultural operations are located on the west side of Wellandport Road (Regional Road 27) but are limited in scale. The predominant adjacent land uses to the subject properties are rural residential.

The willingness of the adjacent landowner to provide additional lands to the existing commercial uses demonstrates that they have no concern about the expansion hindering their active agricultural operation.

3. Directly related to farm operations in the area.

The products and services of the subject agriculture-related use are integral to any farming community, and are therefore integral to the immediately surrounding farming operations.

4. Supports agriculture.

The supply of agricultural drainage and liquid storage materials, and the repair and rental of agricultural equipment are vital services for agricultural operators.

5. Provides direct products and/or services to farm operations as a primary activity.

Both Ontario Agra Piping and Kor Rentals provide materials and equipment to the agricultural community as a primary activity.

6. Benefits from being in close proximity to farm operation.

The proposed expansion is logically proposed next to the existing uses. The subject lands are located central to the surrounding agricultural community in West Lincoln, Wainfleet, Pelham, Lincoln and Haldimand County. This proximity allows for convenient access for farmers and limited travel for delivery of equipment and materials without the need for accessing large highways.

Enercon, which is an energy related group, also utilizes a portion of the existing site for the parking of work vehicles and has a small office space. Enercon provides technical repair and support services for the wind energy projects in west Niagara that exist on agricultural properties. Ensuring their continued availability to operate on site supports these energy projects which are typically utilized by the agricultural community to supplement revenue and due to setback and locational restrictions.

Based on the analysis provided, the applications and development proposal are considered to meet the requirements for agriculture-related uses set forth in the Provincial Guidelines.

2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Rural Areas (PTG 2.2.9)

Rural Areas are not defined or identified within the Growth Plan, but can be interpreted using the definition found in the Provincial Policy Statement (2020) which includes rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

Section 2.2.9.3 of the Growth Plan states that development outside of settlement areas may be permitted on rural lands for a variety of cultural and economic opportunities, the management of resources, resource based recreational uses, or other rural uses that are not appropriate in settlement areas, subject to criteria pertaining to compatibility, serviceability and impacts on the agricultural community.

The submitted applications will facilitate the expansion of existing agriculture-related commercial land uses that directly service the surrounding rural and agricultural community. Although the existing uses could be considered appropriate and compatible to locate within a settlement area, the current location is long-established, conveniently accessible for the intended and existing client base and is adequately separated from sensitive uses that may be impacted by dust or noise associated with day to day operations.

The applications will facilitate a development expansion that is compatible with the rural landscape, and surrounding land uses, can be sustained by existing rural services and will not adversely affect the protection of agricultural uses.

Natural Heritage System (PTG 4.2.2)

Lands outside of a Settlement Areas may be subject to the provincial natural heritage system policies if they contain key natural features or key hydrologic features.

Per Policy 4.2.2.3 of the Growth Plan, applications for development and/or site alteration must demonstrate there will be no negative impacts to key natural heritage features or key hydrologic features, that connectivity between features is maintained, and that there will be no unnecessary removal of features. In cases where vegetation or feature removal must occur, 30 percent of the total developable area of a property must remain vegetated or be returned to a state of natural self-sustaining vegetation.

The property known as 5357 Elcho Road contains natural heritage features at the northern end of the property which include a provincially significant wetland, significant woodland, watercourse and environmental corridor. These features are located approximately 190 metres

from the northern limit of Part 2, which is the environmental impact study threshold for impacts per policy 4.2.4.1 of the Growth Plan.

The expansion of the C3 Zoning onto Part 2 is not expected to result in any negative impacts on the noted key natural heritage and key hydrologic features due to the physical separation distance and that existing agricultural cultivation activities will continue to occur within the intermediary lands on Part 3.

Agricultural System (PTG 4.2.6)

As directed by the Growth Plan, the Province has identified the Agricultural System for the Greater Golden Horseshoe. Such agricultural lands are to be designated in accordance with Provincial mapping and protected for the long-term for agricultural purposes.

The applications conform with the overall policy direction of the Growth Plan by proposing the development of a small portion of agricultural land to support the expansion of agriculture-related commercial uses. Such uses are permitted and encouraged by the Province as a means to support the long-term viability of agriculture in Ontario communities.

Cultural Heritage Resources (PTG 4.2.7)

Policy 4.2.7.1 of the Growth Plan encourages municipalities to prepare Archaeological Master Plans as tools to use in the consideration of development applications.

In the absence of a Township archaeological master plan, the Regional Municipality of Niagara is the Planning authority with delegated responsibility for identifying archaeological potential and requesting studies in accordance with the Ontario Ministry of Citizenship and Multiculturalism protocols.

As requested by Niagara Region, a Stage 1 Archeological Assessment was completed by Detritus Consulting Ltd. in 2024. This report concludes that the subject lands exhibit archaeological potential and will require a Stage 2 assessment inclusive of test pitting. Subsequently, a Stage 2 Assessment of the subject lands was completed, which did not result in the identification of archeological resources.

The Stage 1 and Stage 2 Reports have been submitted to the Ministry of Tourism, Culture and Sport for review and acceptance into the Provincial registrar of archeological reports.

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (2022) outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051. This plan was approved by the Minister of Municipal Affairs and Housing on November 4, 2022.



Figure 10 - Schedule F of the Niagara Official Plan (2022)

The location of the subject lands is identified in **Figure 10**, which shows both 5357 and 5377 Elcho Road as being designated as Prime Agricultural Area on Schedule F – Agricultural Land Base of the Niagara Official Plan.

Applicable agricultural policies are contained within Chapter 4 of the NOP, entitled “Competitive Region”.

Chapter 4 – Competitive Region

4.1.1 Region’s Agricultural Land Base

Policy 4.1.1.2 of the NOP requires that prime agricultural areas, as shown on Schedule F, shall be protected for the long term use of agriculture.

The remnant portions of Part 3 will continue to be actively cultivated, thus upholding the long term use of the property for agriculture uses as encouraged in the NOP.

The lands to be added to 5377 Elcho Road will be utilized for an expansion of an existing commercially based agricultural-related use. Such uses are desirable, as they support the farming community and rural communities.

4.1.2 Specialty Crop Areas and Prime Agricultural Areas

Section 4.1.2 of the NOP contains the land use policies which apply to Prime Agricultural Areas within Niagara.

Policy 4.1.2.3 requires that “In specialty crop areas and prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted.”

As outlined previously in this report, the existing commercial operations are agriculture-related and support the surrounding rural community. Accordingly, the expansion of this use should be promoted to achieve greater agricultural goals.

4.1.3 Minimize Conflicts of Non-Agricultural Uses

Non-agricultural uses within the agricultural areas have the potential to generate adverse or significant impacts on the agricultural community depending on their nature. In some cases, non-agricultural uses may be appropriate based on need or condition. Many non-agricultural land uses within the agricultural area are long standing.

Policy 4.1.3.1 requires that “Non-agricultural uses should not be located in specialty crop areas or prime agricultural areas.” The applications do not offend this policy as the existing commercial use can be considered as an agriculturally-related use. It is not a “non-agricultural use” due to its direct relationship with the agricultural community. Accordingly, the balance of the policies of Section 4.1.3 should not apply.

4.1.4 Lot Creation and Related Development within the Agricultural System

Similar to the policy direction of the 2020 PPS, lot creation is discouraged in Prime Agricultural Area.

In such scenarios where lot creation is proposed for non-residential purposes, development must be supported by sustainable on-site private water and sanitary services.

The existing development at 5377 Elcho Road is supported by private sewage (septic bed) and water services. The proposed boundary adjustment does not include new development and therefore does not increase demand for the existing services.

The existing dwelling that is located on the remnant lands (5357 Elcho Road) is also serviced with private sewage and water systems. These systems will not be impacted by the proposed boundary adjustment.

4.1.6 Lot Creation in Prime Agricultural Areas

The lot creation policy framework of the NOP is clear and contains a set of specific requirements that must be satisfied. These tests are divided into three application streams being 1) agricultural lot creation, 2) agriculturally related lot creation, 3) residential surplus dwelling severances and 4) legal or technical severances.

As the application is seeking to sever and add additional land to facilitate the expansion of an agriculturally-related use, Policy 4.1.6.1 b. (agriculturally-related lot creation) apply. These requirements are evaluated below:

- i. any new lot shall be limited to a minimum size needed to accommodate the proposed use and appropriate sewage and water services; and*

As noted, the subject lands contain several agriculture-related businesses on one property. This enables the lands to be used more efficiently than if each business was on a separate property as only one parking area, septic system and stormwater management pond are currently required to support all of the businesses.

The businesses have outgrown the current property and wish to expand onto the adjacent lands. Part 2 on the severance sketch represents the required amount of land needed by the owners of 5377 Elcho Road to facilitate the expansion of the existing businesses.

The expansion of the existing agriculture-related businesses onto the adjacent lands is desirable as it maintains the existing land use efficiencies and therefore limits the amount of agriculture lands being developed than if an entirely new property was required to be established to enable the expansion.

The proposed land area to be added is 2.03 hectare or approximately 5 acres. The lands will be primarily used for the temporary outdoor storage of agricultural materials received from manufacturers prior to being taken to site for installation.

The existing private water and sanitary systems are considered to remain adequate for the commercial use as no new buildings or water consuming fixtures are being proposed. The small decrease in the lot area of 5357 Elcho Road will not result in any impacts on their existing septic system.

- ii. any new lot shall be zoned to preclude residential uses in perpetuity.*

The subject lands do not currently contain any existing residential uses.

The concurrent Zoning By-law amendment will Zone Part 2 as Service Commercial (C3), which is the same zoning in place on 5377 Elcho Road. The C3 Zone does not permit new residential land uses to be developed. Accordingly, the proposed zoning category will ensure that no new residential land uses occur on the property, in conformity with Policy 4.1.6.1 b..

4.1.7 A Resilient Agricultural Economy

Policy 4.1.7.3 of the NOP permits agricultural uses, agriculture-related uses and on-farm diversified uses within prime agricultural areas. Table 4-1 of the NOP outlines these types of uses in greater detail, as shown in **Figure 11** below:

Type of Use	Agricultural Uses	Agriculture-Related Uses	On-Farm Diversified Uses
Description	Growing of crops or raising of livestock; raising of other animals for food, fur or fibre; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures	May or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms	On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and value-added uses; compatible with surrounding agricultural operations
Examples include, but are not limited to	a. cropland b. pastureland c. barns and other associated buildings and structures	a. processing of agricultural products b. farm equipment repair shop c. agriculture research centre	a. <i>agri-tourism uses</i> b. pick-your-own operation c. home occupations

Figure 11 - Table 4-1 of the Niagara Official Plan

As demonstrated previously, the existing uses occurring at 5377 Elcho Road are agriculture-related uses that align with the examples contains in Table 4-1.

Section 4.1.7.8 provides the criteria that are to be considered when reviewing applications for proposed agriculture-related uses. The noted criteria are applicable to the establishment of new agriculture-related use. As the applications will facilitate the expansion of existing agriculture-related uses, it is still deemed appropriate to consider how the expansion conforms with these polices.

- a. whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;

The applications apply to the expansion of an existing legally-established agriculture-related use. The proposed expansion is logical and contiguous with the existing area that has been established for this use and the location is therefore considered to be appropriate.

- b. whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;

As previously established, the proposed use is agriculture-related. Its location in proximity to farming operations is a benefit to the agricultural uses which it supports, as well as to the businesses themselves.

- c. the extent to which the use is compatible with the existing farming operation and surrounding farming operations;

The existing use does not interfere with surrounding farming operations. The proposed expansion is for storage, and similarly does not create impacts that would interfere with farming operations.

- d. whether the scale of the activity is appropriate to the site and farming operation;

The proposed expansion is intended to be used as temporary materials storage. This is a passive use and does not create negative impacts on surrounding farming operations. Equipment and materials storage are also common practices on agricultural farms.

- e. whether the use is consistent with and maintains the character of the agricultural area;

The proposed expansion represents the expansion of an existing legally established agriculture-related use and does not significantly alter the character of the area.

- f. the use does not generate potentially conflicting off-site impacts;

As noted, the proposed expansion is intended to be utilized for storage which is a passive use. No off-site impacts are anticipated.

- g. the activity does not include a new residential use;

No new development, including residential development is proposed. The lands subject to the boundary adjustment are proposed to be zoned as Service Commercial (C3) which does not permit residential development.

- h. the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems; i. the use does not require significant improvements to infrastructure; and

The existing agriculture-related businesses are supported by private water and sewage systems. The proposed expansion does not increase the demand for these services.

- i. the use complies with all other applicable provisions of this Plan.

Conformity to the other applicable policies in the NOP is evaluated in this report.

4.1.10 – Non-Conforming Uses in the Agricultural System

Section 4.1.10 of the NOP contains the policies related to the continuation and expansion of legally established, non-conforming uses in the Agricultural System. These policies are not applicable as the existing uses were legally established, and are agriculture-related uses, which are permitted within Prime Agricultural Areas.

Chapter 3 – Sustainable Region

Figure 12 has been generated by Niagara Region’s online natural heritage mapping viewer and shows mapped natural heritage features on, and adjacent to the subject lands. These features include provincially significant wetlands (hatched area), significant woodlands (green), watercourses (blue lines) and environmental corridors/linkages (purple).

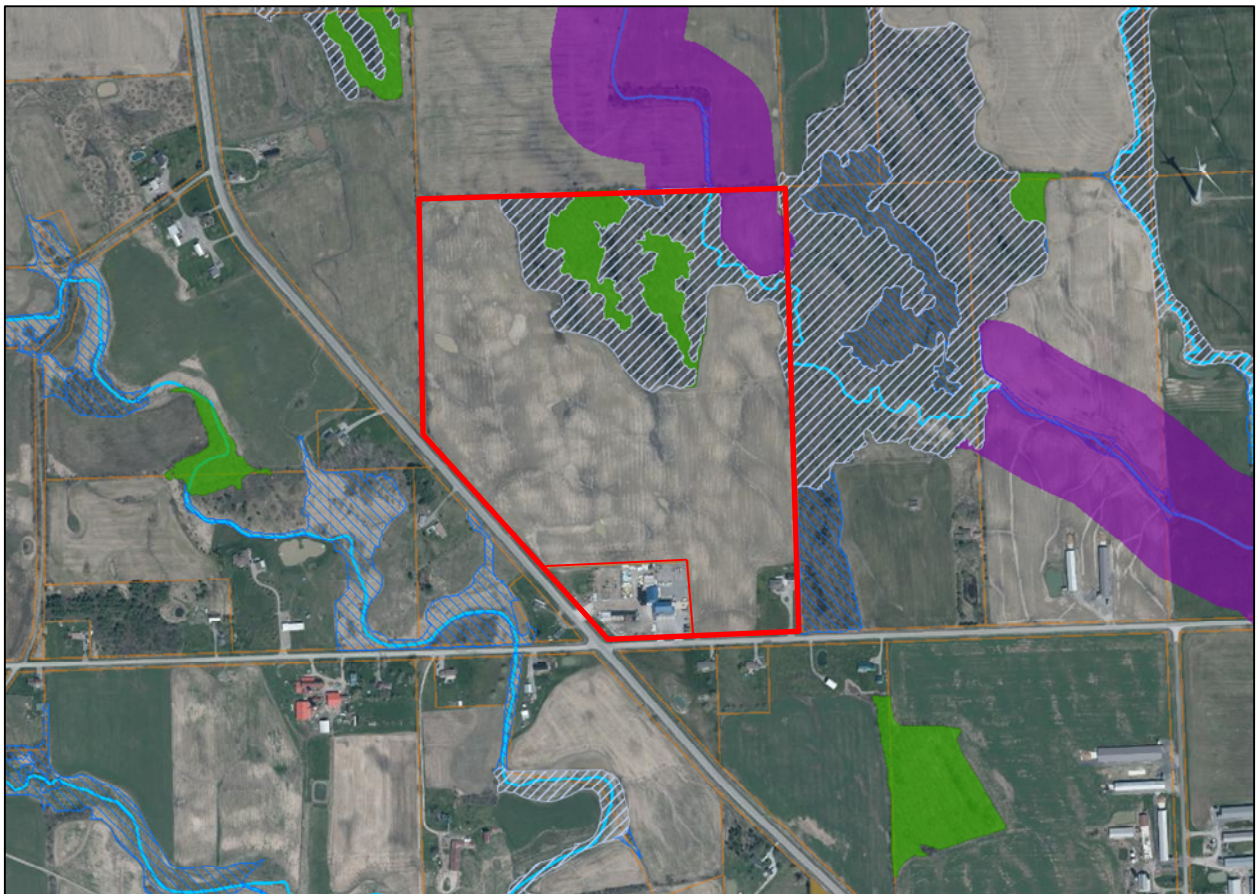


Figure 12 - Niagara Region Mapped Natural Heritage Features

Given the location of these features and their proposed separation distance between the expansion lands no assessment of natural heritage impacts through professional study was requested. Accordingly, the applications do not conflict with the Natural Heritage policies of the NOP.

TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

The subject lands are designated as Good General Agricultural and Natural Heritage System on Schedule B-1 – Land Use Gainsborough within the Township of West Lincoln Official Plan, as shown in **Figure 13**. The subject lands are located north of the Wellandport Settlement Area.

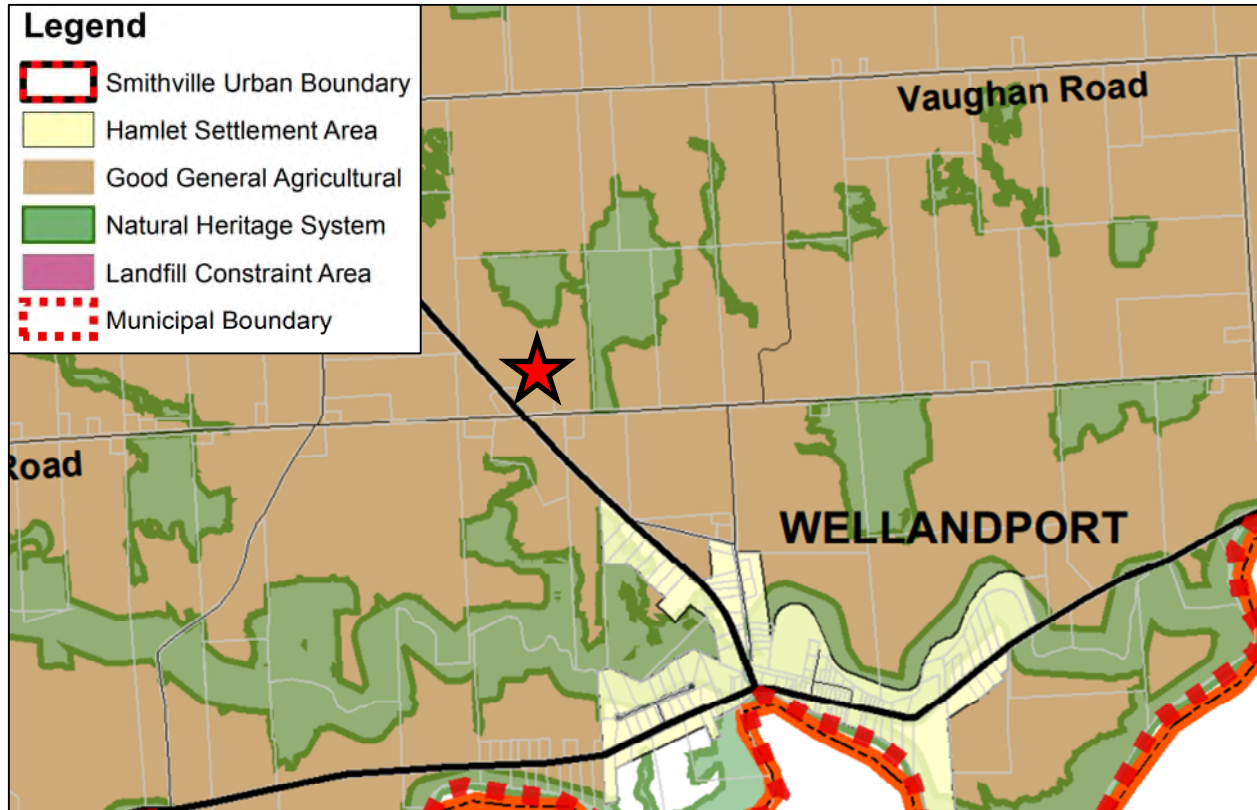


Figure 13 - Schedule A1 of Lincoln Official Plan (Cropped)

Section 4 – Agricultural Land Use Policies

As the subject lands are located within the Agricultural Area, the policies of Section 4 of the Official Plan are applicable. Per Policy 4.1, the agricultural area represents a mix of well diversified uses that will help to ensure the sustainability and viability of the Township’s agricultural industry. The applications pertain to agriculture-related uses provide materials and equipment which support agricultural uses. The applications are therefore consistent with the overall vision for the agricultural area as established in the Official Plan.

4.2 Objectives for all Agricultural Areas

Section 4.2 of the Township’s Official Plan outlines the general Objectives for Agricultural Areas. The proposal implements, or has regard for the following objectives:

- a) To promote and protect a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln.
- c) To promote small scale secondary uses and agriculture-related uses that are compatible with and do not hinder surrounding agricultural operations.
- e) To promote, where feasible, opportunities for agricultural related value added activities to support, promote, and develop the agricultural areas.

4.2.1 General Agricultural Policies

Section 4.2.1 contains the general policies that apply to all of the Township's Agricultural Policies. Within Section 4.2.1, policies a), c), d) and f) are relevant. These policies are evaluated in the following section.

Policy 4.2.1 a) outlines all permitted uses within all agricultural areas in West Lincoln, as well as general policies to guide the form and processes associated with development. These uses include:

- i. All types of Agricultural uses, new or otherwise, including, but not limited to, livestock operations, cash cropping, food production, forestry and natural heritage uses with a strong focus on specialty crop production.
- ii. Small scale agriculturally related uses related directly to, serving, and requiring close proximity to the surrounding agricultural areas may be permitted where no opportunities exist for such uses to be located with designated Urban and Hamlet Settlement Areas. The locating of these uses shall be subject to the policies of this plan.
- iii. Agricultural-related residential uses including help houses.
- iv. Uses secondary to the principal agricultural use of the property, including, but not limited to, home occupations, bed and breakfast establishments, home industries and uses that provide value-added agricultural products from the farm operation on the same property.
- v. Linear infrastructure facilities, and associated equipment, that are to serve the Township and Region including, but not limited, to: water supply and sewage treatment facilities, communication/telecommunication facilities and transportation networks. New infrastructure facilities will be of a size and nature to serve both the existing and future needs of Township residents and shall minimize the effects on surrounding farm operations. Proposals for new infrastructure facilities shall be in accordance with all provincial and regional requirements.
- vi. Passive open space and recreational uses such as trails in the Good General Agricultural Areas.

Policy 4.2.1.a) ii) pertains to the proposed use, which is considered to be agriculture-related.

Policy 4.2.1 c) requires the completion of Minimum Distance Separation Distance calculations for new or expanding livestock operations or new or expanding non-farm uses. Within the surrounding area, the land uses are comprised of largely rural residential or open field agricultural uses (i.e. cash crops), as well as the existing agriculture-related commercial uses at 5377 Elcho Road.

Based on a review of aerial photography, the closest existing livestock operations are found at 904 Collver Road and 5225 Elcho Road, to the southeast and east, respectively.

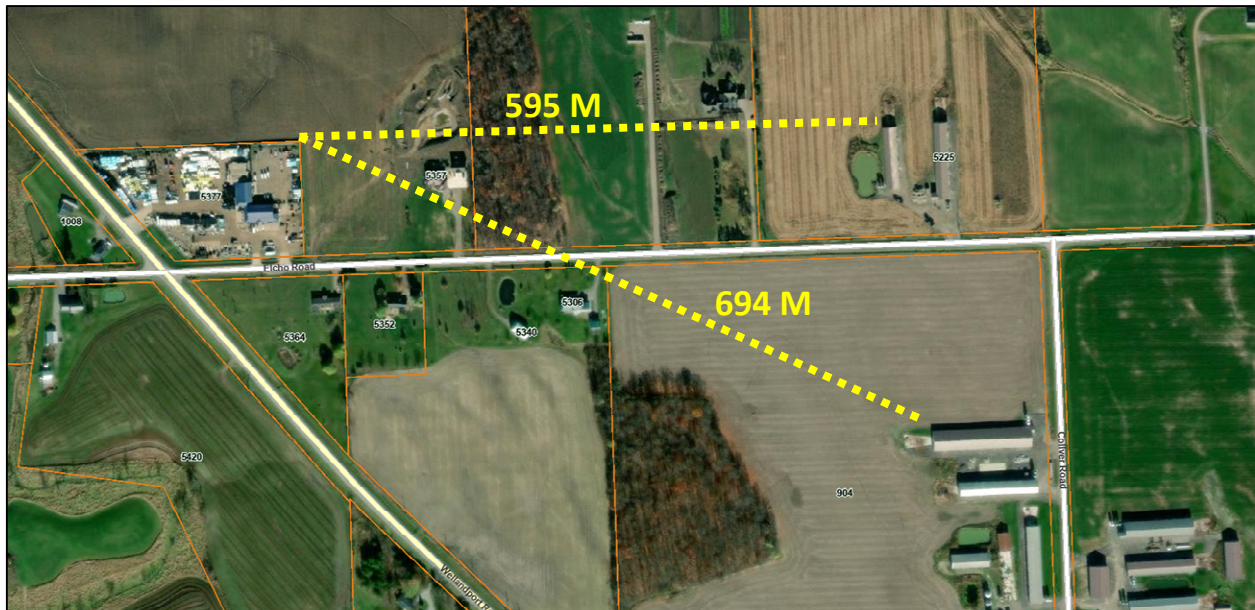


Figure 14 - MDS Setbacks

As shown in **Figure 14**, the closet point of the expansion lands will be no closer than 595.6 metres, which is the already established distance from the livestock operation at 5225 Elcho Road. As the proposed expansion will occur no closer than the existing development limits, no additional impacts or encumbrances on these existing operations are expected.

Policy 4.2.1 d) requires that “all development within all Agricultural Areas shall be supported by private sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln, the Ministry of the Environment and/or the Ministry of Municipal Affairs and Housing:

- i. Approvals for servicing that are less than 10,000 L/day will be issued by the Township as per the requirements in the Ontario Building Code;

- ii. Approvals for servicing that are greater than 10,000 L/day will be issued by the Ministry of the Environment as per the requirements of the Ontario Water Resources Act.”

The applications conform with this policy as the existing dwelling at 5357 Elcho Road and commercial building at 5377 Elcho Road are both supported by private water and sanitary services (i.e. septic). The applications do not contemplate any new buildings or require increased servicing capacities and therefore the existing services are considered to be adequate and provided in conformity with the Official Plan.

Policy 4.2.1 f) requires that applications for consent within the Agricultural Areas shall be subject to the policies of Section 17.13 of the Official Plan. This Section is now numbered as Section 18.13 due to changes in the plan effected by Official Plan Amendment 147.

The severance application has been evaluated against the policies of Section 18.13 of the Official Plan further on in this report and is deemed to conform.

4.4 Good General Agriculture Areas

The subject lands are located within the Good General Agricultural Area and are subject to the policies and objectives of Section 4.4 of the West Lincoln Official Plan.

The Objectives for Good General Agricultural Areas are contained in section 4.4.1, and include:

- a) To encourage the preservation of Good General Agricultural Lands for agricultural purposes and to direct non-farm uses to Urban and Hamlet Areas.
- b) To provide the second highest level of protection to Good General Agricultural Lands next to the Unique Agricultural Lands, and are suitable for all types of field crops, livestock operations, and other agricultural uses.
- c) To promote the consolidation of larger agricultural holdings to strengthen the economic strength of the agricultural land base of the Township of West Lincoln.

The applications assist in the satisfaction of these objectives by preserving the balance of Part 3 for continued agricultural cultivation and utilization a small portion of the property that is contiguous to 5377 Elcho Road to support the expansion of established agriculture-related uses.

The Policies for Good General Agricultural Area are contained in Section 4.4.2 of the Official Plan. Each of the policies within this Section of the Official Plan are outlined and evaluated in the context of the applications below.

- a) Good General Agricultural Lands shall be given the second highest priority for preservation and protection as shown on Schedule ‘B-1’ – ‘B-3’ Land Use Maps.

This requirement is acknowledged. The subject lands are designated as Good General Agricultural lands on Schedule B1 of the Official Plan and will continue to be utilized for agricultural and agriculture-related use.

- b) Agricultural parcels shall be maintained at a sufficient size that is large enough to ensure the flexibility of that operation to adapt to economic conditions in agriculture in the future. Smaller agricultural parcels may be supported through the consent process, subject to the policies of Section 17.13: (Land Severances) provided that the resulting parcels are both for agricultural use and the size of the resulting agricultural parcels:
- i. Is appropriate for the agricultural activities proposed,
 - ii. Is suited to the particular location and common in the area, and
 - iii. Provides some flexibility for changes in the agricultural operation. The foregoing includes small lot severances for greenhouses and other intensive forms of agriculture subject to a condition that any new dwellings on the property are allowed only after the greenhouse or other farm buildings have been constructed or are substantially completed.

The remnant agricultural lands will be 30.65 hectares in area which is a sufficient size to support a viable farm operation.

- c) The consolidation of existing agricultural holdings into larger agricultural holding shall be generally supported. The consolidation of agricultural holdings through the consent process shall be subject to the policies of Section 17.13: (Land Severances) of this plan.

No farm consolidation is proposed as part of these applications.

- d) The location of greenhouses within the Good General Agricultural Area shall take into consideration the proximity of adjacent residential and non-farm uses. Specific standards for greenhouse operations shall be contained within the Township's Zoning By-law.

No greenhouses are proposed through these applications.

- e) Small Scale Commercial and Industrial Uses which do not require close proximity to agricultural operations shall be located in appropriately designated commercial or industrial areas within designated Settlement Areas. Small Scale Commercial and

Industrial Uses that are required to support the agricultural community shall be located so that they minimize the impact on the viability of existing and future agricultural operations. These uses shall be carefully regulated through a Zoning By-law Amendment as to their location, size and traffic generation in order to minimize potential disturbances and to ensure that private sewage disposal systems can accommodate the increase sewage loading to the satisfaction of the Township of West Lincoln.

The existing agriculture-related commercial uses are permitted uses within the C3 Zone. These operating agriculture-related commercial uses are considered to be in closer conformity with the intent and purpose of the official plan than other permitted uses and have benefitted greatly from their location within the agricultural area over the long term.

The proposed size of the expansion lands (Part 2) is considered adequate and appropriate given the needs of the existing operations and scale of materials stored on site. No new buildings are required to be developed as part of the applications. Subsequently there will be no impact on the existing septic and water systems on the subject lands.

Provisionally, an additional entrance is proposed to Wellandport Road however no study of this access was requested by Niagara Region. At this time there are no significant traffic impacts expected.

- f) New or expanding agricultural, small scale commercial or industrial, or agricultural value-added ancillary uses located within the Area of Possible Influence as defined in Section 16 shall be subject the policies of Section 16: (Waste Management) policies of this plan.

The subject lands are not located within the “Landfill Area of Possible Influence” cited in Section 16 of the Township of West Lincoln Official Plan.

- g) Within the Agricultural Designation there exist a number of legally established non-agricultural related uses, building and structures that have been recognized through the Township’s Zoning By-law. These uses can continue to exist as legally established, any changes to these uses, buildings and structures shall be in accordance with the applicable policies of the Township’s Official Plan and may require further approval through zoning by-law amendments, site plan approval, or other planning approvals as required.

