

DATE: June 22nd, 2022

REPORT NO: COA-017-22

SUBJECT: **Recommendation Report**
Application for Consent by Matt Kernahan (Agent-
Upper Canada Consultants) on behalf of Owners-
Edward Plazek, Marilyn Plazek and Macs Auto
Recyclers Inc.
9578, 9558 Regional Road 65 and 1461 Regional
Road 2 (Caistorville Road)
File No. B03/2022WL
File No. B02/2022WL

CONTACT: Madyson Etzl, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- **Two applications for Minor Boundary Adjustments have been submitted by Matt Kernahan (agent- Upper Canada Consultants) on behalf of Owners Edward and Marilyn Plazek for the properties located at 9578, 9558 Regional Road 65 and 1461 Caistorville Road (RR2)**
- **This application is proposing to sever Part 2 from Part 1 (of attached sketch) and sever Part 4 from Part 3. Parts 2 and 4 will then merge with Part 5 as one parcel and will continue to ultimately operate as an auto recycling operation.**
- **There will be no new lots or changes of land use proposed through this development approval process. The purpose of this land consolidation process is to facilitate a future application for Site Plan Approval that will ultimately allow the auto recycling business to operate off of one parcel of land and separate two residential properties from the industrial use.**
- **The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria.**
- **Planning Staff recommend the approval of these applications, with the appropriate conditions.**

RECOMMENDATION:

That, report COA-017-22, regarding an application for Consent made by Matt Kernahan (Agent- Upper Canada Consultants) on behalf of Owners- Edward Plazek, Marilyn Plazek and Macs Auto Recyclers Inc.(9597, 9558 Regional Road 65 and

1461 Caistorville Road), BE APPROVED; subject to the following conditions:

Application B02/2022WL 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 cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions, and any related requirements, financial or otherwise.
3. That an undertaking and draft transfer documents be provided stating that Part 2 will be merged on title with Part 5 and PINS consolidated following consent approval to the satisfaction of the Township of West Lincoln.
4. That the resulting lots comply with the Township of West Lincoln Zoning Bylaw, 2017-70, as amended, and that the zoning reflects the extent of the salvage yard use on the subject lands.
5. That the owner dedicate a Road Widening to increase the Right-of-way along Concession 3 Road, as requested by Township' Public Works Department and as per Policy POL-PW-1-18.
6. That the applicant apply for and obtain approval of a Site Plan Approval and Agreement for the industrial use.
7. 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.
8. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. 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.

Application B03/2022WL 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 cash-in-lieu of park land dedication, property maintenance,

compliance with Zoning By-Law provisions, and any related requirements, financial or otherwise.

3. That an undertaking and draft transfer documents be provided stating that Part 4 will be merged on title with Part 5 and PINS consolidated following consent approval to the satisfaction of the Township of West Lincoln.
4. That the resulting lots comply with the Township of West Lincoln Zoning Bylaw, 2017-70, as amended, and that the zoning reflects the extent of the salvage yard use on the subject lands.
5. That the owner dedicate a Road Widening to increase the Right-of-way along Concession 3 Road, as requested by Township' Public Works Department and as per Policy POL-PW-1-18.
6. That the applicant apply for and obtain approval of a Site Plan Approval and Agreement for the industrial use.
7. 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.
8. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
9. 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.

ALIGNMENT TO STRATEGIC PLAN

- **Theme #3**
 - Strategic, responsible growth

BACKGROUND:

Two minor Boundary Adjustment applications have been submitted by Matthew Kernahan (agent) of Upper Canada Consultants on behalf of Edward and Marilyn Plazek (owners) for the properties legally described as Concession 4, Part Lot 20, Part Lot 9 in the Township of West Lincoln, within the Regional Municipality of Niagara municipally known as 9578, 9558 Regional Road 65 and 1461 Regional Road 2. The subject properties are comprised of Plazek's Auto Recyclers and two residential lots.

