



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
COMMITTEE OF ADJUSTMENT
AGENDA

Wednesday, January 29, 2025, 7:00 p.m.
Township Administration Building
318 Canborough Street, Smithville, Ontario

Pages

1. **CHAIR**
The Chair will call to Order the evening's proceedings.
2. **DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**
3. **REQUEST FOR WITHDRAWAL AND/OR ADJOURNMENT**
There are no requests at this time.
4. **APPLICATIONS**
 - a. B10/2024WL - 1948026 Ontario Inc - Comfort Road 3
An application for consent has been submitted for the property legally described as Concession 5, Part Lot 22 and 23, in the former Township of Gainsborough. This consent application is for easement purposes to create an access easement on the attached survey sketch (Part 3) to benefit the lands to the west with no municipal address identified as Part 1. The proposed access easement is in favor of the above noted lands is being requested to provide the landlocked parcel access to a public right of way.
 - b. B11/2024WL - 2090652 Ontario Inc - 2659 Industrial Park Road 15
A consent application has been applied by 2090652 Ontario Inc. (Paul Tzellos) to sever off ±2.20 hectares (5.44 acres) of land, referenced as Part 1 on the survey sketch from 2659 Industrial Park Road, referenced as Part 2, being the retained parcel with 1.45 hectares (3.59 acres) of land. The proposed severed lands will be used for future industrial development.
5. **MINUTES FOR APPROVAL**
There are no minutes for approval at this time.
6. **NEW BUSINESS**
7. **ADJOURNMENT**

That, this Committee does now adjourn at the hour of _____ pm

DATE: January 29, 2025

REPORT NO: COA-02-2025

SUBJECT: **Recommendation Report- 1948026 Ontario Inc.
Comfort Road – Easement Consent**

CONTACT: Jeni Fisher, Acting Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A consent application for easement purposes has been submitted to create an access easement to a property that has no frontage on an opened and maintained public road (shown as Part 3 on the attached survey sketch found in Attachment 1).
- Minor Boundary adjustments, including easements, are permitted in the agricultural area provided that no new lot is created and the minimum amount of agricultural land is taken to support the non-agricultural or agricultural related use.
- Staff can recommend the approval of this application for consent for easement purposes.

RECOMMENDATION:

That, the application for Consent, submitted by Ethan Laman (Agent – Upper Canada Consultants) on behalf of owners 1948026 Ontario Inc. as outlined in Report COA-02-2025, to permit an application for Consent for Easement, BE APPROVED, subject to the following conditions:

1. This approval applies to the transaction as applied for.
2. All municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That the applicant provides the Secretary-Treasurer with a draft copy of the land titles documents for the rights of the easement, and a registrable legal description

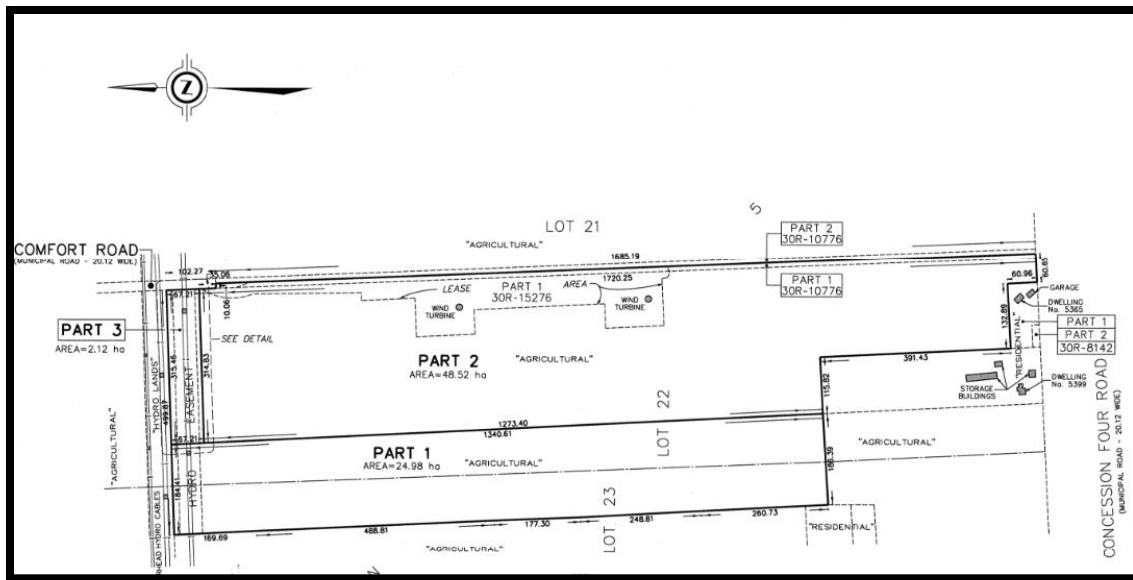
of the subject parcel, together with a copy of the deposited reference plan, for use in the issuance of the Certificate of Consent for easement purposes

4. That a final certification fee as per the Planning Department's Schedule of Fees, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
5. That all conditions of consent be fulfilled within two (2) years from the date of the notice of decision pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

BACKGROUND:

The subject lands are legally described as Concession 5, Part Lot 22 and 23, Part 1 of RP 30R10776, in the former Township of Gainsborough, now in the Township of West Lincoln. The subject property (property from which the easement is applied) is currently being farmed and contains two wind turbines. The property has no municipal address. The benefiting parcel is directly to the west and is also vacant and used for agricultural purposes.

The purpose of this consent is to provide an access easement as shown as Part 3 in the attached sketch over the retained land (Part 2) to benefit landlocked lands that have no municipal address (Part 1). The proposed access easement in favour of the above noted lands is being requested in order to provide the landlocked parcel access to a public roadway, which is known as Comfort Road.



Survey Sketch – Easement shown as Part 3

The current use of the lands on Part 1 and Part 2 are Agricultural being field crops. The owners and the applicants have informed planning staff that this use of land will not be

changing and that there is no development proposed at this time. If there was development proposed, Part 1 would not have any frontage and further planning applications would be required.