The uses to be expanded are agriculture-related commercial uses, which are permitted under the Official Plan.

4.6 Agriculture-Related Uses and On-farm Diversified Uses

As noted throughout this report, the existing use of 5377 Elcho Road is agriculture-related. While no new agriculture-related commercial uses are contemplated, the physical expansion of these uses onto agriculture lands warrants an evaluation of the policies within Section 4.6 of the Official Plan to confirm the appropriateness of the expansion.

Agriculture-related uses and On-farm diversified uses may be permitted in accordance with the policies in this Plan and specifically in accordance with the following:

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.

The proposed expansion is contiguous to the existing agriculture-related use and is of a regular shape.

- b) An adequate and potable water supply is available.

The property has an existing private water supply. The proposed expansion does not significantly increase demand for this service.

- c) Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.

The commercial uses are supported by an existing private sewage (septic) system. As the proposed expansion is for storage, no significant additional demand on this system is anticipated.

- d) Adequate drainage and outlets are available for stormwater run-off. Approval of drainage provisions may be required from the appropriate agency.

A stormwater management pond is proposed to manage stormwater runoff. The future development will be subject to Site Plan approval through which the details of the stormwater management plan are reviewed.

- e) Adequate entrances and exits to roads are located to minimize travel hazards. Ribbon development along roadways is discouraged.

The proposed expansion does not result in the establishment of new entrances or exits.

- f) Adequate off-street loading, parking spaces and access points will be provided.

The required amount of parking spaces for the commercial uses is accommodated.

- g) Access points will be clearly defined by pavement breaks, landscaping, curbing or other acceptable means.

The proposed expansion does not alter the existing parking layout.

- h) Outside storage may be limited.

The requested zoning amendment seeks an increase in the amount of outdoor storage permitted on the site. The nature of the existing commercial uses requires significant outdoor storage area. The visual impact of outdoor storage can be mitigated through fencing or landscaping, as determined through the site plan approval process.

- 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.

The commercial uses operate within normal business hours.

- j) The lands will be appropriately zoned and, where necessary, a development agreement will be required.

As required by this policy, a Zoning By-law Amendment has been applied for to zone the expansion area Service Commercial (C3), consistent with the existing zoning at 5377 Elcho Road. The expansion will also be subject to Site Plan control.

- k) Development on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource will be avoided.

The expansion does not impact any natural areas described in this policy.

- l) Development may be subject to site plan control.

The policy further requires that Agriculture-related uses and on-farm diversified uses involving development over 500 square metres shall be subject to a zoning by-law amendment. Such amendments are to address the following matters:

- a) Whether the use is more appropriately located in a nearby settlement area;

The application pertains to the expansion of an existing agriculture-related use. Relocation of the use is not practical.

- b) Whether the use is required on or in close proximity to the agricultural operation to support and complement the agricultural activity;

The proposed use is agriculture-related. Its location in proximity to farming operations is a benefit to the agricultural uses which it supports, as well as to the businesses themselves.

- c) Whether the use is compatible with the existing farming operation and/or surrounding farming operations; and

The existing use does not interfere with surrounding farming operations. The proposed expansion is for storage, and similarly does not create impacts that would interfere with farming operations.

- d) Whether the use complies with all other applicable provisions of this Plan and the Regional Official Plan. Lot creation to accommodate agriculture-related or on-farm diversified uses is not permitted.

The proposed boundary adjustment is permitted under the Niagara Official Plan and conforms with the applicable policies of the Township's Official Plan as demonstrated in this report. The application does not propose the creation of a new lot, but rather the expansion of an existing lot. The application therefore does not conflict with this policy.

4.6.1. Agriculture-related uses

The Township's Official Plan requires that agriculture-related uses are small in scale, are directly related to, and required to be in close proximity to farm operations.

Section 8 – Heritage Conservation

As outlined in Section 8 of the Official Plan, Cultural Heritage resources include built heritage (i.e. heritage buildings), natural and human-made landscapes and archaeological resources.

The subject lands do not contain, and are not adjacent to any identified cultural heritage buildings or landscapes. However, the subject lands do exhibit archaeological potential and are required to be evaluated prior to the commencement of any development or site alteration.

Subsection 8.3.5 of the Official Plan pertains to archaeological resources. Specifically, policy 8.3.5. d) requires that:

“Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation in situ. Where significant archaeological resources must be preserved in situ (long-term in-ground protection of the

archaeological resource); only development and site alteration which maintain the heritage integrity of the site may be permitted.”

In conformity with this policy direction, a Stage 1 Archaeological assessment was completed for the subject lands by Detritus Consulting Ltd.

Section 10 – Natural Environment

Section 10 of the Township of West Lincoln Official plan pertains to the natural environment.

As outlined previously in this report, 5357 Elcho Road contains a Provincially Significant Wetland, Significant Woodland, Watercourse and Environmental Corridor at the northern end of the property.

The proposed northern boundary of the expansion is located approximately 190 metres from the closest point of these features, which is greater than the typical 120 metre screening area limit used to determine the need for environmental impact studies.

As the affected lands are located outside of this area of influence, and that the interceding agricultural use will continue on the balance of 5357 Elcho Road, there is no anticipated negative impact on natural heritage features on or adjacent to the subject lands. Accordingly, the applications are considered to conform with the policies of Section 10 of the Official Plan.

Section 14 – Infrastructure and Transportation

14.4 Stormwater Management

As required by Policy 14.4.1 a), the applications have been submitted with a stormwater management plan that has been prepared by Upper Canada Consultants.

The provided report outlined the current manner in which surface drainage occurs and proposes a stormwater management solution to capture, treat and control generated flows.

The provision of this plan satisfies the requirements of the Official Plan. Detailed comments on the functionality of the system will be provided for consideration during the review process.

14.5 Roads

Both properties related to this application have frontage and access provided from Elcho Road. The commercially zoned property (5377 Elcho Road) has an additional driveway access from Wellandport Road, being Regional Road 27. No additional or reconfigured accesses from Elcho Road are proposed to necessitated by these applications, however, the provisional site grading plan shows a new access to the expansion lands from Wellandport Road.

Per Section 14.5.2 of the West Lincoln Official Plan, considerations for access and design matters affecting Regional Roadways is not under the jurisdiction of the Township Plan. Niagara Region will be responsible for providing comments and requirements related to this proposed access.

Section 18 – Implementation

Section 18.13 (Formerly 17.13) of the Township Official Plan contains policies that are applicable to Consent applications within the township. Specifically, Section 18.13.1 contains general policies applicable to all Consent applications, and Section 18.13.2 pertains to severances in the Agricultural Area. Both policy subsets are outlined and evaluated below.

18.13.1 General Policies for Consents

- a) Development will be in accordance with the designated uses as shown on the Official Plan Land Use Maps and the provisions of the Zoning By-law.

The subject lands are designated as “Good General Agricultural” on Schedule B1 of the Official Plan.

The Good General Agricultural land use designation permits a range of agricultural and agriculture-related land uses. The expansion of the existing agriculture-related commercial uses is permitted by the Official Plan and is appropriately accommodated through the expansion of the Service Commercial Zone.

- b) Any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.

The remnant Parcel, being Part 3 (5357 Elcho Road) will retain x metres of frontage on Elcho Road and x metres along Wellandport Road (Regional Road 27)

- c) No land severance shall create a traffic hazard, or have limited sight lines on curves or grades.

Consideration of a potential driveway access to Wellandport Road will be considered through the Site Plan process.

- d) Access to a Provincial Highway, a Regional road or a local road shall be in accordance with the access provisions of the appropriate road authority.

Consideration of a potential driveway access to Wellandport Road will be considered through the Site Plan process.

- e) Consents will not be granted when any parcel involved requires access to be obtained where a traffic hazard would be created because of limited sight lines on curbs or grades or in proximity to intersections. The geometric and safety requirements of the applicable road authority shall apply.

Existing accesses are present for 5357 and 5377 Elcho Road. No concerns with their current locations or functions have been identified.

- f) Consent will be granted only when it has been established that for all parcels involved, soil and drainage conditions are suitable to permit the proper siting of a building, to obtain a sufficient and potable water supply where applicable and permit the installation of an adequate means of sewage disposal. Consents requiring installation of septic tank systems, or other private sewage disposal systems will meet appropriate standards of the Ontario Building Code.

No additional private servicing infrastructure will be required to support the expansion of 5377 Elcho Road.

A Functional Servicing Report prepared by Upper Canada Consultants outlines the proposed method for managing stormwater on Parts 1 and 2.

- g) Consent will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.

This policy applies to urban consents, and is not applicable to these applications.

- h) No land severance shall be permitted in any hazardous area that is subject to flooding, erosion or steep slopes except for a severance, which meets the satisfaction of the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority. This may include a requirement for an adequate setback from stable top of slope.

There are no slope features on the subject lands. This policy is not applicable.

- i) No land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.

A provisional site grading design prepared by Upper Canada Consultants has been provided with the application. This Plan demonstrates that through the utilization of a wet pond facility that the expansion lands and retained parcel will continue to drain appropriately to the roadside ditches with no impact on adjacent properties or downstream area.

- j) Any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-law.

The required Zoning By-law Amendment is proceeding for consideration prior to the Consent Application. This Amendment will establish the necessary zoning provisions to support the intended use of the lands.

- k) Where a consent is granted which does not conform with the Plan or Zoning By-law, the Municipality may appeal the decision to the Ontario Municipal Board.

This policy is acknowledged. The application is deemed to conform with the Official Plan and Zoning By-law, as proposed.

- l) Consents will be permitted for infrastructure corridors and facilities where easements or rights of ways are not feasible.

This policy is not applicable to development proposal.

18.13.2 Agriculture Consent Policies

Agricultural Consent policies pertain to any land division application within any of the subsequent agricultural designations (Good General Agricultural, Unique Agricultural Areas).

An assessment of the policies is provided below. Please note policies 18.13.2 c), e), g) and h) are not applicable to the consent application.

- a) Where the land being conveyed or retained is for agricultural purposes, consent may be granted where both the severed and the retained parcels respect the need for long term

agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met:

- i. Agriculture must be the intended use of the lands being retained and severed;
- ii. Smaller lot severances for greenhouses can be permitted subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for greenhouse operations be of sufficient size so that these ample room for future purposes.

The retained land will continue to be used for agricultural purposes. The resultant lot area is considered to be adequate for regular farming practices.

- b) Where the land being conveyed or retained is for a commercial or industrial use which is related to the processing of agricultural products or the servicing of farms and is required in proximity to farms, a consent may be granted subject to the agriculture policies of this plan as they apply to Agriculture Commercial and Industrial Uses.

The proposed Zoning By-law Amendment and Consent application both seek to facilitate the expansion of existing agriculture-related commercial land uses. As demonstrated throughout this report, the applications conform to the relevant policies of the Official Plan.

- d) Where the land being conveyed is to be added to an abutting, existing nonfarm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved and the conveyance is for legal or technical reasons.

The proposed boundary addition will add 2.03 hectares of agricultural land to 5377 Elcho Road, which contains non-farm uses. Based on the large-scale nature of the materials and products on the site (i.e. equipment, pipe, drains, cisterns, septic tanks), the proposed expansion area is the minimum land area that the businesses will require to support their needs.

- f) Where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.

The severance is a boundary adjustment application that does not result in the creation of a new lot. The technical nature of the consent is the reasonable expansion of existing agriculture-related commercial uses within the agricultural area.

TOWNSHIP OF WEST LINCOLN ZONING BY-LAW (By-law No. 2017-70)

Map E7 of Schedule A of Township of West Lincoln Zoning By-law 2017-70 (Figure 15) shows 5357 Elcho Road zoned as “Agricultural” (A), “Environmental Protection Area” (EP), and “Environmental Conservation Area” (EC).

The adjacent property known as 5377 Elcho Road is zoned as “Service Commercial” (C3).

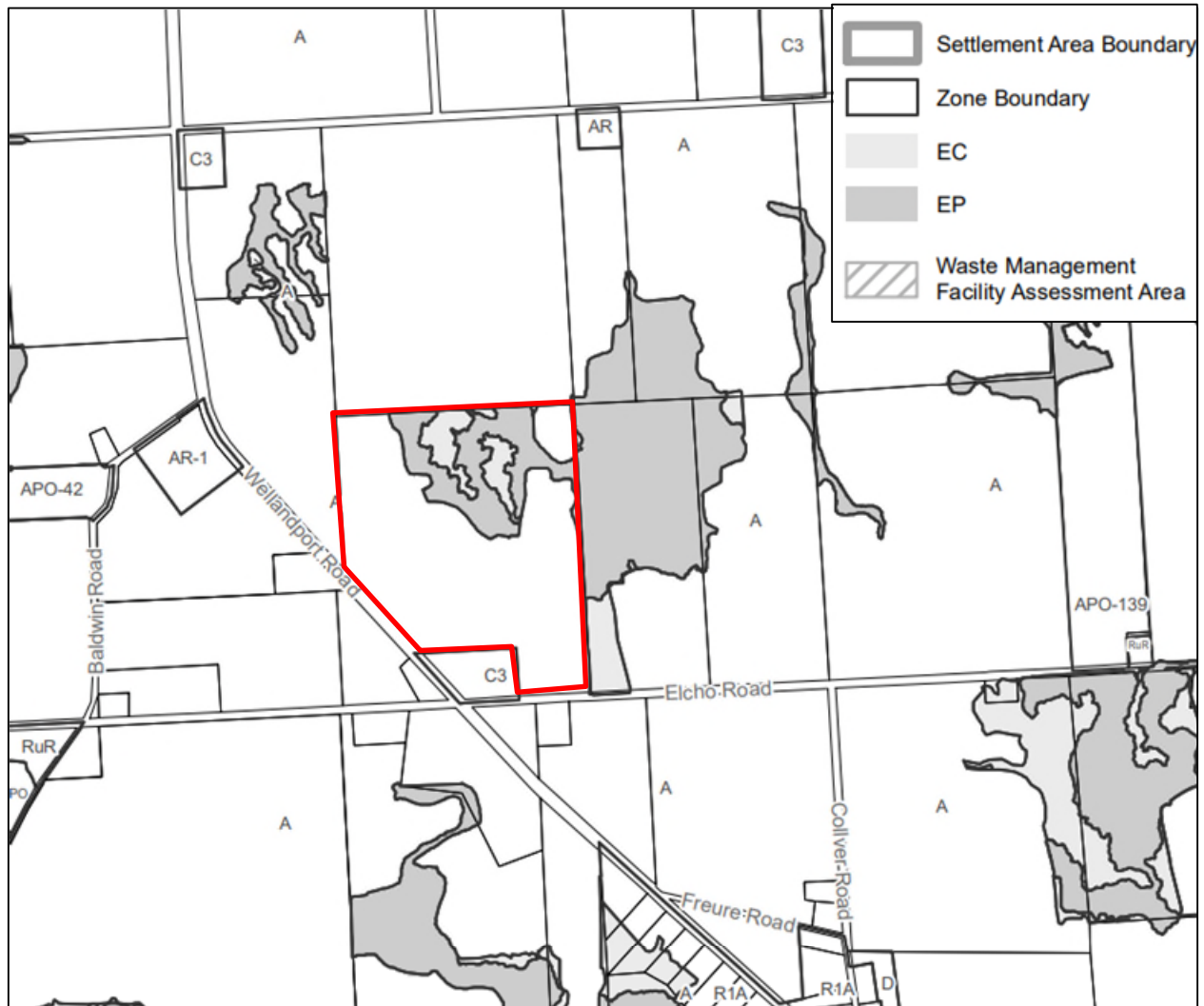


Figure 15 – Schedule A, Map E7 of Zoning By-law 2017-70

The Agricultural (A) Zone that is currently applicable to the expansion lands (Part 2) permits agricultural uses, single detached dwellings, wayside pits and quarries and accessory uses. The subject lands are operating in conformity with the Zoning By-law, as the lands are partially farmed and contain a lawfully established single detached dwelling.