Application B02/2022 is proposing that Parcel 2 of the attached Survey Sketch (7.33

hectares) be severed from the residential Parcel 1 (4.39 hectares) located at 9558 Regional Road 65 and merge onto Part 5 (1461 Regional Road 2) Application B03/2022 proposes to sever Parcel 4 (5.75 hectares) from the residential Parcel 3 (2.47 hectares) located at 9578 Regional Road 65 and merge on title with Parcel 5 (45.34 hectares) which will ultimately make a 58.42 hectare parcel for Macs Auto Recycling business to operate off of. These severances are being done to better consolidate the auto recycling operation onto one parcel to facilitate a future Site Plan Approval application and to separate off the residential uses.

Township staff held a pre-consultation meeting on November 18th 2021. The pre-con meeting requested the applicants provide a short Planning Justification Report which provides background to the adjustments and how it complies with Section 18.13 of the Townships Official Plan. The Planning Justification Report is attached as attachment 2.

CURRENT SITUATION:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

The subject property has been identified as Rural Lands and are subject to Section 1.1.4 of the PPS.

The subject lands are located outside of the Township's Urban Area and are identified by the Region of Niagara Official Plan as being within the Rural Area. Rural Areas are defined by the PPS as lands within rural settlement areas, prime agricultural areas, natural heritage features and resource areas. Policies for Rural areas can be found under Section 1.1.4 of the PPS.

Policy 1.1.4.1 includes policies for creating a healthy, integrated and viable rural areas. This application for consent healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of brownfield sites;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;
- e) using rural infrastructure and public service facilities efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in prime agricultural areas, in

accordance with policy 2.3.

The proposed boundary adjustment is consistent with these policies, as the boundary adjustments are compatible with the rural landscape and can be sustained on existing private services. The boundary adjustment will allow site plan approval of an existing commercial operation to proceed which sustains the existing operation and preserves the ability for an existing operation which requires separation from other uses to operate.

A Place to Grow (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 2 of the Growth Plan provides policy direction related to Rural Areas.

Section 2.2.8 states that municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlement areas to serve the needs of rural residents and area businesses. Public service facilities in rural settlements should be co-located and integrated in community hubs, and priority should be given to maintaining and adapting existing public service facilities in community hubs to meet the needs of the community, where feasible.

Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:

- a) the management or use of resources;
- b) resource-based recreational uses; and
- c) other rural land uses that are not appropriate in settlement areas provided they:
 - i. are compatible with the rural landscape and surrounding local land uses;
 - ii. will be sustained by rural service levels; and
 - iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations

Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character, and capacity of the resource and the surrounding rural landscape, and may include:

- a) Commercial uses to serve the needs of visitors; and
- b) Where appropriate, resource-based recreational dwellings for seasonal accommodation.

Planning staff are of the opinion that these applications to sever Part 2 from Part 1, Part 4 from Part 3 and merging the severed Parts 2, and 4 and merging them with Part 5. Part 1 and 3 will continue to operate in their existing residential use, and Parts, 2, 4 and 5, will merge together as one parcel and continue to operate as the business use (Macs auto recycling operation) The proposed boundary adjustment conforms to the rural landscape, can be sustained on the private servicing located on the subject parcels, and do not adversely affect agriculture or natural heritage

resources.

Greenbelt Plan (2017)

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

Regional Official Plan

The Regional Official Plan (ROP) provides general policy direction for planning in the Niagara Region. The subject lands are identified as Rural Area in the Regional Official Plan. Development in these areas shall be compatible with the rural landscape and be sustained by rural service levels.

Policies for Rural and Agricultural Areas are contained in Section 5 . of the Regional Policy Plan. Section 5B permits consents for minor boundary adjustments or for technical reasons that do not create a new building lot on the subject property.

Township of West Lincoln Official Plan

The subject lands are designated as Rural Area within the Township of West Lincoln's Official Plan. The Township's Official Plan does not contain specific policies for this designation, in part due to the Plazek lands being the only lands within this designation. The Township's general consent policies of Section 18.13 apply.

The General Consent policies found in Section 18.13 include 18.12.1

- 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 178
- 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.
- c) No land severance shall create a traffic hazard, or have limited sight lines on curves or grades.
- d) Access to a Provincial Highway, a regional road or a local road shall be in accordance with the access provisions to the appropriate road authority.
- e) Consents will not be granted when any parcel involved requires the 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.
- 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.
- 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.