CURRENT SITUATION:

Planning Staff have completed an analysis of the proposed consent and can provide the following evaluation:

The subject application involves two parcels of land near the south end of Comfort Road, one parcel being Parts 2 and 3 (50.92 hectares) has a small amount of frontage onto Comfort Road and currently has two wind turbines, a lease agreement for those two wind turbines and a hydro easement to the north.

Parcel 1, which is approximately 25 hectares in size is t to the west and does not have any frontage onto a public street. As such the property would not be able to have any building permits issued on is due to lack of frontage, and does not meet the definition of a lot in the Townships Zoning Bylaw.

Townships Official Plan

The subject property is within the Good General Agricultural Area designation in the Townships Official Plan. Agricultural land is to be protected and promoted for long term agricultural use under this designation. The Township's Official Plan permits minor boundary adjustments, including easements in the agricultural area. As this is an easement application that does not have the effect of creating additional development, this application meets the intent of the Official Plan.

Townships Zoning Bylaw

As this application is for an easement there are no zoning deficiencies that are being created. Part 2 meets the minimum lot area for an agricultural lot, being 40 hectares. The creation of an easement does not give Part 1 any frontage and therefore building permits could not be issued for Part 2.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

The Region of Niagara have provided the following comments which are included as attachment 2 to this report.

Archeological

The subject property is located within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the *Niagara Official Plan, 2022* (NOP). Staff acknowledge that no development or site alteration is being proposed; therefore, an archaeological assessment is not required. The following archaeological advisory clause is provided for information purposes:

"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 police 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 (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Ridgewood Raised Beaches Provincially Significant Area of Natural and Scientific Interest (ANSI), Significant Woodland and Other Wetlands. Other Wetlands are considered Key Hydrologic Features (KHF) outside of Settlement Areas.

NOP policies require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of KHFs/Significant Woodland and within 50 metres of ANSIs. However, due to the scope nature and location of the easement staff are supportive of waiving any EIS requirement.

The NPCA have also provided comments and as this application is only for an easement and no further development is proposed, they have no objection.

The Township's Building and By-law Department has provided no objection to this application.

Townships Public Works Department has provided no objections to this application. They state that Comfort Road is a dead end gravel road maintained by the Township, it appears there is an existing farm entrance at the location proposed for the access easement. If any improvements are needed an Entrance Permit would be required.

The subject property is also within the Sixteen Mile Municipal Drain, if any future grading works are considered by the owners, the Townships Drainage Superintendent would need to review the proposal.

PUBLIC COMMENTS:

There have been no Public Comments received regarding this application.

CONCLUSION:

Township Staff have reviewed this application and support the application for creation of this easement. As such, Township Staff can recommend the approval of this application.

ATTACHMENTS:

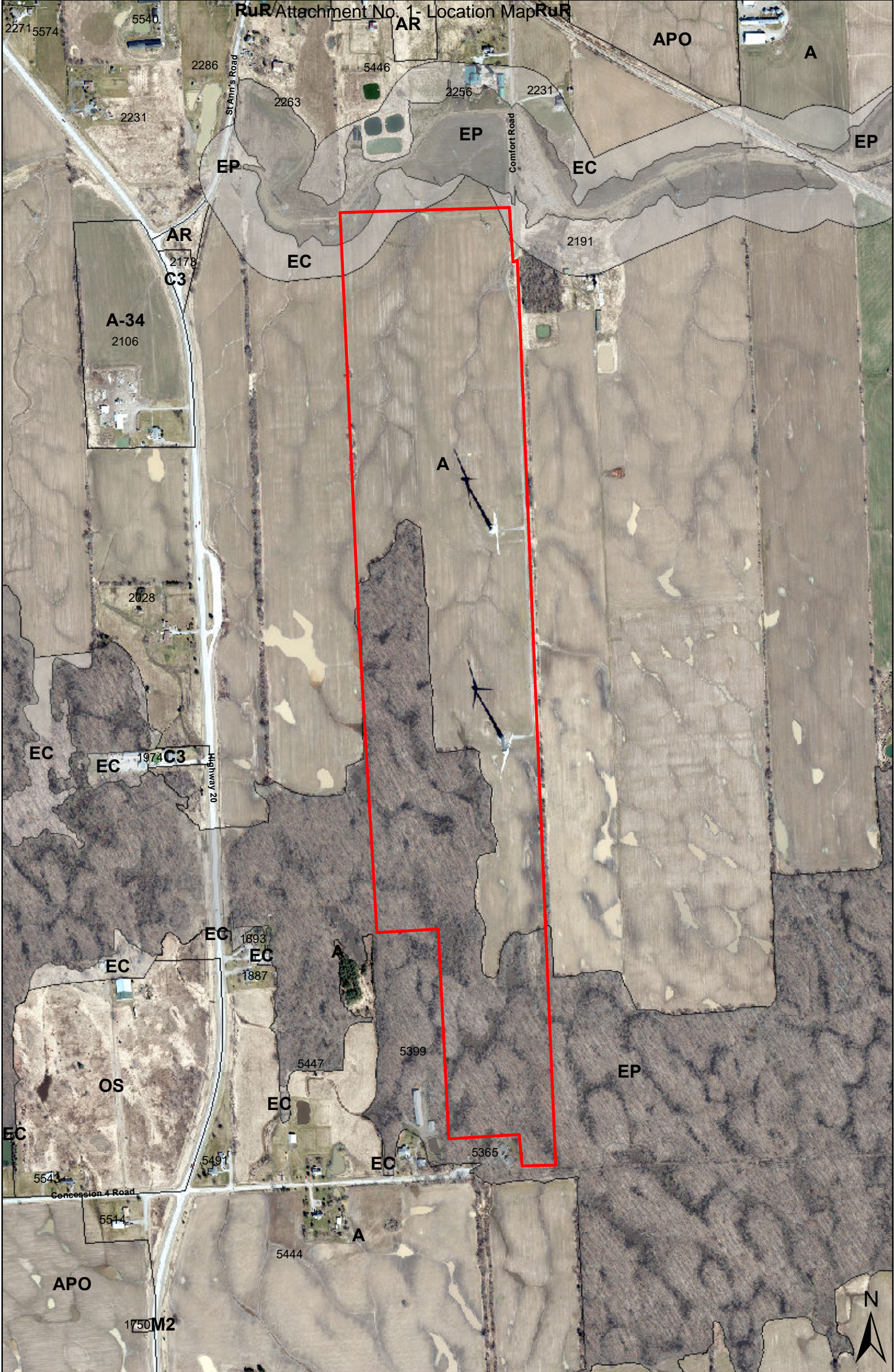
1. Location Map
2. Easement Sketch
3. Agency Comments