As noted, the introduction of any commercial use, requires a Zoning By-law Amendment. The property known municipally as 5377 Elcho Road is zoned Service Commercial (C3). As shown in Table 1, the C3 zone permits a wide variety of commercial uses. An expansion of this zone and subsequent permissions and provisions is proposed for Part 2, which is 2.03 hectares in area. When merged, the C3 Zoning will apply to 4.03 hectares of land, being the entire consolidated property.

Site Specific Provision for Part 3 (A-X Zone)

The remnant Parcel (Part 3, 5357 Elcho Road) will require a site-specific provision to be added to the applicable Agricultural (A) Zone to permit a minimum lot area that is less than that required Table 12 of Section 5.3 of the Zoning By-law which is 40 hectares.

It is noted that 5357 Elcho Road is already undersized under the requirements of the Zoning By-law, being 32.68 hectares in size rather than the required 40 hectares.

As shown on the provided severance sketch, the resultant lot area after severance will be 30.65 hectares. This minor reduction in lot area is not anticipated to have any significant impact on the ability of the land owner to continue to farm their property.

The proposed Zoning Matrices are reflective of the state of the properties after severance and merger.

Outside Storage

The primary reason for the lot adjustment is due to the need for more storage space for inventory at 5377 Elcho Road. The existing property is currently exceeding the 5% maximum storage provision.

In keeping with the direction of the Zoning By-law, screening can and will be provided along the western exterior side yard flankage. The material and type are able to be determined through detailed site design and may include fencing, berms or landscape – or a mix of all forms.

The preliminary Site Plan shows the general area used for inventory storage on the subject lands, which equates to 56.4%. This area and percentage have been proposed through the zoning amendment.

Table 1: Zoning Compliance Table – Service Commercial (C3) Zone – 5377 Elcho Road (After Merged)

Provision	Required	Proposed
<p>7.2 Permitted Uses</p>	<p>Commercial Kennel Commercial School Communications Establishment Contractors Establishment Drive Through Facility Dry Cleaning / Laundry Depot Financial Institution Funeral Home Garden Centre Hotel/Motel Motor Vehicle Dealership Motor Vehicle Gasoline Bar Motor Vehicle Repair Establishment Motor Vehicle Service Station Motor Vehicle Washing Establishment Office, Including Medical Office Personal Service Shop Pet Care Establishment Place of Entertainment Private Club Recreation Facility Restaurant Retail Store Service Shop Studio Veterinary Clinic Wayside Pit or quarry Accessory Buildings and Structures Outside Display and Sales Area</p>	<p>Contractors Establishment, Service Shop, Outdoor Storage</p>

Provision	Required	Proposed
	Outside Storage Renewable Energy System	
7.3 Regulations	Required	Proposed
Minimum Lot Area	750 m ²	40,300 m ²
Minimum Lot Frontage	25 metres	128.93m
Minimum Front Yard (Elcho Road)	9 metres	36.63m
Minimum Exterior Side Yard (Wellandport Road)	6 metres	83.13m
Minimum Interior Side Yard	6 metres	23.84m
Minimum Rear Yard	6 metres	116.27m
Maximum Lot Coverage	50%	2.2%
Maximum Height	10 Metres	8.5 metres (existing buildings)
Minimum Landscaped Open Space	10%	17.6%
Maximum Outdoor Storage	5% of Lot Area (Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots.)	56.4%
Maximum Gross Leasable Floor Area	50%	2.28%
Section 7.1	Required	Proposed

Provision	Required	Proposed
Parking Requirements		
Commercial Retail Use	1 Space per 30 square metres of gross floor area. = 32 spaces required	37 spaces

Table 2: Zoning Compliance Table – Agricultural (A) Zone – 5357 Elcho Road (Dwelling and Farm)

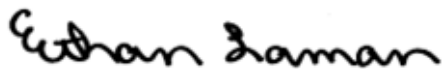
Provision	Required	Proposed
5.2 Permitted Uses	Agricultural Use Single Detached Dwelling Wayside Pit or Quarry	Agricultural Use and Single Detached Dwelling
5.3 Regulations	Required	Proposed
Minimum Lot Area	40 ha	30.65
Minimum Lot Frontage	100 m	171.65 m
Minimum Front Yard (Dwelling)	15 m	62.96 m
Minimum Exterior Side Yard (Dwelling)	15 m	N/A
Minimum Interior Side Yard (Dwelling)	5 m	25.64 m
Minimum Rear Yard (Dwelling)	15 m	±600 m
Maximum Lot Coverage	50%	±0.18%
Maximum Height	15 m	As existing
Minimum Landscaped Open Space	No Minimum	N/A
Maximum Outdoor Storage	5% of Lot Area	None
Section 7.1 Parking Requirements	Required	Proposed
Detached Dwelling	2 Parking Spaces per Dwelling Unit	+ 2 spaces

PLANNING POSITION

Based on the analysis provided within this report the proposed amendment is consistent with the 2020 Provincial Policy Statement and conforms to the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan and Town of West Lincoln Official Plan, as amended.

It is my professional opinion that the applications are representative of good land use planning, are in the public interest, and should be supported by the Township.

Respectfully Submitted,

A handwritten signature in black ink that reads "Ethan Laman". The signature is written in a cursive, slightly slanted style.

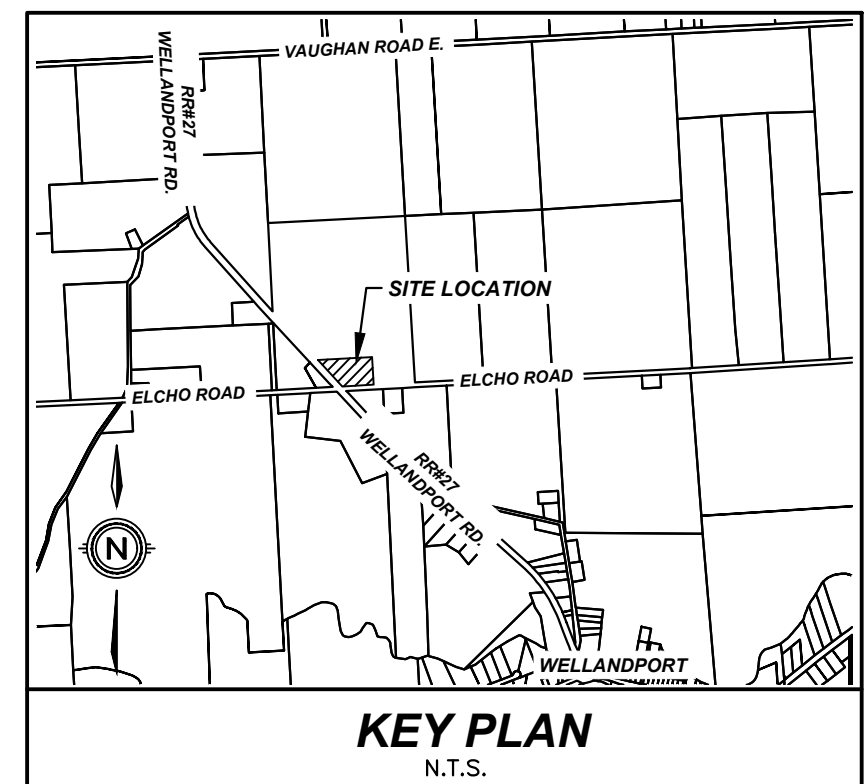
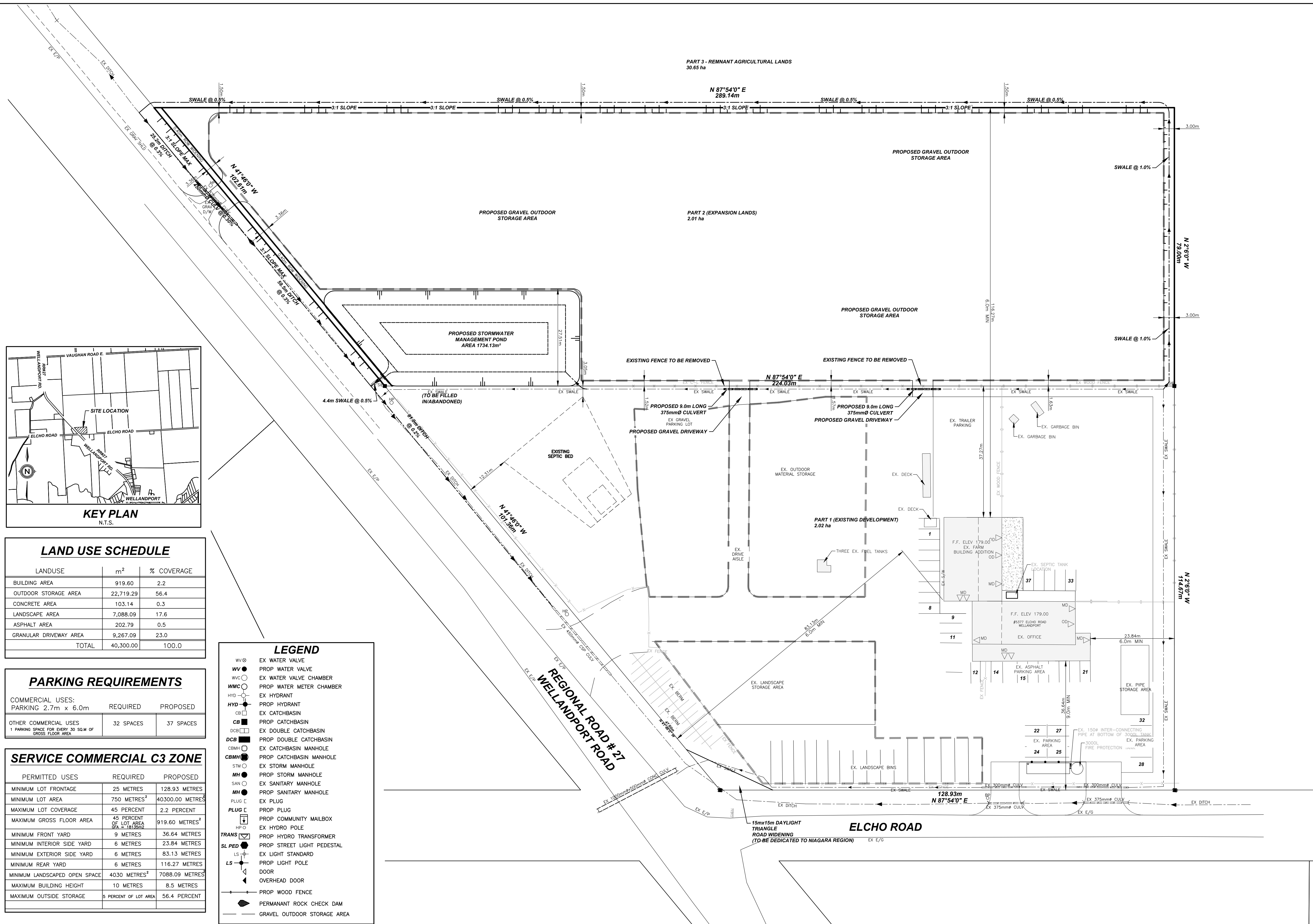
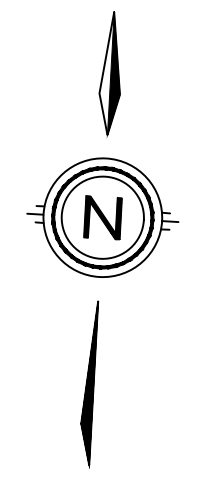
Ethan Laman, MCIP, RPP

Planner

Upper Canada Consultants

Appendix I
Site Plan





LAND USE SCHEDULE

LANDUSE	m ²	% COVERAGE
BUILDING AREA	919.60	2.2
OUTDOOR STORAGE AREA	22,719.29	56.4
CONCRETE AREA	103.14	0.3
LANDSCAPE AREA	7,088.09	17.6
ASPHALT AREA	202.79	0.5
GRANULAR DRIVEWAY AREA	9,267.09	23.0
TOTAL	40,300.00	100.0

PARKING REQUIREMENTS

COMMERCIAL USES:	REQUIRED	PROPOSED
PARKING 2.7m x 6.0m		
OTHER COMMERCIAL USES	32 SPACES	37 SPACES

1 PARKING SPACE FOR EVERY 30 SQ.M OF GROSS FLOOR AREA

SERVICE COMMERCIAL C3 ZONE

PERMITTED USES	REQUIRED	PROPOSED
MINIMUM LOT FRONTAGE	25 METRES	128.93 METRES
MINIMUM LOT AREA	750 METRES ²	40300.00 METRES ²
MAXIMUM LOT COVERAGE	45 PERCENT OF LOT AREA	2.2 PERCENT
MAXIMUM GROSS FLOOR AREA	45 PERCENT OF LOT AREA (GFA = 18150m ²)	919.60 METRES ²
MINIMUM FRONT YARD	9 METRES	36.64 METRES
MINIMUM INTERIOR SIDE YARD	6 METRES	23.84 METRES
MINIMUM EXTERIOR SIDE YARD	6 METRES	83.13 METRES
MINIMUM REAR YARD	6 METRES	116.27 METRES
MINIMUM LANDSCAPED OPEN SPACE	4030 METRES ²	7088.09 METRES ²
MAXIMUM BUILDING HEIGHT	10 METRES	8.5 METRES
MAXIMUM OUTSIDE STORAGE	5 PERCENT OF LOT AREA	56.4 PERCENT

LEGEND

- WV ● EX WATER VALVE
- WV ● PROP WATER VALVE
- WC ○ EX WATER VALVE CHAMBER
- WMC ○ PROP WATER METER CHAMBER
- HYD ○ EX HYDRANT
- HYD ● PROP HYDRANT
- CB □ EX CATCHBASIN
- CB ■ PROP CATCHBASIN
- DCB □ EX DOUBLE CATCHBASIN
- DCB ■ PROP DOUBLE CATCHBASIN
- CBMH ○ EX CATCHBASIN MANHOLE
- CBMH ● PROP CATCHBASIN MANHOLE
- STM ○ EX STORM MANHOLE
- STM ● PROP STORM MANHOLE
- SAN ○ EX SANITARY MANHOLE
- SAN ● PROP SANITARY MANHOLE
- PLUG E EX PLUG
- PLUG ● PROP PLUG
- HP ○ EX HYDRO POLE
- HP ● PROP HYDRO POLE
- TRANS ○ EX TRANSFORMER
- TRANS ● PROP TRANSFORMER
- SL PED ○ EX STREET LIGHT PEDESTAL
- SL PED ● PROP STREET LIGHT PEDESTAL
- LS ○ EX LIGHT STANDARD
- LS ● PROP LIGHT STANDARD
- LS ○ EX LIGHT POLE
- LS ● PROP LIGHT POLE
- DOOR ○ EX DOOR
- DOOR ● PROP DOOR
- OVERHEAD DOOR ○ EX OVERHEAD DOOR
- OVERHEAD DOOR ● PROP OVERHEAD DOOR
- PROP WOOD FENCE
- PERMANENT ROCK CHECK DAM
- GRAVEL OUTDOOR STORAGE AREA

NOTES:

- THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
- PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD, TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	M.C.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	



OWNER
NGF PROPERTY INC.
 5377 ELCHO ROAD
 WEST LINCOLN, ON

**#5377 ELCHO ROAD
 WELLANDPORT
 SITE PLAN**

CONSULTANT FILE No.	2089
DATE	2024-04-04
PRINTED	2024-04-04
SCALE	1:400 m
REF No.	
DWG No.	2189-SP
REV	0

Appendix II
Pre-consultation Notes

Pre-consultation Meeting Form

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

Pre-Consultation Meeting Date: May 3, 2023

Site Address: 5357 & 5377 Elcho Road **Approximate Land Area (metric):** 2 hectares and 32.7 hectares

Site Legal Description: Concession 2, Part Lot 13, RP 30R2450 Part 2

Owner Contact Information:

Name of Owner: Brad and Kimberly Killins & NGF Property Inc.