- 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 to top of slope.
- 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
- j) Any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-Law.
- k) Where 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.
- l) Consent will be permitted for infrastructure corridors and facilities where easements or rights of way are not feasible.

Section 4.5 a) of the Townships Official Plan contains policies specifically relating to Plazeks Auto. These policies state:

This area provides for the recognition and expansion of an existing motor vehicle recycling and salvage operation being part of Lots 19 and 20, Concession 4, former Township of Caistor, and limited to those areas designated on Schedule 'B-2' Land Use Map.

Motor vehicle recycling and salvage operations shall be strictly limited to the storage of motor vehicles, the storage and sale of motor vehicle parts, the dismantling of motor vehicles and the periodic crushing (flattening) of motor vehicle bodies by means of portable equipment only. The crushing (flattening) of motor vehicle bodies from other recycling, salvage, wrecking or processing operations shall be prohibited. Scrap processing of any kind shall strictly be prohibited. Appropriate buffering shall also be included around the periphery of the Special Industrial designation. Accessory uses, buildings and structures and agricultural uses shall also be permitted.

- i. The use shall only be continued and expanded with every effort made to mitigate the impact on nearby residential uses and natural features. To this end, the implementing zoning by-law shall require adequate setbacks from property lines and natural features, particularly residential uses, appropriate off-street parking and loading requirements, landscaped areas and buffering requirements and control over outside operations. Specifically, the subject operation and use shall be fenced and an effective tree screen provided to mitigate the impact on adjacent uses.
- ii. The implementing zoning by-law shall require that no dismantled or wrecked motor vehicles be stored within a minimum distance of 165 metres of Regional Road 2 or Regional Road 65 except as existing or

- within 230 metres of Concession 3 Road. Appropriate setbacks for all buildings, structures and storage areas shall be included.
- iii. A new warehouse, office and customer parking area shall be permitted as part of the expanded operation. Any building shall be located a minimum distance of 210 metres east of Regional Road 2 (distance to be measured perpendicular to Regional Road 2). An effective treed buffer area shall be immediately established west of the proposed warehouse and office to mitigate any impacts of an existing adjacent residential use.
 - iv. The crushing (flattening) of motor vehicle bodies shall be restricted to the east half of Lot 20, Concession 4, south of the Ontario Hydro tower line and 456 metres north of Concession 3 Road.
 - v. All motor vehicle fluids, including gasoline and diesel fuels, oil, battery acid and coolant shall be collected from wrecked motor vehicles, stored and disposed in an environmentally sound manner acceptable to the Ministry of the Environment.
 - vi. The site shall be considered a site plan control area pursuant to Section 41 of The Planning Act, R.S.O. 1990. The site plan and agreement will include all facilities and works associated with the operation including buildings, fencing, landscaping and buffering, drainage, motor vehicle storage and parking areas.

As the purpose of this application is to consolidate the lands being used as an auto recycling operation into one parcel of land, planning staff are of the opinion it conforms to the Township's Official Plan Policies. The owner plans to apply for Site Plan Approval for the business parcel once the lands are consolidated. The two existing residential lots will continue their residential use and no new buildings lots will be created as a part of this consent application.

Township Zoning By-law

The subject property is currently zoned Agricultural 'A', Open Space 'OS' Agriculture with a site specific 'A5' Industrial 'M2-5' with a site specific exception which allows for a Salvage Yard, Environmental Protection 'EP' and Environmental Conservation 'EC' This boundary adjustment would allow for the severed Parts 2, and 4 to merge with Part 5 and create a larger parcel for the business portion of the property, otherwise known as Mac's/Plazek's Auto Recycling.

Planning staff recognizes that the zoning on the subject properties does not appear to match the existing conditions on site. Through a housekeeping amendment the Township is proposing to address the zoning, placing Parts 1 and 2 to a Rural Residential Zone "RUR" and the remainder of the property (Parcel 5) once it is all merge into an industrial Zone "M2-5" excluding the environmental zonings which will remain unchanged. Staff have added a condition to this consent application which reads:

That the resulting lots comply with the Township of West Lincoln Zoning Bylaw, 2017-70, as amended, and that the zoning reflects the extent of the salvage yard use on the subject lands.

In the event that the Townships initiated housekeeping zoning amendments are not approved, the applicant will be responsible for ensuring zoning conformity.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Notification was mailed to all applicable agencies and departments on May 30th 2022.