Prepared & Submitted by:

**Madyson Ettl
Senior Planner**

Approved by:

**Gerrit Boerema, RPP, MCIP
Manager of Planning**



Location Map

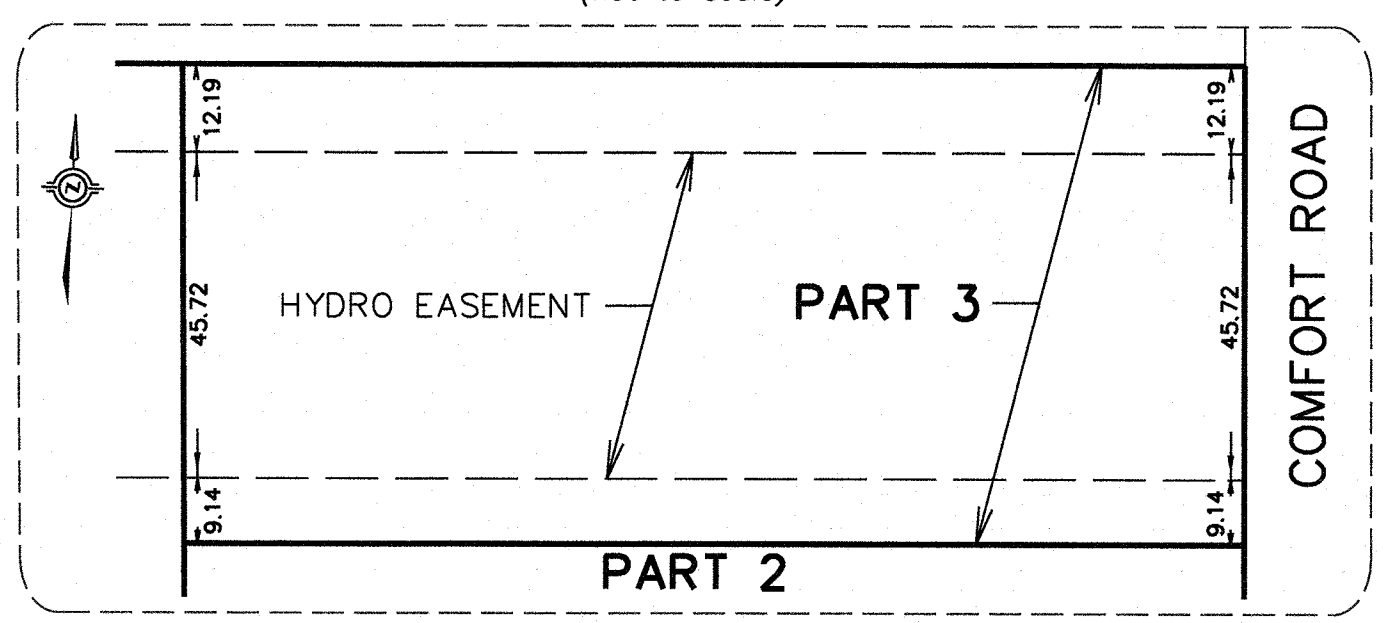
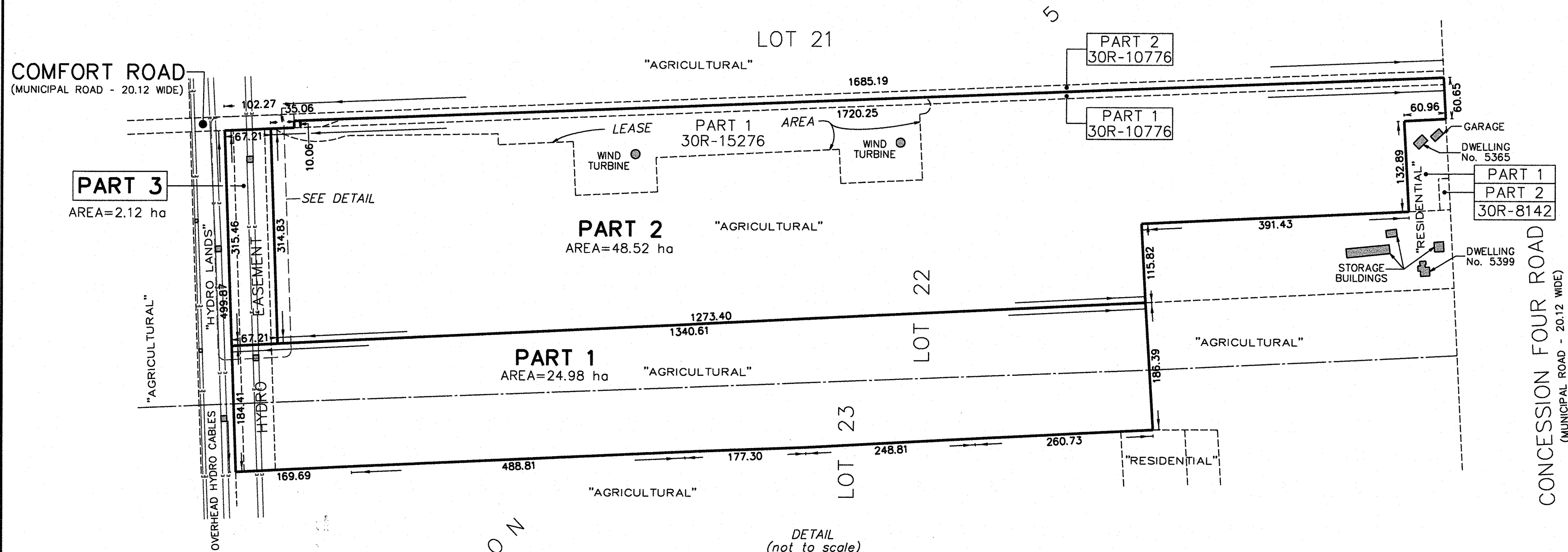
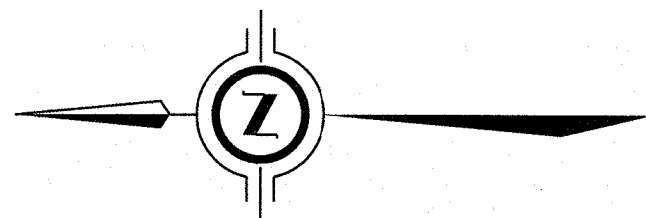
Comfort Road, RN: 2602020004222000000