Phone Number: _____

Email: _____

Principal Contact: Craig Rohe – Upper Canada Consulting

Phone Number: _____

Email: _____

Application Type:

- Official Plan Amendment (OPA)
 Zoning Bylaw Amendment (ZBA)
 Combined OPA/ZBA
 Consent – Severance to Create New Lot Boundary Adjustment Consent – Easement
 Minor Variance
 Site Plan
 Draft Plan of Subdivision
 Draft Plan of Condominium – Standard Vacant Land Common Element

Local Municipal Contact: Gerrit Boerema **Phone:** 905-957-5133 **Email:** gboerema@westlincoln.ca

1. Brief description of proposed development:

The owners of 5357 and 5377 Elcho Road are requesting a consent/boundary to sever 5 acres of farmland from 5357 Elcho Road and add it to 5377 Elcho Road, a 5 acre commercially zoned lot which contains an agricultural service and supply establishment.

2. Check All Applicable: Brownfield Greenfield Built-up Greenbelt Local CIP Area

3. Development Charges: Regional By-law 62-2012, Local By-law 2009-63

4. Existing Regional Policy Plan Designation: Prime Agricultural Lands

Conformity with Regional Policy Plan land use designations and policies? : Yes No

If 'No', what is the nature of the amendment needed? _____

5. Existing Local Official Plan Designation: Good General Agriculture

Conformity with Official Plan land use designations and policies? Yes No

If 'No', what is the nature of the amendment needed? See TWP Planning Comments below.

6. Existing Zoning: Agricultural 'A' (proposed severed parcel) and Commercial 'C3' (receiving parcel)

Conformity with existing zoning?: Yes No

If 'No', what is the proposed zoning: Remaining agricultural lands will not meet the minimum lot area and severed lot will need to be rezoned to permit additional uses.

7. Urban Design Guideline Applicable? Yes No

8. Is Site Plan approval required? Yes No

9. Open House Required? Yes No

10. Fees Required at time of Submission of the Application

Application	Township Planning Department	Region of Niagara	Niagara Peninsula Conservation Authority	Other Fees
Regional Policy Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment	\$4,820.00	\$1,395.00		
Plan of subdivision				
Plan of Condominium				
Consent	\$1,480.00	\$940.00		
Site Plan Control or Amendment	\$8,470.00	\$570 + 675.00		
Other				
Pre-con fee deposit	- \$310.00*			
TOTAL				

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.
- In addition to all application fees set out above, the applicant shall pay to the Township prior to final approval, all peer review fees, engineering review costs and legal fees incurred by the Township in reviewing the application.
- *\$255 to be taken off of one application fee if applied for within one year.

11. Development Charges (if applicable)

	Township Fee Rate	Region of Niagara Fee Rate	Notes
Building Permit Fee			
Conditional Permit (if applicable)			
Municipal Development Charge			
Site Specific Development Charge - Sanitary			
Site Specific Development Charge - Storm			
Site Specific Development Charge - Water			
Development Charge Credits			
Other			
TOTAL			

12. Additional Agencies to be contacted:

- HYDRO PIPELINES OTHER _____

13. Additional Comments:

TOWNSHIP PLANNING The subject lands are within the Good General Agricultural Designation. The Good General Agricultural policies can be found in Section 4 of the Township's Official Plan and severance policies can be found in Section 18 of the Official Plan. Township staff note the specific application of Policies 4.4.2 b), e) and g), namely ensuring that agricultural lots remain of a large enough size to ensure flexibility for future agricultural operations, ensuring that small scale commercial and industrial uses remain small in scale to minimize the impact on existing and future agricultural operations and that changes to existing non-agricultural uses shall require additional approvals such as zoning amendments and site plan approval. The Township further provides policies in Section 1813.2 a), b) and d). In summary, the policy can support farm land being added to a non-farm use if the minimum amount of productive agricultural farmland is taken out of production. Additionally, boundary adjustments are permitted for legal and technical reasons, including minor boundary adjustments. Staff are concerned that a doubling of the existing lot is not minor, and consumes a large amount of agricultural land, which may have impacts on future farming flexibility of the remaining farm land and may impact surrounding agricultural lands. Staff will need a planning justification report to support the consent, but would be in a better position to support a consent if the land being added was lessened by half. This would reduce the amount of farmland being taken out of production and help keep the business smaller in scale and help the boundary adjustment be considered minor. Staff additionally note the Niagara Official Plan policy 4.1.10 Non Conforming Uses in the Agricultural System. This policy allows for expansions of non-conforming uses provided it meets a number of criteria. Township Planning staff would be looking for justification on this policy as well. In summary, Planning Staff are requesting that:

- The area be reduced
- Planning Justification be provided on applicable policies mentioned above
- Detailed description of the current and proposed use(s) and how, if it does, relates to agriculture
- Impact on future flexibility of farm property

The subject property is also zoned Agricultural 'A'. A zoning amendment or variance will be required as the lot will become further deficient of the minimum lot area of 40 hectares. The severed lands will also need to be rezoned to allow for the proposed use. Planning staff prefer a zoning of Agricultural Related, however, split zonings do pose issues with respect to enforcement. The zoning should also address outdoor storage limitations as most of the property is being used for outdoor storage.

As the proposal is for a commercial/ag related use, the site plan will need to be updated to reflect the new boundaries. The site plan should also consider features to increase compatibility with surrounding agricultural lands, such as fencing and vegetation planning.

REGION OF NIAGARA

Planning Comments

- An agricultural system has been identified in which all types, sizes and in intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. In addition, agriculture-related uses and on-farm diversified uses are permitted within the Prime Agricultural Area.
- NOP Policy 4.1.10.1 does not prohibit the continued operation of legally established commercial uses. The proposed expansion would require agricultural land from the adjacent property (5357 Elcho Road) be added to the commercial property at 5377 Elcho Road. NOP Policy 4.1.10.2 outlines that expansions to existing buildings and structures, accessory structures and existing uses in the Agricultural System are permitted subject to the following:
 - new municipal services are not required;
 - the proposal does not expand into *key natural heritage features* and *key hydrologic features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
 - the proposal does not result in the intrusion of new incompatible uses; and

- the proposed use is in accordance with the minimum distance separation formulae.
- NOP Policy 4.1.3.7 identifies that where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system, by incorporating measures as part of expanding non-agricultural uses, as appropriate, within the area being developed.
- To facilitate the expansion, a lot boundary adjustment is proposed. Policy 4.1.6.1 d) in the NOP allows for lot adjustments for legal or technical reasons, which includes minor boundary adjustments that do not result in the creation of a new lot.
- Staff are concerned with the size of the proposed expansion (doubling the commercial property). Staff recommend the proposal be scaled back in order to be considered 'minor' in alignment with PPS and NOP lot creation policies.
- For the proposed expansion of the legally existing commercial business staff require a Planning Justification Report prepared by a Registered Professional Planner to justify how the proposal aligns with relevant Regional and Provincial policies as detailed above. This should include analysis of how land use compatibility between the commercial expansion and surrounding agricultural operations/lands can be achieved.

Archaeological Potential

- 5357 Elcho Road is mapped as an area of Archaeological Potential on Schedule K of the NOP. Policy 6.4.2.6 of the NOP requires the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential.
- As such, staff will require a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist for the proposed expansion into 5357 Elcho Road. The assessment must be accepted by the Ministry of Citizenship and Multiculturalism (MCM) with a copy shared to Niagara Region. Note, according to Policy 6.4.2.6, lands located outside a *settlement area* boundary where *site alteration* or *development* will not affect the entire property, may be scoped by the licensed archaeologist in consultation with the Province.

Environmental Comments

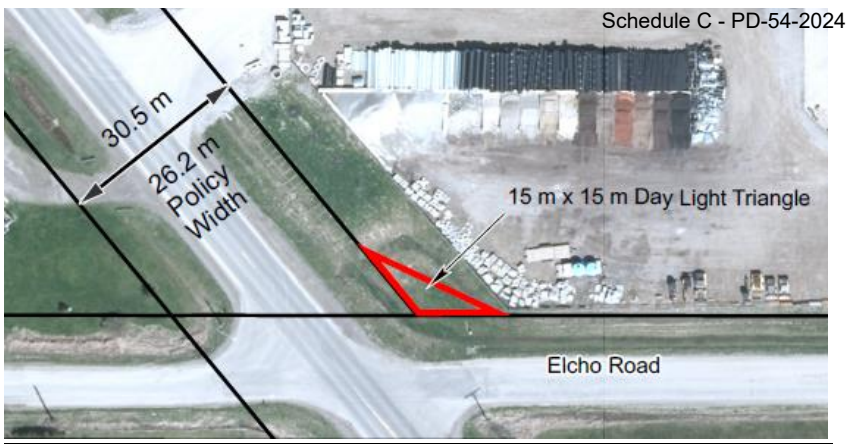
- The subject property is impacted by the Region's Natural Environment System (NES), consisting of Provincially significant wetland (PSW), significant woodland, other wetlands, permanent or intermittent watercourse and a linkage. Wetlands and watercourses are considered Key Hydrologic Features (KHF) outside of settlement areas.
- Niagara Official Plan (NOP) policies requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of KHFs/Significant Woodland and within 30 m of a linkage.
- The proposed development is outside of the above-noted setbacks. As such, staff offer no requirements.

Transportation / Roads

- Elcho Road – Local
- Wellandport Road (RR #27) - Regional

Road Widening

- The current width of Regional Road #27 (Wellandport Road) is approximately 30.5 m. This exceeds the Policy Width of 26.2 m. Therefore, no additional widening would be required.
- A 15m x 15 m daylight triangle is required at the corner of Wellandport Road and Elcho Road.



Regional Permit Requirements

- Regional transportation planning and operations staff are okay with the conceptual regrading proposed, if swales along the perimeter are not on the subject property. The owner shall provide consent from adjacent owners for the proposed works. Detailed comments will be provided at the site plan stage
- The Owner is to confirm that the existing and proposed culverts will be sufficiently sized to accommodate the proposed flows.
- Require Regional Construction Encroachment and Entrance Permit prior to any construction within Regional Road Allowance.
- Regional Sign Permit Required for any signs within 20m of the centreline on Wellandport Road
- Permit link: <https://www.niagararegion.ca/living/roads/permits/default.aspx>

Restoration is to be to Regional standards: <https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Servicing Comments

- Water: Private
- Sanitary: Private
 - Private servicing requirements under jurisdiction of Township
- Storm: Roadside Ditches

Stormwater Management Comments

- At the time of future Planning Act Application (i.e. Draft Plan and/or Site Plan), the Region will require a stormwater management plan be reviewed. The following comments are provided for information to assist the applicant with the preparation of a detailed site plan:
 - a) The Niagara Region will require that stormwater runoff from a 25mm design storm event be captured and released over a period of 24 hours in order to mitigate the erosion impacts to the downstream watercourse
 - b) The Niagara Region will require that stormwater runoff from the development be captured and treated to enhance protection (i.e. 80% long-term suspended solids removal) prior to discharge from the site.
 - c) The Niagara Region will require Wellandport Road (Regional Road 27) not be negatively affected as a result of the development. The Region normally requires post-development flows be controlled to pre-development level for all storms (2-year up to and including the 100-year storm) if a development will discharge onto a Regional Road.
 - d) The Niagara Region will require that a stormwater management report (and the associated fee) be submitted to this office indicating in details how the above noted criteria will be achieved and including a section of inspection and maintenance requirements of SWM measures for the future owner.
 - e) Prior to construction, the Niagara Region will require that detailed grading, servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

Waste Collection

- Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

5357 Elcho Road (Residential)

- Blue/grey – no limit (weekly)
- Green – no limit (weekly)
- Waste – 2 bag/can limit (bi-weekly)
- Curbside collection only
- Collection to remain as is.

5377 Elcho Road (Commercial)

- Blue/grey – max. 8 blue/grey carts (weekly)
- Green – unlimited green bins / max. 8 green carts (weekly)
- Waste – 8 bag/can limit (bi-weekly)
- Curbside collection only
- Collection to remain as is.

Required Studies for Regional Review

- Planning Justification Report (with Zoning/Consent)
- Stage 1 Archeological Assessment Report and MCM acknowledgement letter (with Zoning/Consent)
- Stormwater Management Report (Site Plan)

Required Fees

The Region’s 2023 Fee Schedule is available at: https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

<u>Development Application Review Type</u>	<u>Fee Amount</u>
<u>Zoning By-law Amendment Review</u>	<u>\$1,395</u>
<u>Consent Review - Rural / Outside Urban Areas</u>	<u>\$940</u>
<u>Site Plan Review</u>	<u>\$570</u>
<u>Stormwater Review less than 5 ha</u>	<u>\$675 (with Site Plan fee)</u>

NPCA

The subject parcel is outside the NPCA Regulated Area. However, the Agricultural parcel to the north does contain Provincially Significant Wetland (PSW) associated with the Beaver Creek West Lincoln Wetland Complex and is traversed by a section of Beaver Creek which poses a potential flood concern.

Provided the proposed lot addition is greater than 120 metres from the wetland impacting the site, the NPCA is satisfied that an Environmental Impact Study, associated Water Balance Assessment and floodplain mapping requirement can be waived.

TOWNSHIP PUBLIC WORKS

No comments at this time. Will review the site plan application when received.

TOWNSHIP BUILDING

The site should be supplied with adequate water for firefighting.

14. **Site Visit:** _____

15. Incentive Programs:

16. Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Digital	Paper	
✓			Planning Justification Report	✓	5	
✓			Conceptual Site Plan	✓	5	
✓			Survey Sketch	✓	5	
			Draft Regional Policy Plan Amendment			
✓			Draft Local Zoning Amendment Bylaw	✓	5	
			Land Use/Market Needs*			
			Urban Design/Landscape Plans			
	✓		Archaeology Assessment	✓	5	
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Tree Inventory Preservation Plan			
			Floodplain and Hazard Lands Boundary Plan			
			Geotechnical			
			Environmental Site Assessment			
			Air Quality/Noise & Vibration Study*			
			Agricultural Impact Assessment			
			Farm Operation and Ownership			
✓			Minimum Distance Separation I & II	✓	5	
			Mineral Aggregate Resources			
			Municipal Servicing Study			
			Phasing Plan			
			Sensitive Land Use Report			
			Slope Stability Report			
✓			Stormwater Management Plan	✓	5	
			Transportation Impact Study/Parking Impact Analysis			
			Hydrogeological Study and Private Servicing Plans*			
			Soil report			
			Financial Impact Assessment*			
			Shadow Analysis			
			Risk Management Study			
✓			Gas Well Study/Gas Migration Study	✓	5	Confirmation of existing gas/water wells
			Wind Study*			
✓			Cistern for Fire Purposes under OBC	✓	5	
			Other*			

Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the preconsultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.

4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. It is hereby understood that during the review of the application additional applications, studies or information may be required as a result of issues arising during the processing of the application.
11. There may also be financial requirements arising from the application, including, but not limited to, parkland dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, cost for lifting 0.3 metres reserves, and reimbursement for road widening acquisition or road improvements.
12. Engineering review done in association with an application will be billed to the applicant.