The Township's Septic Inspector does not object to this proposed application.

Townships Public Works Department states that as per the Public Works Severance Application Condition Request Policy POL-PW-1-18, a road widening is requested where the right of way of a Township road is deficient of the required 20 metres. 1461 Regional Road 2 has frontage on Concession 3 road which is deficient of the required right of way, therefore Public Works requests a road widening along the length of the property on Concession 3 Road as a condition of severance. The widening would be approximately 1 metre. Where a road widening is greater than 150 metres in length, as is the case for this application, the Township will contribute to the cost of having the survey completed and dedicating the parcel to the Township.

Niagara Region staff have provided comments (as attached) and do not object to the proposed Consent Applications, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional Rural Area/Land policies.

The Niagara Peninsula Conservation Authority has provided comments which state that the presence of Provincially Significant Wetlands (PSW), and regulated Watercourses on the subject properties. The proposed lot lines for Parts 1 and 3 will not bisect the PSW or the associated development buffer on site. Furthermore, the merging of Parts 2, 4 and 5 will reduce the number of lot lines bisecting the PSW on site. As such, NPCA staff will not object to the proposed Minor Boundary Adjustment applications.

Please note however, that Parts 1 and 3 are still impacted by NPCA regulated Watercourses. Please note that development or site alteration within 15 metres of a watercourse requires a work permit from the NPCA, and possibly studies to be provided to the NPCA depending on the scope, nature and location of what is being proposed.

PUBLIC COMMENTS:

Circulation by way of mail was given to property owners within a 120m radius of the subject property on May 30th 2022. A Yellow sign was posted on the property a minimum of 14 days before the hearing. Township planning staff have not received any public comments at the time of preparing this report.

CONCLUSION

Planning Staff have reviewed all applicable Provincial, Regional and Township policies

as they relate to the proposed application and can conclude that the proposal meets the intent of all of the above policies. Accordingly, planning staff recommend approval of the two consent applications for Matt Kernahan (Agent- Upper Canada Consultants) on behalf of Owners- Edward Plazek, Marilyn Plazek and Macs Auto Recyclers Inc. to sever Part 2 from Part 1, and to sever Part 4 from Part 3 and merge parts 2 and 4 with Part 5 to clean up the site and to allow for the business to operate under the proper policy and provisions. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of these two applications, with the appropriate conditions.