Legend

- Zone Boundary
- Subject Property





CAUTION

(A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

(B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

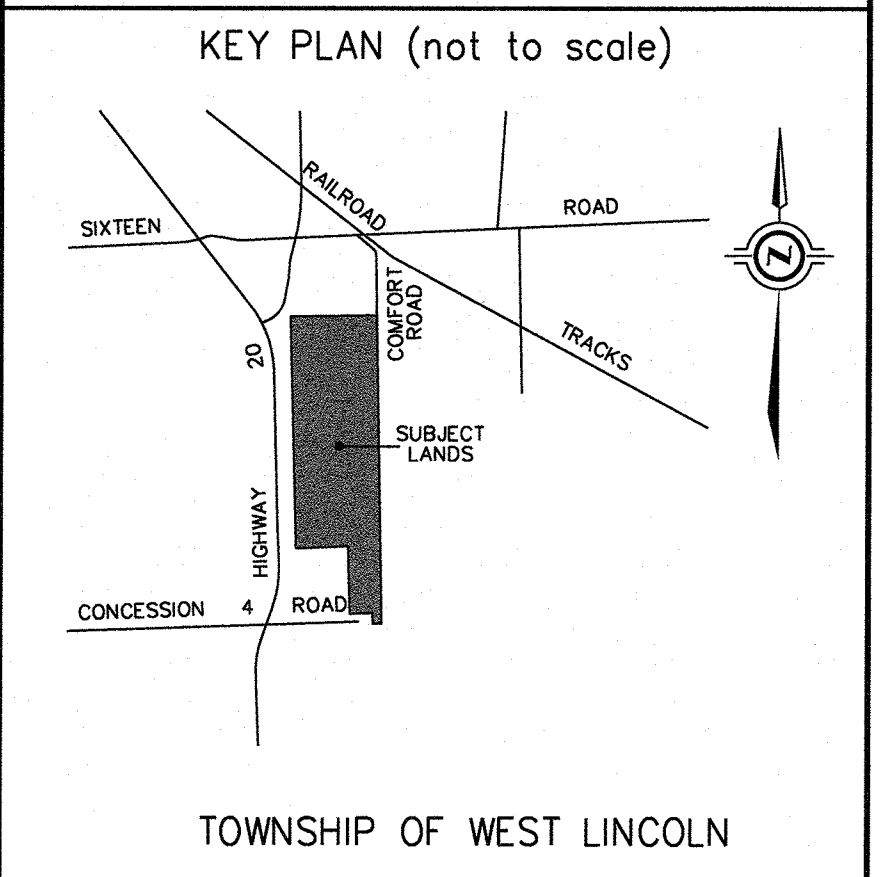
NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY
SKETCH FOR PLANNING PURPOSES ONLY

WEST OF 2191 COMFORT ROAD
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 5000
100 0 100 200 300 metres

J.D. BARNES LIMITED
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METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



LEGAL DESCRIPTION

PART OF LOTS 22 & 23, CONCESSION 5 AND PART OF ROAD ALLOWANCE BETWEEN LOTS 21 & 22, CONCESSION 5, TOWNSHIP OF GAINSBOROUGH, PART 1 ON PLAN 30R-10776, TOWNSHIP OF WEST LINCOLN (SUBJECT TO EASEMENT, SUBJECT TO LEASE)

BOUNDARY INFORMATION HAS BEEN DERIVED FROM AVAILABLE RECORDS AND/OR FIELD MEASUREMENTS. THIS IS NOT A PLAN OF SURVEY.

SOME FEATURES SHOWN ON THIS SKETCH HAVE BEEN DIGITIZED FROM AERIAL PHOTOGRAPHY - LOCATION IS APPROXIMATE.

MAY 28, 2021
DATE

Allan J. Heywood
ALLAN J. HEYWOOD
ONTARIO LAND SURVEYOR

J.D. BARNES SURVEYING MAPPING GIS
LIMITED
LAND INFORMATION SPECIALISTS
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6M4
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

MH	DRAWN
AH	CHECKED
05/27/21	DATED
21-16-129-00	Ref. No.

G:\2021\21-16-129\00\Drawing\21-16-129-00-LDC.dgn



Memo

To: Jeni Fisher, Interim Secretary Treasurer of the Committee of Adjustment
From: Jennifer Bernard, Coordinator of Engineering Services
Date: January 21, 2025
Re: File B10/2024WL – 1948026 Ontario Inc. – Comfort Rd

A review has been completed of this application for consent to create an access easement across Concession 5, Part Lot 22 and 23 to provide an access to Comfort Rd for the landlocked parcel to the west.

Comfort Rd is a dead end gravel road maintained by the Township, it appears there is an existing farm entrance at the location proposed for the access easement. If any improvements are needed an Entrance Permit would be required.

These properties are within the Sixteen Mile Municipal Drain, if any future grading works are considered by the owners, the Township's Drainage Superintendent would need to review the proposal.