Signatures:

<u>Gerrit Boerema</u> Township Planning Staff	_____	_____
	Township Planning Staff (signature)	Date
_____	_____	_____
Township Public Works Staff	Township Public Works (signature)	Date
_____	_____	_____
Township Building Staff	Township CBO (signature)	Date
<u>Katie Young</u> Regional Staff	_____	_____
	Regional Staff (signature)	Date
_____	_____	_____
Regional Staff	Regional Staff (signature)	Date
_____	_____	_____
NPCA Staff	Conservation Staff (signature)	Date
<u>Craig Rohe</u> Agent	_____	_____
	Agent (signature)	Date
_____	_____	_____
Owner	Owner (signature)	Date
_____	_____	_____
Other	Other (signature)	Date

Appendix III
Draft Zoning By-law Amendment

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024- XX

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

WHEREAS the Township of West Lincoln is empowered to enact this By-Law by virtue of the provisions of Section 34 of the Planning Act, 1990, as amended;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:

1. That Schedule 'A' Map 'E7', as amended, is hereby amended by changing the zoning on the lands municipally known as 5357 and 5377 Elcho Road, in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law; and,
2. That Map 'E7' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is further amended by changing shown on Schedule 'A', attached hereto and forming part of this By-law as follows:
 - Part 1 – From Service Commercial Zone (C3) Zone to Service Commercial Site-specific (C3-XX) Zone
 - Part 2 – From Agricultural (A) Zone to Service Commercial Site-specific (C3-XX) Zone
 - Part 3 – From Agricultural (A) Zone to Agricultural Site-specific (A-XX) Zone
3. That Parts 5 and 7 of Zoning By-Law 2017- 70, as amended, is hereby amended by adding the following to Part 13.2:

A-XX

Permitted Uses:

As per the parent zone.

Regulations:

All regulations of the A zone except:

- a) Minimum lot area of no less than 30.6 hectares

C3-XX

Permitted Uses:

As per the parent zone.

Regulations:

All regulations of the C3 zone except:

a) Maximum Outdoor Storage – 57% of the lot area

4. That all other provisions of By-law 2017-70 continue to apply; and,
5. That this By-Law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND
THIRD TIME AND FINALLY
PASSED THIS 24 DAY OF JUNE,
2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK



PART 3


WELLANDPORT ROAD


PART 2

PART 1

ELCHO ROAD

LEGEND

 PART 1 - FROM SERVICE COMMERCIAL (C3) ZONE TO SERVICE COMMERCIAL (C3-X) SITE SPECIFIC ZONE

 PART 2 - FROM AGRICULTURAL (A) ZONE TO SERVICE COMMERCIAL (C3-X) SITE SPECIFIC ZONE

 PART 3 - TO REMAIN AGRICULTURAL (A) ZONE

#5377 ELCHO ROAD
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

West Lincoln
Your Future Naturally

Appendix IV
Preliminary Consent Sketch

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL COPY IF EMBOSSED BY THE SURVEYOR'S SEAL, OR PDF CERTIFIED

SKETCH FOR PLANNING ACT APPLICATION
5357 & 5377 ELCHO ROAD
 TOWNSHIP OF WEST LINCOLN



SCALE 1: 1000
 RASCH & HYDE LTD.
 ONTARIO LAND SURVEYORS

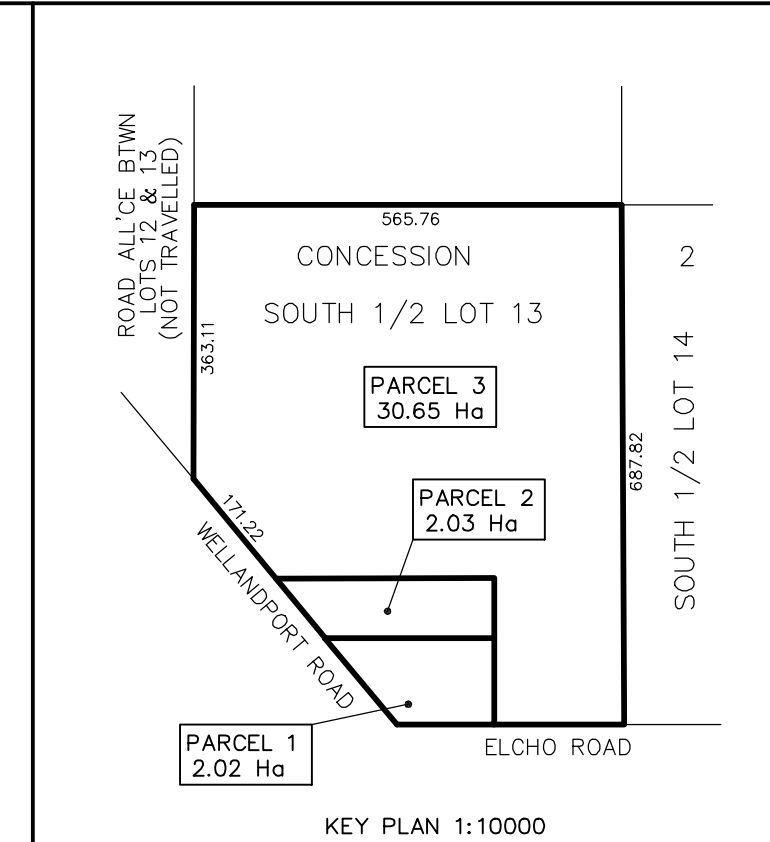
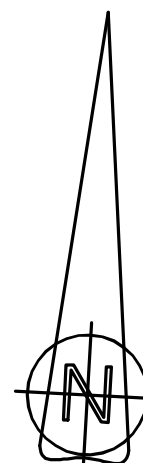
© COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2023

PARCEL 3
 30.65 Ha
 (TO BE RETAINED)

PARCEL 2
 2.03 Ha
 (TO BE SEVERED AND ADDED TO PARCEL 1)

PARCEL 1
 2.02 Ha

PART 1 PLAN 30R-2450
 SUBJECT TO R-0-W AS IN R0395283
 (WIDTH EXAGGERATED FOR CLARITY)
 (0.30 WIDE)
 PIN 46080-0098 (LT)



LEGEND & NOTES

- BF DENOTES BOARD FENCE
- CLF DENOTES CHAIN LINK FENCE
- PIN DENOTES PROPERTY IDENTIFIER NUMBER

**BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

CAUTION

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS, PLAN 30R-1646, PLAN 30R-2450 AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF THE SOUTH 1/2 OF LOT 13, CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
 TOWNSHIP OF WEST LINCOLN
 REGIONAL MUNICIPALITY OF NIAGARA
 PIN 46080-0041 (LT) AND PIN 46080-0042 (LT)

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APRIL 27, 2023

DATE

Harold D. Hyde
 HAROLD D. HYDE
 ONTARIO LAND SURVEYOR

PIN 46080 - 0071 (LT)
 ROAD ALLOWANCE BETWEEN
 CONCESSIONS 1 AND 2, GAINSBOROUGH
 ALSO KNOWN AS ELCHO ROAD

RASCH + HYDE LTD.
 Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B
 DUNNVILLE, ONT, N1A 2X1
 905-774-7188
 (FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street
 FORT ERIE, ONT, L2A 5Y1
 905-871-9757
 (FAX 905-871-9748)

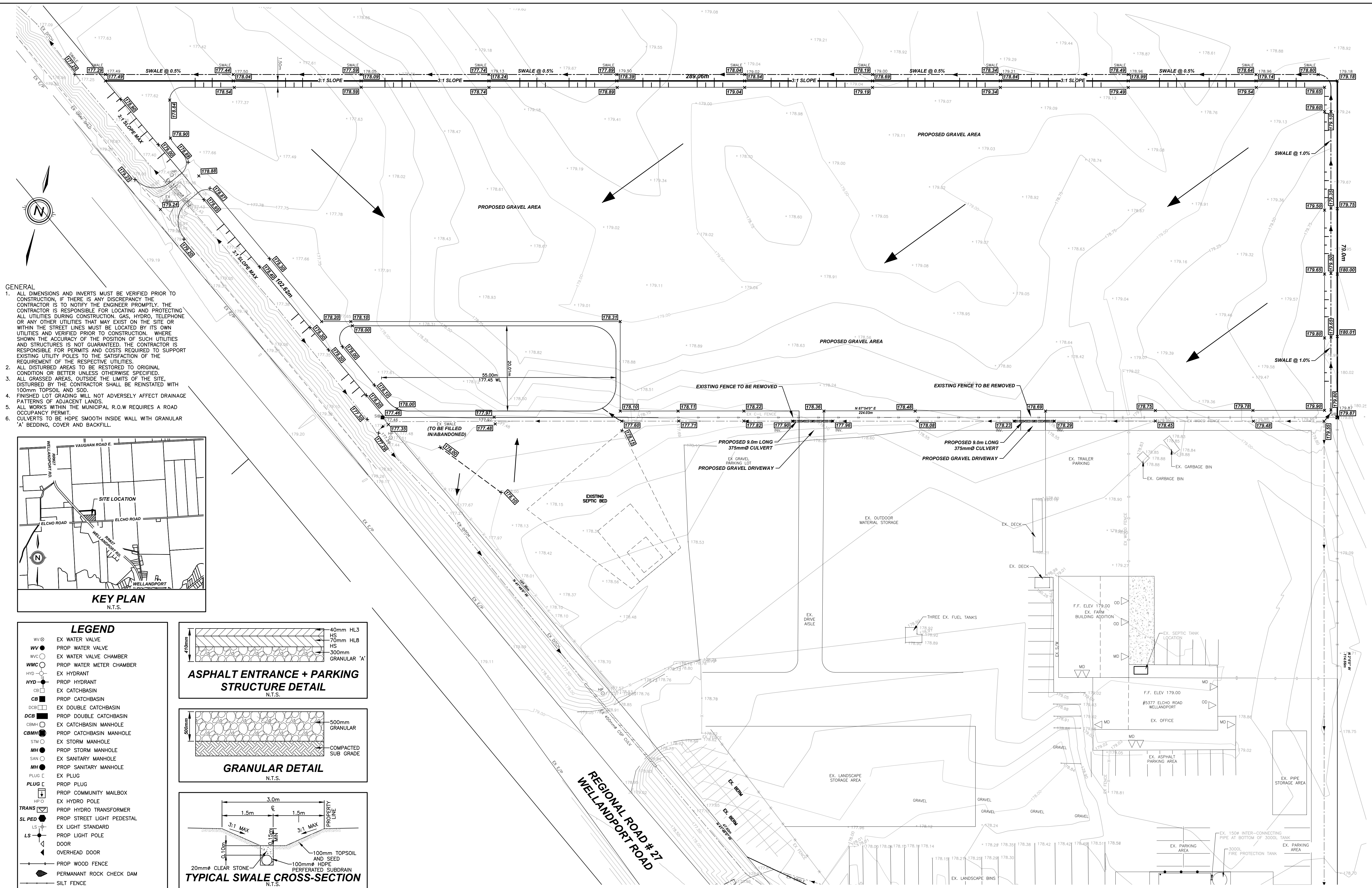
HAROLD D. HYDE O.L.S.

SCALE 1 : 1000

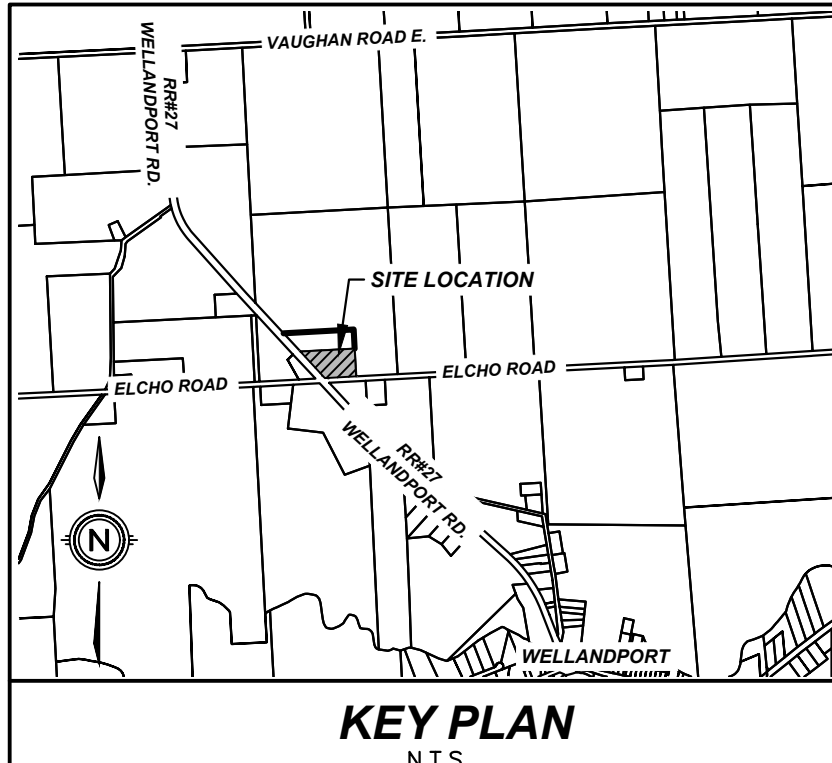
SURVEY : 22-048

DRWN BY : T. Matheson

Appendix V
Preliminary Grading Plan

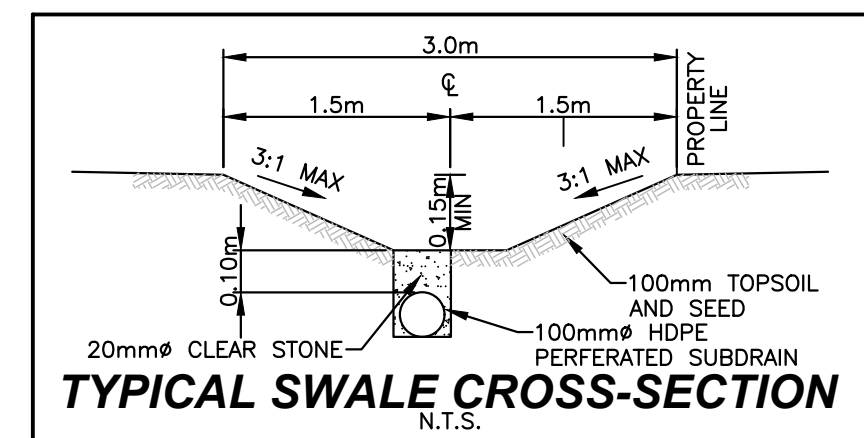
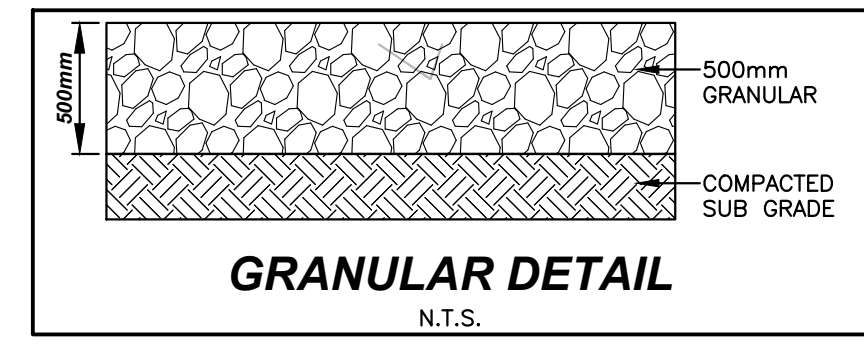
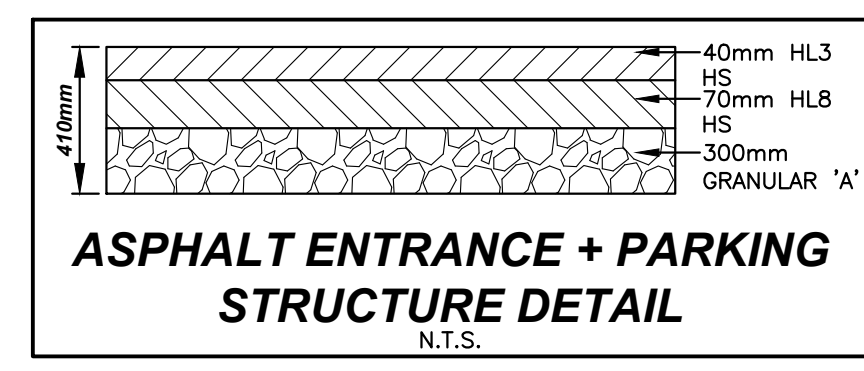


- GENERAL**
1. ALL DIMENSIONS AND INVERTS MUST BE VERIFIED PRIOR TO CONSTRUCTION. IF THERE IS ANY DISCREPANCY THE CONTRACTOR IS TO NOTIFY THE ENGINEER PROMPTLY. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES DURING CONSTRUCTION. GAS, HYDRO, TELEPHONE OR ANY OTHER UTILITIES THAT MAY EXIST ON THE SITE OR WITHIN THE STREET LINES MUST BE LOCATED BY ITS OWN UTILITIES AND VERIFIED PRIOR TO CONSTRUCTION. WHERE SHOWN THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR PERMITS AND COSTS REQUIRED TO SUPPORT EXISTING UTILITY POLES TO THE SATISFACTION OF THE REQUIREMENT OF THE RESPECTIVE UTILITIES.
 2. ALL DISTURBED AREAS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER UNLESS OTHERWISE SPECIFIED.
 3. ALL GRASSED AREAS, OUTSIDE THE LIMITS OF THE SITE, DISTURBED BY THE CONTRACTOR SHALL BE REINSTATED WITH 100mm TOPSOIL AND SOO.
 4. FINISHED LOT GRADING WILL NOT ADVERSELY AFFECT DRAINAGE PATTERNS OF ADJACENT LANDS.
 5. ALL WORKS WITHIN THE MUNICIPAL R.O.W REQUIRES A ROAD OCCUPANCY PERMIT.
 6. CULVERTS TO BE HDPE SMOOTH INSIDE WALL WITH GRANULAR 'A' BEDDING, COVER AND BACKFILL.