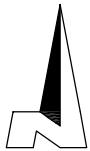
ATTACHMENTS

1. Severance Sketch
2. Planning Justification Report
3. Agency Comments

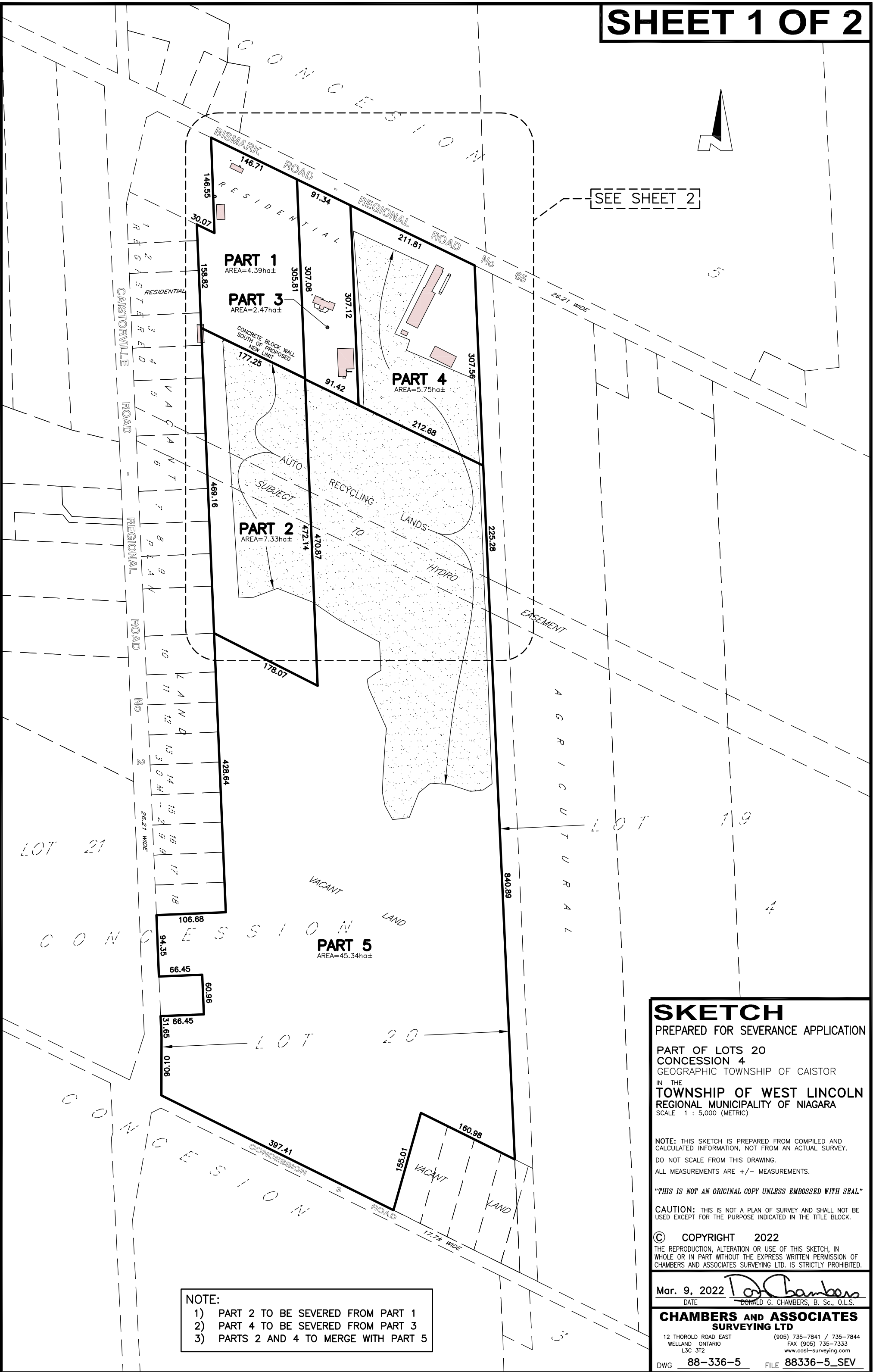
Prepared by:

Madyson Etzl
Planner II

Brian Treble, RPP, MCIP
Director of Planning and Building



SEE SHEET 2



NOTE:

- 1) PART 2 TO BE SEVERED FROM PART 1
- 2) PART 4 TO BE SEVERED FROM PART 3
- 3) PARTS 2 AND 4 TO MERGE WITH PART 5

SKETCH

PREPARED FOR SEVERANCE APPLICATION

PART OF LOTS 20
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF CAISTOR
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 5,000 (METRIC)