From: Jeni Fisher
Sent: January 20, 2025 4:25 PM
To: Madyson Ettl
Subject: FW: Concession 5, Part Lot 22 & 23 (File No. B10/2024WL) - Regional Comments

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.



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

From: Macdonald, Carling [<mailto:Carling.Macdonald@niagararegion.ca>]
Sent: January 20, 2025 3:11 PM
To: Jeni Fisher <jfisher@westlincoln.ca>
Subject: Concession 5, Part Lot 22 & 23 (File No. B10/2024WL) - Regional Comments

Hello Jeni,

Please find the Region's comments on the consent application for the lands legally described as Concession 5, Part Lot 22 and 23 below.

Regional Comments (File No. B10/2024WL)

Archaeological Resources

The subject property is located within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the *Niagara Official Plan, 2022* (NOP). Staff acknowledge that no development or site alteration is being proposed; therefore, an archaeological assessment is not required. The following archaeological advisory clause is provided for information purposes:

"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 police 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 (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."

Natural Environment System

The subject property is impacted by the Region's Natural Environment System (NES), consisting of the Ridgewood Raised Beaches Provincially Significant Area of Natural and Scientific Interest (ANSI), Significant Woodland and Other Wetlands. Other Wetlands are considered Key Hydrologic Features (KHF) outside of Settlement Areas.

NOP policies require the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of KHFs/Significant Woodland and within 50 metres of ANSIs. However, due to the scope nature and location of the easement staff are supportive of waiving any EIS requirement.

Kindly,
Carling



Carling MacDonald
Development Planner
Public Works Growth Management
and Planning Division

Niagara Region, 1815 Sir Isaac Brock Way,
Thorold, ON, L2V 4T7, PO Box 1042

P: (905) 980-6000 ext. 3387

W: www.niagararegion.ca

E: Carling.Macdonald@niagararegion.ca



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

January 23, 2025

NPCA File No.: 202500055

VIA EMAIL ONLY

Committee of Adjustment
Township of West Lincoln
318 Canborough St. P.O. Box 400
Smithville, ON L0R 2A0

Attention: Jeni Fisher, Interim Secretary Treasurer of the Committee of Adjustment

Subject: Application for Consent, B10/2024WL
1948026 Ontario Inc.- Comfort Road
Concession 5, Part Lot 22 and 23- PIN: 46079-0287
ARN 260202000408700 & 260202000422200

To the Committee of Adjustment,

Further to your request for comments for the consent for the above noted property, the Niagara Peninsula Conservation Authority (NPCA) can offer the following.

Provided Description: An application for consent has been submitted for the property legally described as Concession 5, Part Lot 22 and 23, in the former Township of Gainsborough. This consent application is for easement purposes to create an access easement on the attached survey sketch (Part 3) to benefit the lands to the west with no municipal address identified as Part 1. The proposed access easement is in favor of the above noted lands is being requested to provide the landlocked parcel access to a public right of way. (Please see attached sketch).

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under Ontario Regulation 41/24 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 NPCA has reviewed the NPCA Mapping of **ARN 260202000408700 & 260202000422200** and notes that the property is impacted by NPCA regulated features. Currently, Parts 1 and 2 contain the following NPCA Regulated features:

- Watercourses and an associated 15 m buffer area
- Provincially Significant Wetlands and an associated 30 m buffer area
- Potential Unevaluated Wetlands
- Floodplain Hazard Areas (Flood Elevation Level, 182.06 CGVD28:78)

Under the Conservations Authority Act (CA Act) the definition of an easement is identified as follows:

- **Legal or Technical Reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

With consideration to the following:

- The flood elevation levels have been established;
- There are no current proposed changes to the current land-use (i.e., agriculture);
- There are no proposed developments at this time;
- The Public Right of Way (i.e., Comfort Road) is existing;
- The definition of the CA Act for 'easement' being a *Legal or Technical Reason* for the proposed access to Part 1; and
- The proposed easement identified as, 'Part 3', does not encroach on NPCA Regulated Areas.

The NPCA does not object to the 'easement' outlined within the **Consent Application, B10/2024WL**.

As identified above, the subject properties do contain NPCA Regulated Areas; and, please be advised that there are Safe Access concerns on Comfort Road, the Public Right of Way. If future proposed works are proposed on the subject properties and within NPCA Regulated Areas, the NPCA will require review, approval and NPCA Permits prior to the start of development. All proposals are to meet the satisfaction of the NPCA and Policies.

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

DATE: January 29, 2025

REPORT NO: COA-01-2025

SUBJECT: **Recommendation Report Application for Consent B112024WL –2090652 Ontario Inc. for 2659 Industrial Park Road**

CONTACT: Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

OVERVIEW:

- A consent application has been applied by 2090652 Ontario Inc. (Paul Tzellos) to sever ± 2.20 hectares (5.44 acres) of land, referenced as Part 1 on the survey sketch from 2659 Industrial Park Road, referenced as Part 2, being the retained parcel with 1.45 hectares (3.59 acres) of land.
- The proposed severed lands (Part 1) will be used for future industrial development.
- The retained lands (Part 2) currently has no future plans for an expansion to the building for the commercial trucking operation.

RECOMMENDATION:

That, Application for Consent, submitted by 2090625 Ontario Inc. (Paul Tzellos), as outlined in Report COA-01-2025, to permit the severance of ± 2.20 hectares (5.44 acres) of land from 2659 Industrial Park Road, BE APPROVED, subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections, cash-in-lieu of park land dedication (2 percent), property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That the applicant provide a road widening requirement of half of the deficient road width (total road width requirement 25 metres) across the frontages of the severed lands and retained lands.
4. That the applicant apply for an entrance permit for a new driveway for the new severed lot.
5. That the applicant apply, and obtain approval of a Site Plan Amendment Application to change in the legal description and ownership of the retained and severed lands

- for the commercial operation.
6. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
 7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
 8. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

BACKGROUND:

The subject lands are located on the east side of Industrial Park Road, north of Highway 20 and the Canadian Pacific Kansas City (CPKC) rail corridor. The lands are legally described as Part Lot 5, Concession 9, South Grimsby, being Part 1, 30R11701, West Lincoln, PIN 46049-0334 (LT) and municipally known as 2659 Industrial Park Road.