LEGEND

WV ⊙	EX WATER VALVE
WV ●	PROP WATER VALVE
WVC ○	EX WATER VALVE CHAMBER
WMC ○	PROP WATER METER CHAMBER
HYD ⊙	EX HYDRANT
HYD ●	PROP HYDRANT
CB □	EX CATCHBASIN
CB ■	PROP CATCHBASIN
DCB □	EX DOUBLE CATCHBASIN
DCB ■	PROP DOUBLE CATCHBASIN
CBMH ○	EX CATCHBASIN MANHOLE
CBMH ●	PROP CATCHBASIN MANHOLE
STM ○	EX STORM MANHOLE
MH ●	PROP STORM MANHOLE
SAN ○	EX SANITARY MANHOLE
MH ●	PROP SANITARY MANHOLE
PLUG ⊔	EX PLUG
PLUG ⊔	PROP PLUG
HP ⊔	PROP COMMUNITY MAILBOX
HP ⊔	EX HYDRO POLE
TRANS ⊔	PROP HYDRO TRANSFORMER
SL PED ●	PROP STREET LIGHT PEDESTAL
LS ⊙	EX LIGHT STANDARD
LS ⊙	PROP LIGHT POLE
DOOR ⊔	EX OVERHEAD DOOR
DOOR ⊔	PROP WOOD FENCE
PERMANTANT ROCK CHECK DAM	PERMANTANT ROCK CHECK DAM
SILT FENCE	SILT FENCE



NOTES:

1. THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	M.C.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	

West Lincoln
Your Future Naturally

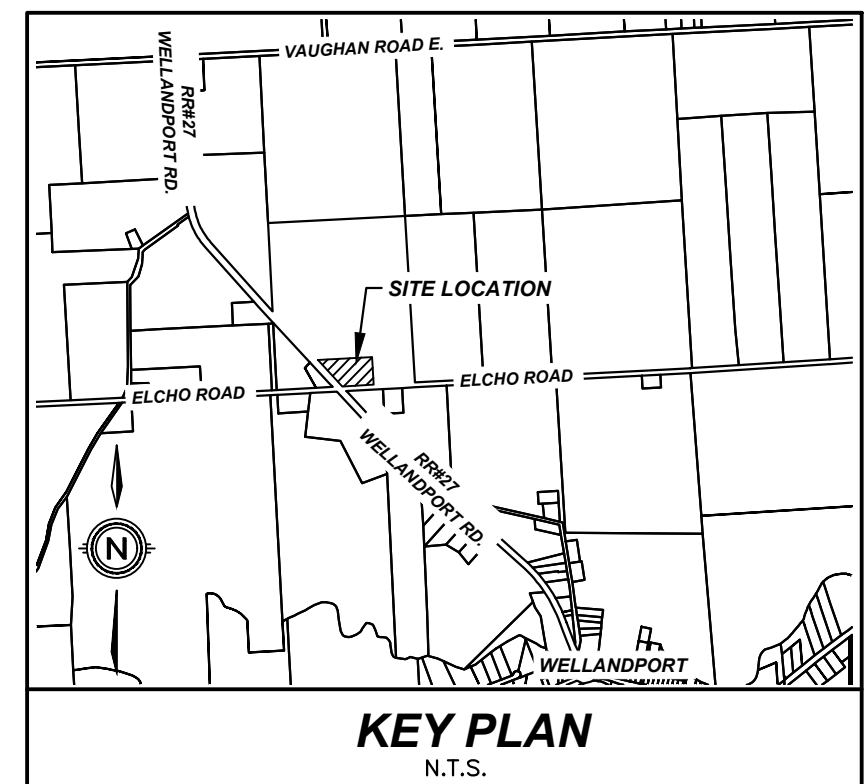
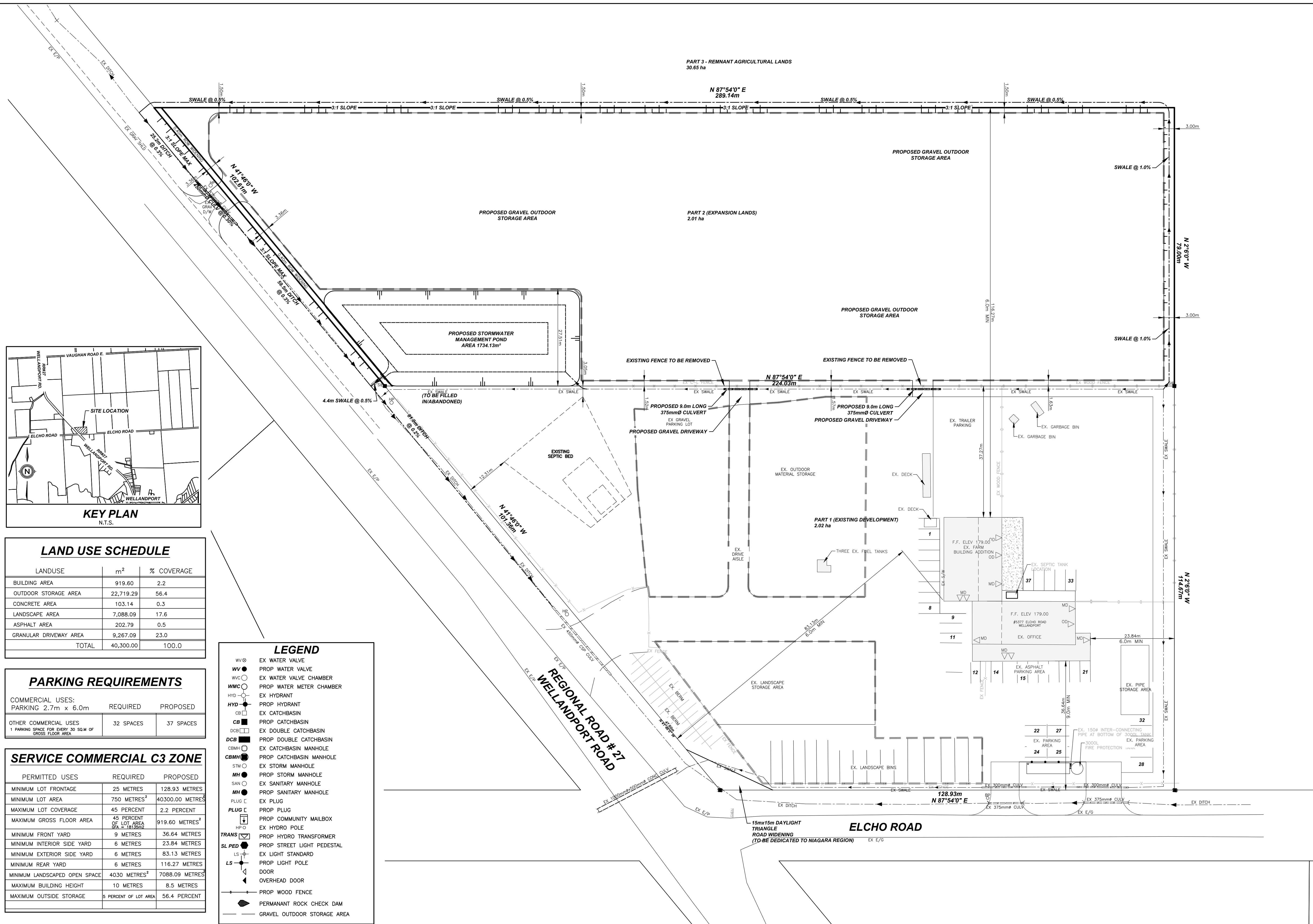
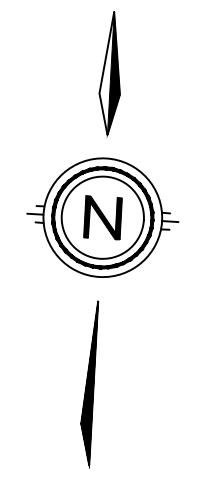
UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

OWNER

ANTHONY AANTJES
5377 ELCHO ROAD
WEST LINCOLN, ON

**#5377 ELCHO ROAD (PHASE 2)
WELLANDPORT
GRADING PLAN**

CONSULTANT FILE No.	1736
DATE	2022-12-07
PRINTED	2022-12-07
SCALE	1:400 m
REF No.	
DWG No.	2189-GP
REV	0



LAND USE SCHEDULE

LANDUSE	m ²	% COVERAGE
BUILDING AREA	919.60	2.2
OUTDOOR STORAGE AREA	22,719.29	56.4
CONCRETE AREA	103.14	0.3
LANDSCAPE AREA	7,088.09	17.6
ASPHALT AREA	202.79	0.5
GRANULAR DRIVEWAY AREA	9,267.09	23.0
TOTAL	40,300.00	100.0

PARKING REQUIREMENTS

COMMERCIAL USES:	REQUIRED	PROPOSED
PARKING 2.7m x 6.0m		
OTHER COMMERCIAL USES	32 SPACES	37 SPACES

1 PARKING SPACE FOR EVERY 30 SQ.M OF GROSS FLOOR AREA

SERVICE COMMERCIAL C3 ZONE

PERMITTED USES	REQUIRED	PROPOSED
MINIMUM LOT FRONTAGE	25 METRES	128.93 METRES
MINIMUM LOT AREA	750 METRES ²	40300.00 METRES ²
MAXIMUM LOT COVERAGE	45 PERCENT OF LOT AREA	2.2 PERCENT
MAXIMUM GROSS FLOOR AREA	919.60 METRES ²	
MINIMUM FRONT YARD	9 METRES	36.64 METRES
MINIMUM INTERIOR SIDE YARD	6 METRES	23.84 METRES
MINIMUM EXTERIOR SIDE YARD	6 METRES	83.13 METRES
MINIMUM REAR YARD	6 METRES	116.27 METRES
MINIMUM LANDSCAPED OPEN SPACE	4030 METRES ²	7088.09 METRES ²
MAXIMUM BUILDING HEIGHT	10 METRES	8.5 METRES
MAXIMUM OUTSIDE STORAGE	5 PERCENT OF LOT AREA	56.4 PERCENT

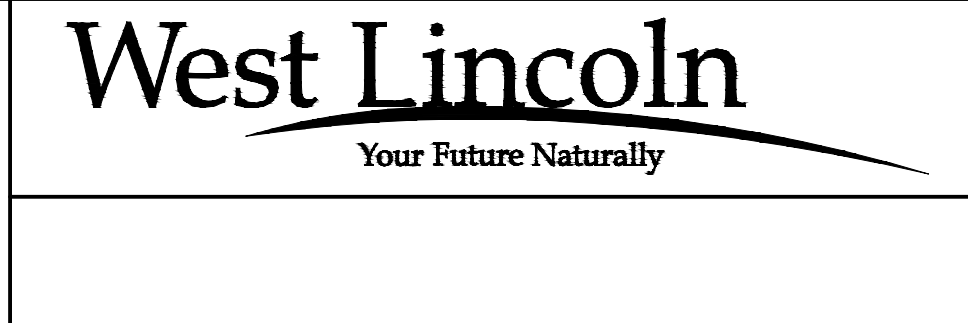
LEGEND

- WV ● EX WATER VALVE
- WV ● PROP WATER VALVE
- WC ○ EX WATER VALVE CHAMBER
- WMC ○ PROP WATER METER CHAMBER
- HYD ○ EX HYDRANT
- HYD ● PROP HYDRANT
- CB □ EX CATCHBASIN
- CB ■ PROP CATCHBASIN
- DCB □ EX DOUBLE CATCHBASIN
- DCB ■ PROP DOUBLE CATCHBASIN
- CBMH ○ EX CATCHBASIN MANHOLE
- CBMH ● PROP CATCHBASIN MANHOLE
- STM ○ EX STORM MANHOLE
- STM ● PROP STORM MANHOLE
- SAN ○ EX SANITARY MANHOLE
- SAN ● PROP SANITARY MANHOLE
- PLUG E EX PLUG
- PLUG ● PROP PLUG
- HP ○ EX HYDRO POLE
- HP ● PROP HYDRO POLE
- TRANS ○ EX HYDRO TRANSFORMER
- SL PED ● PROP STREET LIGHT PEDESTAL
- LS ○ EX LIGHT STANDARD
- LS ● PROP LIGHT POLE
- DOOR ○ EX DOOR
- OVERHEAD DOOR ○ EX OVERHEAD DOOR
- PROP WOOD FENCE ○ EX WOOD FENCE
- PERMANANT ROCK CHECK DAM ○ EX PERMANANT ROCK CHECK DAM
- GRAVEL OUTDOOR STORAGE AREA ○ EX GRAVEL OUTDOOR STORAGE AREA

NOTES:

- THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
- PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD, TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
- ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	M.C.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	



OWNER
NGF PROPERTY INC.
 5377 ELCHO ROAD
 WEST LINCOLN, ON

**#5377 ELCHO ROAD
 WELLANDPORT
 SITE PLAN**

CONSULTANT FILE No.	2089
DATE	2024-04-04
PRINTED	2024-04-04
SCALE	1:400 m
REF No.	
DWG No.	2189-SP
REV	0

Niagara Region

Growth Management and Planning

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email

November 1, 2024

Region File: PLZBA202401259

Madyson Ettl
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Ettl

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment Application
Township File: 1601-011-24
Owner: Bradley and Kimberly Killins and NGF Property Inc.
Agent: Upper Canada Consultants (c/o Ethan Laman)
5357 and 5377 Elcho Road
Township of West Lincoln**

Staff of the Regional Public Works Growth Management and Planning Division has reviewed the materials that were provided with the circulation of the above noted Zoning By-law Amendment (“ZBA”) application for the properties municipally known as 5357 and 5377 Elcho Road in the Township of West Lincoln (“subject lands”).

This application has been submitted in conjunction with consent application B092024WL, which proposes to sever 5 acres (2.02 hectares) of land from 5357 Elcho Road to be merged with 5377 Elcho Road for agricultural-related commercial use.

Within the Township of West Lincoln Zoning By-law (No. 2017-70), 5375 Elcho Road is zoned Agricultural (A) which permits agricultural uses, and 5377 Elcho Road is zoned Commercial 3 (C3), which permits a wide range of commercial uses.

The ZBA application proposes to rezone the agricultural lands being conveyed as a part of the boundary adjustment to a Service Commercial (C3) Zone with a site-specific exception to recognize a maximum outdoor storage of 57% of the lot area whereas a maximum of 5 % is permitted as well as to rezone Parcel 1, the existing Service Commercial zoned property, to the same site-specific zone. This application also proposes to rezone the Agricultural lands on Parcel 3 from Agricultural (A) to

Agricultural with a site-specific exception (A) to recognize a deficient lot area of 30.65 hectares whereas 40 hectares is required.

Staff note that a pre-consultation meeting was held on May 3, 2023, to discuss the proposal with Regional and Township staff, and the Agent in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Township in their consideration of the application.

Provincial and Regional Policies

The subject land is within the 'Prime Agricultural Area' within the Provincial Planning Statement, 2024 ("PPS") and the Niagara Official Plan, 2022 ("NOP"). The PPS requires planning authorities to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network. As part of the agricultural land use, Prime Agricultural Areas shall be designated and protected for long-term use for agriculture. Permitted uses and activities within the Prime Agricultural Areas are agricultural uses, agriculture-related uses, and on-farm diversified uses.

Staff note that the submitted Planning Justification Report ("PJR"), prepared by Upper Canada Consultants ("UCC"), dated August 2024, indicates that the property known as 5377 Elcho Road is currently used for agricultural-related commercial purposes by Anthony's Excavating (Excavating Company), Ontario Agra Piping (Agricultural Pipe and Tile vendor), Kor Rentals (Farm Equipment Rental and Repairs), and Enercon (Green Energy Maintenance for Wind Energy projects). Additional information was provided by the applicant's planning consultant (UCC) regarding the services provided by Ontario Agra Piping and Kor Rentals indicating that the primary market for these businesses is the agricultural community and that, as confirmed by the applicant, the majority of customers are members of the farming community. However, no detailed information was provided in this regard, or concerning the other commercial operations noted above.

The NOP describes agriculture-related uses as farm-related commercial or industrial uses, compatible with surrounding agricultural operations, directly related to farms in the area, support agriculture, provides products or services to farms and benefits from proximity to farms.

Based on information within the PJR and additional discussion, the proposed development is primarily an agricultural-related use. Staff note, however, that the Commercial 3 (C3) zone already existing and proposed, would provide any future owner the opportunity to redevelop the lands into a use that would not be categorized as an agriculture-related use. With this in mind, Regional staff caution that the rezoning of the agricultural lands required for the expansion should be zoned to the Agriculture-Related (AR) Zone to ensure that the land use permissions for the expansion area will not allow

for new non-agricultural related commercial uses in order to be consistent with and conform to Provincial, Regional, and Township policies.

Further, the PPS and NOP state that proposed agriculture-related and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations. Regional staff do not anticipate that the proposed expansion will hinder surrounding agricultural operations considering the nature of the expansion is limited to temporary storage of materials. Regional staff note that Township staff should be satisfied that the minimum distance separation formulae have been met.

As such, provided the rezoning of the proposed expansion area will be to Agricultural-related and not permit new non-agricultural uses, Regional staff is satisfied that the proposed ZBA application meets the applicable Provincial and Regional policies and offer no objection to the proposal, subject to the comments below.

Archaeological Resources

The PPS and NOP state that development and site alteration is not permitted within areas of archaeological potential unless significant archaeological resources have been conserved. The subject lands are mapped as an area of archaeological potential on Schedule K of the NOP. Regional staff reviewed the Stage 1 & 2 Archaeological Assessments conducted by Detritus (Stage 1 dated May 10, 2024; Stage 2 dated July 17, 2024). The Stage 1 Archaeological Assessment indicated the entire area exhibited moderate to high potential for the identification and recovery of archaeological resources. The Stage 2 Archaeological Assessment noted that 95% of the property consisted of ploughed agricultural field and was subjected to a pedestrian survey, with the remaining 5% consisting of grass and was subject to test pit surveys and recommended that no further work is required.

As no Ministry Acknowledgement letter has been provided in the submission package, Regional staff require that a copy of Ministry Acknowledgement letters be circulated to the Region.

Regional staff note that, in accordance with Section 48 (1) of the Ontario Heritage Act, no site alteration or development is permitted on the subject lands until the required archaeological assessments have been completed and Ministry acknowledgement letters have been issued.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, staff recommend the inclusion of a standard archaeological warning clauses in the site plan agreement should any resources be encountered through future construction works.

Archaeological requirements, therefore, can be addressed through the future Site Plan application.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Provincially significant wetland ("PSW"), significant woodland, other wetlands, permanent or intermittent watercourse and a linkage. Wetlands and watercourses are considered Key Hydrologic Features ("KHF") outside of settlement areas.

Staff has reviewed the Township's Zoning By-law and confirm that the extent of Regionally mapped NES features are already identified within an appropriately restrictive environmental zone. As such, staff offer no objection to the application from an environmental perspective.

Road Allowance

This property has frontage along Regional Road 27 (Wellandport Road). The current width of Wellandport Road at this location is approximately 30.5 m, which exceeds the NOP road allowance of 26.2 m. However, a daylight triangle of 15 meters x 15 meters is required at the corner of Elcho Road and Wellandport Road to meet the NOP requirements, which will be taken at future Planning Act application (Site Plan).

The requested daylighting triangle is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk, 905-980-6000 extension 3271.
E-mail: jordan.hadler@niagararegion.ca
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325, E-mail: normans.taurins@niagararegion.ca
(Inquiries -specific to the reference plan)

The daylight triangle is to be clearly shown on all plans in future submissions.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day and that the following limits are not exceeded (based on current waste collection contract):

5357 Elcho Road (Residential)

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit (bi-weekly)
- Curbside collection only
- Will remain as existing

5377 Elcho Road (Commercial)

- Blue/grey – Blue/Grey Boxes Equivalent to 8 Blue/Grey Carts (weekly)
- Green – Green Bins Equivalent to 8 Green Carts (weekly)
- Waste – 8 containers (bi-weekly)
- Curbside collection only
- Will remain as existing

Circular Materials Ontario are responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. We would request that any future agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

Staff of the Public Works Growth Management and Planning Division do not object to the proposal provided the zoning of the expansion area will not permit new non-agricultural uses. Regional staff, in this regard, recommend 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. Subject to this requirement, Regional staff is satisfied that the proposal is consistent with the *Provincial Planning Statement* and conforms to Provincial and Regional policies.

PLZBA202401259
November 1, 2024

Should you have any questions related to the above comments, please contact the undersigned at Alex.Boekestyn@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Kind regards,



Alex Boekestyn, M.Sc.
Development Planner, Niagara Region

cc. Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: October 16, 2024 3:37 PM
To: Madyson Ettl
Subject: RE: Notice of Public Meeting - 5357 & 5377 Elcho Road

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Madyson Ettl <metzl@westlincoln.ca>
Sent: Thursday, October 10, 2024 3:49 PM
To: ann-marie.norio@niagararegion.ca; clark.euale@ncdsb.com; 'Meghan Birbeck' <mbirbeck@npca.ca>; Paige Pearson <ppearson@npca.ca>; Notifications <Notifications@enbridge.com>; Municipal Planning <MunicipalPlanning@enbridge.com>; Busnello, Pat <pat.busnello@niagararegion.ca>; 'Wilson, Connor' <Connor.Wilson@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; MR18enquiry@mpac.ca; consultations@metisn.org; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; ExecutiveDirector@fenfc.org; executivedirector@nrnc.ca; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; friedmanjoe21@gmail.com; jim.sorley@npei.ca; andrew.carrigan@canadapost.ca; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; jocko@sixnationsns.com; 'megan.devries@mncfn.ca'; dlaforme@sixnations.ca
Cc: Jennifer Bernard <jbernard@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; Paul Nickerson <pnickerson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Truper McBride <tmcbride@westlincoln.ca>; Taf Tsuru <ttsuro@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Lisa Kasko-Young <young@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: [External] Notice of Public Meeting - 5357 & 5377 Elcho Road

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good Afternoon,

Please find attached the above mentioned notice for - 1601-011-24- –Zoning Bylaw Amendment – 5357 & 5377 Elcho Road

This public meeting will be held on **Monday November 11th 2024**

Comments would be appreciated by **October 28th**.

If you have any questions, please contact me at 905-957-5126 or by email at metzl@westlincoln.ca

Sincerely,
Madyson Ettl

Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.

	<p>Madyson Ettl</p> <p>Senior Planner</p> <p>Tel: 905-957-3346 ext. 5126 Email: metzl@westlincoln.ca Web: www.westlincoln.ca</p> 
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From: Paige Pearson <ppearson@npca.ca>
Sent: October 15, 2024 11:08 AM
To: Madyson Etzl
Subject: RE: Notice of Public Meeting - 5357 & 5377 Elcho Road

Hi Madyson,

The NPCA has reviewed the Zoning Bylaw Amendment (1601-011-24) for 5357 & 5377 Elcho Road in West Lincoln.

The subject property contains NPCA Regulated Features however, the proposal does not encroach on regulated areas. As such, the NPCA has no objection.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205
www.npca.ca
ppearson@npca.ca

From: Madyson Etzl <metzl@westlincoln.ca>
Sent: October 10, 2024 3:49 PM
To: ann-marie.norio@niagararegion.ca; clark.euale@ncdsb.com; Meghan Birbeck <mbirbeck@npca.ca>; Paige Pearson <ppearson@npca.ca>; notifications@enbridge.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Busnello, Pat <pat.busnello@niagararegion.ca>; 'Wilson, Connor' <Connor.Wilson@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; MR18enquiry@mpac.ca; consultations@metisnation.org; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; ExecutiveDirector@fenfc.org; executivedirector@nrnc.ca; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; friedmanjoe21@gmail.com; jim.sorley@npei.ca; andrew.carrigan@canadapost.ca; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; jocko@sixnationsns.com; 'megan.devries@mncfn.ca'; dlaforme@sixnations.ca
Cc: Jennifer Bernard <jbernard@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; Paul Nickerson <pnickerson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Truper McBride <tmcbride@westlincoln.ca>; Taf Tsuru <ttsuro@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: Notice of Public Meeting - 5357 & 5377 Elcho Road

Good Afternoon,

Please find attached the above mentioned notice for - 1601-011-24- –Zoning Bylaw Amendment – 5357 & 5377 Elcho Road

This public meeting will be held on **Monday November 11th 2024**

Comments would be appreciated by **October 28th**.

If you have any questions, please contact me at 905-957-5126 or by email at metzl@westlincoln.ca

Sincerely,
Madyson Ettl

Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.

	<p>Madyson Ettl</p> <p>Senior Planner</p> <p>Tel: 905-957-3346 ext. 5126 Email: metzl@westlincoln.ca Web: www.westlincoln.ca</p> 
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The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

DATE: November 11, 2024

REPORT NO: PD-55-2024

SUBJECT: **Recommendation Report
Fulton Rural Employment Land Use Project Award**

CONTACT: Gerrit Boerema, Acting Director of Planning & Building

OVERVIEW:

- Council approved the Rural Employment Land Use project through the 2021 Capital and Special Projects budget, in the amount of \$125,000.
- A portion of those funds were utilized in the work towards the Fulton Hamlet Expansion which occurred in 2022.
- The Request for Proposal (RFP 2024-PD-02) was released in September of 2024. Two RFPs from consultants were submitted to the Township.
- Administration Staff have completed their review of all the proposals and recommend to Committee and Council the acceptance of the RFP submitted by WSP Group Inc, with their proposal amounting to \$84,925.00 (plus HST).
- The other proposal came in slightly less at \$79,559.96 (plus HST), but did not score as high as the WSP Group Inc. This resulted in an irregular result under the Township’s Purchasing and Procurement Bylaw.
- Administration Staff recommend Committee and Council to award this project to the consulting firm WSP Group in the amount of \$84,925.00 (plus HST).

RECOMMENDATION:

1. That Recommendation Report PD-55-2024, titled “Fulton Rural Employment Land Use Project Award”, dated November 11, 2024, be received; and,
2. That WSP Group Inc. be retained to complete the Fulton Rural Employment Land Use Project as outlined in RFP 2024-PD-02.

ALIGNMENT TO STRATEGIC PLAN:

Theme

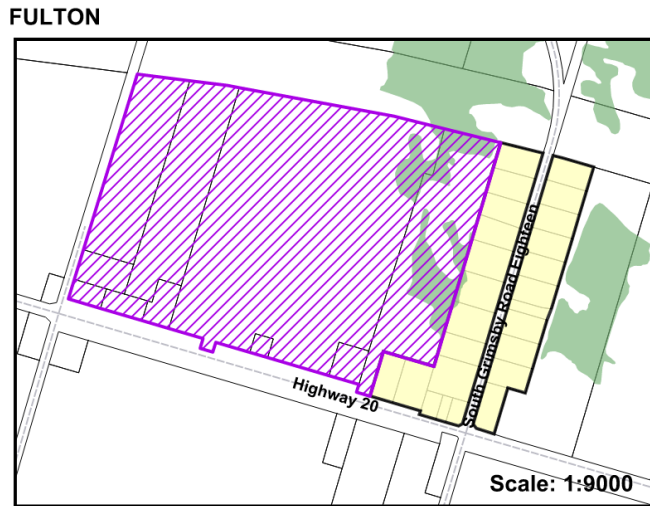
- **Build a safe, connected, caring and active community**

BACKGROUND:

As a part of the Region of Niagara’s Municipal Comprehensive Review, the New Regional Official Plan and the Township’s Official Plan Amendment 62, a number of hamlets in West Lincoln were expanded to provide land for rural residential and employment uses. Approximately 89 acres of land west of Fulton was added to the Hamlet. These lands are primarily agricultural, but also contain a number of residential and employment type uses.

The main objective of the Township expanding the Hamlet of Fulton was to provide a location for various dry employment uses that do not need to be located within the urban employment park of Smithville, but also should not be located within the Agriculture area.

These lands also received a special policy designation in the Niagara Official Plan requiring the Township to designate them for rural employment uses.



CURRENT SITUATION:

Council approved the 2021 Capital and Special project’s budget \$125,000 to complete the land use study. A portion of those funds were used to retain a consultant (Dan Currie of MHBC Planning) to assist with the review of potential hamlet expansions to feed into the Region’s Master Comprehensive Review and new Official Plan as well as the Township’s Official Plan Amendment No. 62.

The goals of this project are to create a new rural employment land use policy in the Township’s Official Plan, create new zoning regulations for rural employment uses, map and evaluate the existing environmental constraints in the Fulton Hamlet expansion area, and create a Stormwater and Drainage master plan for future development.

An RFP for this project was released in September of 2024 and closed in the middle of October. The Township received submissions from two consulting firms. Each RFP submission was received and scored by administration staff; the results of which are below:

Vendor	Tender/RFP Price	Points (for RFP)
WSP Group	\$84,925.00	93
LandPro Planning	\$79,559.96	67

As per the Township’s Tendering and Purchasing Policy (POL-T-01-2015 as amended), purchases up to \$100,000 can be authorized by the CAO. However, in the case of an

irregular result, purchases over \$20,000 require authorization through Council resolution. An irregular result is defined as:

“where competitive quotes or proposals are submitted if any of the following has occurred:

- a) No bids received*
- b) Two or more identical low bids have been received,*
- c) The lowest bid exceeds the estimated cost or budget allocation, or*
- d) For any reason, the award of the contract to or the purchase from the lowest vendor is considered inappropriate.”*

In this case, awarding to the recommended consultant constitutes an irregular result, due to point d) above. As shown in the above chart, the WSP submission scored much higher in the RFP review. Pricing was worth 25% of the RFP points, while 75% of the RFP points was based on the Technical submission including the project team, past experience and consultation plan. Based on the RFP scoring, WSP Group scored the highest number of points, and is therefore the recommended consultant that Administration staff are asking Council to approve.

FINANCIAL IMPLICATIONS:

Council has already budgeted for this project through the 2021 Capital and Special Project budget. Both RFP submissions are within the budget of this project and therefore there are no financial implications.

INTER-DEPARTMENTAL COMMENTS:

The RFP, the proposals submitted, and this report were reviewed by Administration staff from multiple departments.

CONCLUSION:

Based on the two submissions received in response to the Township’s Fulton Rural Employment Land Use Study, Administration staff is requesting Council approval to award the project to WSP Group as they scored highest in the RFP review.

Prepared & Submitted by:

Approved by:

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

**Truper McBride
CAO**