The lands are surrounded by the following uses:

- North: Industrial uses (manufacturing, warehousing)
- South: Commercial and retail uses (Village Square Mall to the southwest), vacant future residential development
- East: Vacant future industrial development
- West: Commercial uses (Thrift Store, Community Cares) and industrial uses (Stanpac)

The property is currently being used for a trucking depot, office building and a local school bus company. The property is designated Employment in the Township’s Official Plan and zoned Industrial Employment ‘M2’.

CURRENT SITUATION:

The proposal is to provide an opportunity for successional planning for the trucking business operation and the current site is sufficient in size and the proposed severance would permit the ability for a future employment operation.

Administration Staff have completed an analysis of the proposed consent and can provide the following evaluation.

Provincial Policy Statement

The Provincial Planning Statement (PPS, 2024) designates the lands as being located in the settlement area and is targeted for growth and intensification.

Section 2.3 Settlement Areas and Settlement Area Boundary Expansions and specifically 2.3.1 general policies for settlement areas, state that settlement areas shall be the focus of growth and development. Furthermore, land use patterns within settlement areas should be based on densities and a mix of land uses that efficiently optimize existing and planned infrastructure and public service facilities; that are transit-supportive and/or freight-supportive.

Section 2.8 Employment, policies under 2.8.1 supporting a modern economy states that economic development and competitiveness shall be promoted by providing an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities.

Administrative Staff concludes that the proposed consent is consistent with the PPS.

Niagara Official Plan

The Region's Official Plan designates the subject lands as 'Delineated Built-up Area'. According to the Plan, these include urban built-up areas, designated greenfield areas and strategic growth areas, as well as rural settlements or hamlets. Most development will occur in urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided.

Section 2 Growing Region and policy 2.2.1.1 development in urban areas states that forecasted growth can be managed and can support: (b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities.

Section 4 Competitive Region and policy 4.2.1.10 employment area and the minimum density targets established shall be implemented in local official plans and zoning-by-laws, and used to promote employment development and redevelopment that supports achievement of the target.

Administrative Staff concluded that the proposed consent for the purposes of intensifying lands for future employment growth and development supports the policies and therefore is consistent with the Niagara Official Plan.

Township of West Lincoln Official Plan

The Township's Official Plan designates the subject lands as 'Employment Area' and the focus of these lands are to be used for a broad range of employment in traditional

manufacturing, warehousing and distribution as well as new industries and office type development.

Section 6.10.4 and policies under Employment Area, states that new industrial developments and extensions of existing uses will be evaluated based on submissions of a site plan showing the proposed development or extension; and where there is a concern that the use may create excessive air, water or noise pollution, the submission of appropriate studies by qualified experts in the field, which indicate how such pollution will be controlled to ensure the safety of the Township's residents.

The subject lands currently have a registered site plan agreement endorsed by Council on August 23, 2010 by By-Law 2010-69 to permit the trucking terminal and commercial parking and was amended in November 25, 2013 by By-law 2013-104 for a changes to the letter of credit. The proposal would require an amendment to the site plan agreement to remove the imposed conditions and change of the legal description on the new severed lands (Part 1) and the retained lands (Part 2).

An additional policy of consideration, is that all designated employment lands within 500 metres of the intersection of Spring Creek Road and Thompson Road, shall be subject to the following provision: drilling, vibration, blasting, bedrock excavation and taking of groundwater shall be restricted and may only be undertaken subject to a professional assessment of such activities and the approval of the Ministry of Environment. This policy is more applicable and pertains to the future proposed employment development on the severed lands (Part 1) and pending any future development applications.

The proposed consent is located in the Smithville employment business park and the area dedicated to bring more industry to the Township. The creation of an additional lot located in the urban area with access to local municipal water and sanitary services creates an opportunity to attract new businesses and future development in the area. Therefore, Administration Staff concludes that the proposed consent is consistent with the Township's Official Plan.

Township of West Lincoln Zoning By-law

The subject lands are zoned as 'Industrial Employment – M2 Zone' and permits a variety of industrial uses such as but not limited to motor vehicle body shop, office including a medical office, warehousing, truck transport terminal.

The existing trucking operation and the associated parking for school and commercial vehicles are permitted under site specific By-law 2009-125 being M1-450 and the truck terminal is a facility where goods are brought by truck or rail, and stored temporarily until being shipped. A truck terminal shall also include such ancillary uses such as offices and/or maintenance bay to service only trucks using the truck terminal. This by-law also permitted 60% parking area and setbacks from the lot lines. This zone was dissolved and replaced by the M2 Zone during the housekeeping by-law amendment process.

The proposed consent will not create a non-compliant situation for both the severed or retained lands with the 'M2' zone by-law regulations, the lot area, lot coverage, setbacks and landscape requirements will still be satisfied with the severed land from the property.

INTER-DEPARTMENTAL & AGENCY COMMENTS:

Public Works and Engineering Department

The Township's Transportation Master Plan has identified Industrial Park Road (between London Road and Regional Road 20) as a Township Arterial road with a required road allowance of 25 metre, the current road allowance is approximately 20 metres, therefore Public Works, as a condition of consent, would request a road widening along the length of the severed and retained parcels for half of the deficient road width. Staff note that the road widening is shown on the survey sketch as Part 3 (± 2.44 metres) across the entire frontages of the severed lands (Part 1) and the retained lands (Part 2).

A new entrance would be required for Part 1 and would require a Township entrance permit at the time of the future development application.

Building Department

Building Department has not objections to the proposed consent application. Any future development would be subject to the Townships' Development Change By-law fees.

Fire Department

Fire Department has not objections to the proposed consent application.

Region of Niagara

Proposed consent application supports the policies geared towards the intensification and infill within the delineated built up areas of Smithville particularly for the employment lands.

The subject lands lies outside of the Region's Natural Environment System and therefore have no environmental concerns.

Region notes that there are no connections permitted to the Regions water and sanitary mains and must connect to the local services.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA Mapping identifies a Regulated Watercourse traveling north to south through the property although confirms that that the watercourse and subject property is not within a flood hazard area. As there are no flood hazards present, the NPCA can support the

following proposal for a lot severance.

In the case that future proposed development is to take place on the subject property, please be advised that if development is within NPCA Regulated Areas including regulated buffer issued NPCA Permits, will be required prior to the start of development.

PUBLIC COMMENTS:

As of writing this report there were no formal written or oral comments received by members of the public.

CONCLUSION:

Based on the above analysis, Administration Staff recommend APPROVAL of the proposed consent application (B11/2024WL) as outlined in Report COA-01-2025. This will allow for a new infill employment lot in the Township's employment business area subject to the conditions of approval as indicated.

ATTACHMENTS:

- 1. Location Map
- 2. Survey Sketch
- 3. Agency Comments

Prepared & Submitted by:



Susan Smyth, CPT
Senior Planner

Approved by:



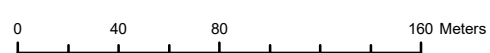
Gerrit Boerema, RPP, MCIP
Director of Growth and Sustainability



Location Map
2659 Industrial Park Road

Legend

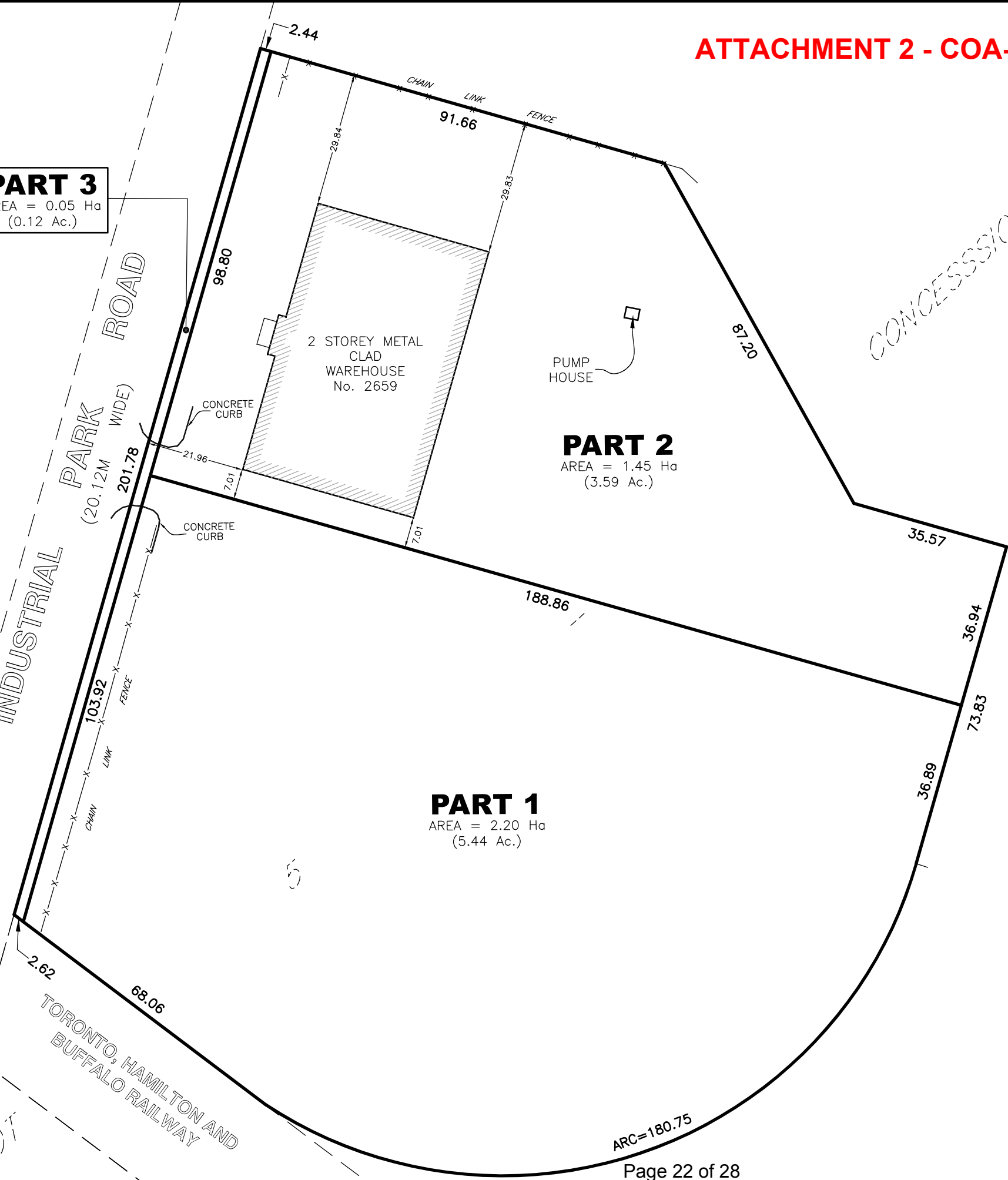
- Zone Boundary
- Subject Property



PART 3
 AREA = 0.05 Ha
 (0.12 Ac.)

INDUSTRIAL PARK ROAD
 (20.12M WIDE)

**TORONTO, HAMILTON AND
 BUFFALO RAILWAY**



PART 2
 AREA = 1.45 Ha
 (3.59 Ac.)

PART 1
 AREA = 2.20 Ha
 (5.44 Ac.)

SKETCH

PREPARED FOR SEVERANCE APPLICATION

PART LOT 5
 CONCESSION 9
 GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
 IN THE
**TOWNSHIP OF
 WEST LINCOLN**


REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 1000 (METRIC)

NOTE: THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION, NOT FROM AN ACTUAL SURVEY. DO NOT SCALE FROM THIS DRAWING. ALL MEASUREMENTS ARE +/- MEASUREMENTS. SUBJECT AND ABUTTING LAND USE - RESIDENTIAL

CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

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NOV. 7, 2024
 DATE 
 DONALD G. CHAMBERS, B. Sc., O.L.S.

**CHAMBERS AND ASSOCIATES
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 DWG 05089-3_SEV FILE 05-89-3



Memo

To: Jeni Fisher, Interim Secretary Treasurer of the Committee of Adjustment
From: Jennifer Bernard, Coordinator of Engineering Services
Date: January 23, 2025
Re: File B11/2024WL – 2090652 Ontario Inc.

A review has been completed of this application for consent to sever +/-2.20 hectares of land from 2659 Industrial Park Rd.

The Township's Transportation Master Plan has identified Industrial Park Rd (between London Rd and RR20) as a Township Arterial road with a required road allowance of 25m, the current road allowance is approximately 20m, therefore as a condition of consent, a road widening is required along the length of the severed and retained parcels for half of the deficient road width.

Public Works staff noted that the severance is proposed through the existing entrance. The proponent has confirmed the 2 parcels will share this entrance. There is another existing entrance to the north that is currently blocked but can also be used by Part 2. If changes are required in the future to the shared entrance, an Entrance Permit is required. The application for this permit is available on the Township's website.

Susan Smyth

From: Real Estate Canada <Real_EstateCanada@cpkcr.com>
Sent: January 17, 2025 1:50 PM
To: Jeni Fisher
Subject: Comments on - Application for Consent - B11/2024WL - 2090652
Attachments: West Lincoln - Future Industrial Development.pdf

Good Morning,

Comments on, within 500m of CPKC Rail line - Application for consent - B11/2024WL – 2090652 (attached)

Please note that CPKC's Hamilton Subdivision is classified as a principal mainline track.

CPKC is generally not opposed to Commercial/Industrial type developments adjacent to our right of way. Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use. CPKC is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change.

CPKC's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CPKC continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here: <http://www.proximityissues.ca/>

In addition, all construction, continued maintenance, access, ingress and egress must be done without entering railroad right of way. This includes but is not limited to maintenance of any equipment, lawn care, snow plowing and emergency exits via windows or doors.

CPKC recommends that the below condition be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

"CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard."

We would appreciate being circulated with all future correspondence related to developments adjacent to our right of way.

Thank you,

Real Estate Canada

Susan Smyth

From: Paige Pearson <ppearson@npca.ca>
Sent: January 22, 2025 10:11 AM
To: Jeni Fisher
Subject: NPCA Comments: Consent – B11/2024WL – 2090652 Ontario Inc – 2659 Industrial Park Road
Attachments: NPCA Regulated Features Map - 2659 Industrial Park Road, West Lincoln.pdf; Notice of Hearing-2659 Industrial Park Road- FINAL.pdf

Hi Jeni,

The NPCA can offer the following comments for the Consent Application **Consent – B11/2024WL – 2090652 Ontario Inc – 2659 Industrial Park Road.**

Based on the NPCA Mapping, there is a Regulated Watercourse traveling north to south through the property (see attached map). The NPCA has confirmed that that the subject property is outside of the flood hazard limit. As there are no flood hazards present, the NPCA can support the Consent Application.

The NPCA does regulated any proposed works within NPCA Regulated Areas including watercourses and their associated 15 m buffers. In the case that future proposed development is to take place on the subject property, NPCA review, approval, and possible NPCA Permits maybe of a requirement.

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

The NPCA completed its [Watershed-based Resource Management](#) and [Conservation Area](#) Strategies, paving the way for sustainable conservation across the Niagara Peninsula watershed. It's [Watershed Natural Asset Analysis and Valuation](#) for the Niagara Peninsula watershed offers new insights that redefine how we view nature. **Explore them today!**

2659 Industrial Park Road - NPCA Regulated Features Map



10/16/2024, 11:25:11 AM

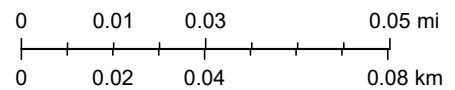
1:2,257

SWOOP 2020 NPCA

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Roads

NPCA APPROXIMATE REGULATION LANDS



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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

January 20, 2024

File No.: PLCS202500190

Jeni Fisher
Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON,
L0R 2A0
Dear Jeni,

**Re: Regional and Provincial Comments
Consent Applications
Address: 2659 Industrial Park Road, Township of West Lincoln**

Niagara Region staff have completed a review of materials which have been submitted in support of the above-mentioned consent application. Application is to permit the conveyance of a parcel of land and easements for access and servicing. The following updated Provincial and Regional comments are provided to assist the Committee in considering these applications.

Archaeological Potential

The subject property falls within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or 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.

Staff acknowledge that no archaeological requirements were identified at the pre-consultation meeting held on October 17, 2024. As such, in lieu of an archaeological assessment, Regional staff provide the following archaeological advisory for the applicant's information:

"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 police 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."

For further information, the Niagara Region Archaeological Management Plan can be found at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>.

August 15, 2024

Servicing

REGIONAL INFRASTRUCTURE

Within the Road allowance of Industrial Park Road there are two Regional forcemains. The Regional mains are not to be damaged or disturbed during any future construction works for the proposed development. At future site plan applications if servicing is proposed to cross the Regional infrastructure, a plan and profile for the crossing of the Regional infrastructure will need be to submitted for review and approval by Regional Water/wastewater Engineering staff.

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):

- Green – Green Bins Equivalent to 8 Green Carts (weekly)
- Waste – 8 containers (bi-weekly)
- **Curbside collection only**

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/>

Conclusion

Based on the analysis and comments above, Regional staff offers no objection to the proposed Consent applications. Please send notice of the Committee's decision with regard to these applications.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3268, or Susan Dunsmore, Manager of Development Engineering at extension 3661.

Regards,

Regards,



Philippe Biba
Development Approvals Technician
Niagara Region

Cc: Susan Dunsmore, Manager, Development Engineering, Niagara Region
Carling MacDonald, Planner, Niagara Region