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Mar. 9, 2022

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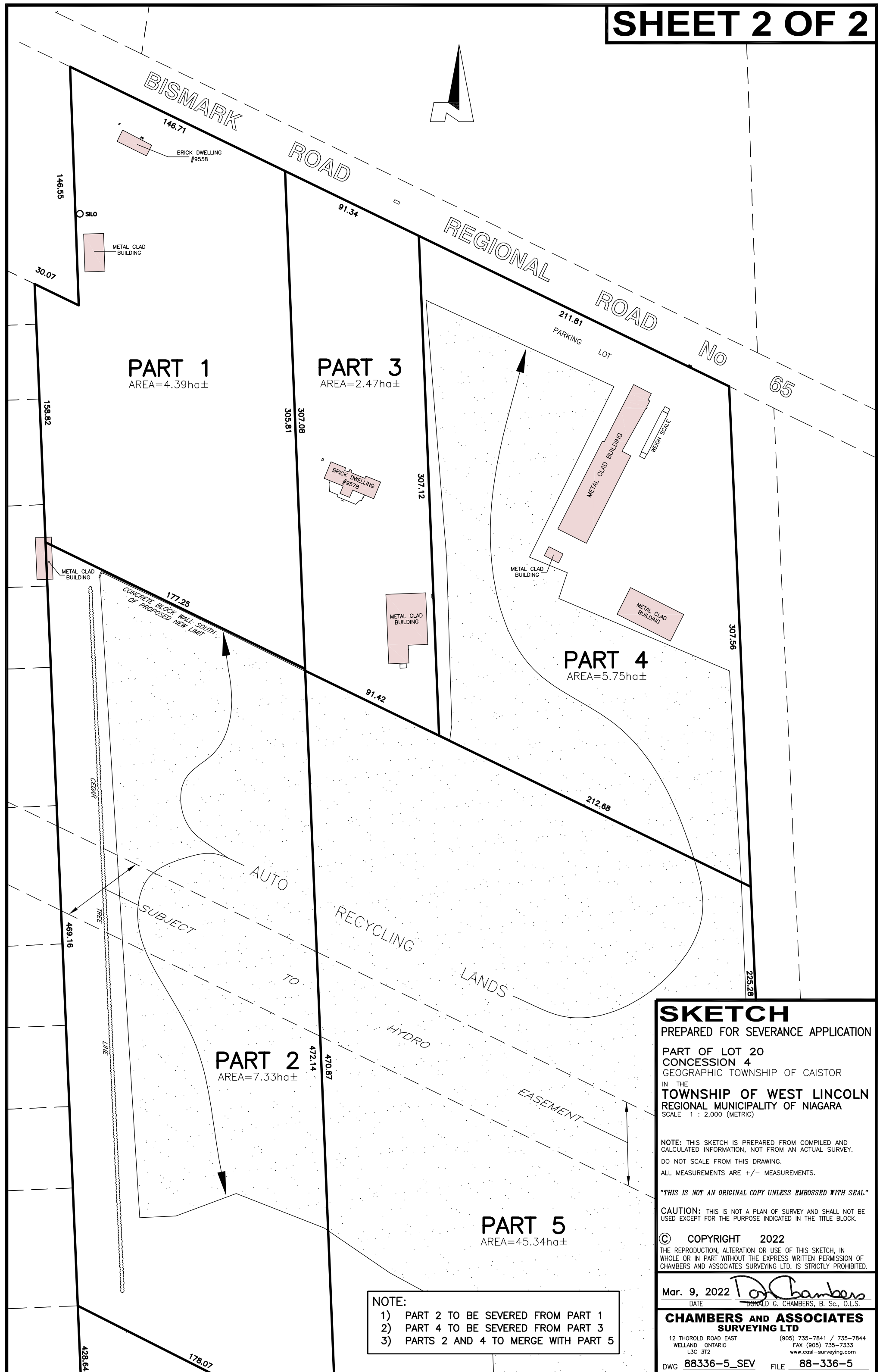
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DWG

88-336-5

FILE

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NOTE:
1) PART 2 TO BE SEVERED FROM PART 1
2) PART 4 TO BE SEVERED FROM PART 3
3) PARTS 2 AND 4 TO MERGE WITH PART 5

SKETCH
PREPARED FOR SEVERANCE APPLICATION

PART OF LOT 20
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF CAISTOR
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 2,000 (METRIC)

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May 5, 2022

UCC File: 1954

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

Attn: Meghan Birbeck, Secretary Treasurer - Committee of Adjustment

Re: Planning Brief - Consent
9578, 9558, 9522 Regional Road 65, West Lincoln

Introduction

Upper Canada Consultants were retained by Mac's Auto Recyclers Inc. (Edward and Marilyn Plazek) on behalf of the owners of the properties located at 9578, 9558, 9522 Regional Road 65, West Lincoln, to complete a Planning Justification Brief in support of Applications for Consent for the properties. The purpose of this letter is to satisfy the Township and Region of Niagara requirement for a Planning Justification Brief.

A Pre-Consultation meeting regarding this application was held on November 18, 2021. The Record of Pre-Consultation requested a short planning justification letter providing background to the adjustments and how it complies with 18.13 of the Official Plan.

Subject Lands

The subject lands are legally described as Concession 4, Part Lot 20, Part Lot 9 in the Township of West Lincoln within the Regional Municipality of Niagara and are known municipally as 9578, 9558, 9522 Regional Road 65, West Lincoln. The subject properties are comprised of Mac's Auto Recyclers, and two residential lots.

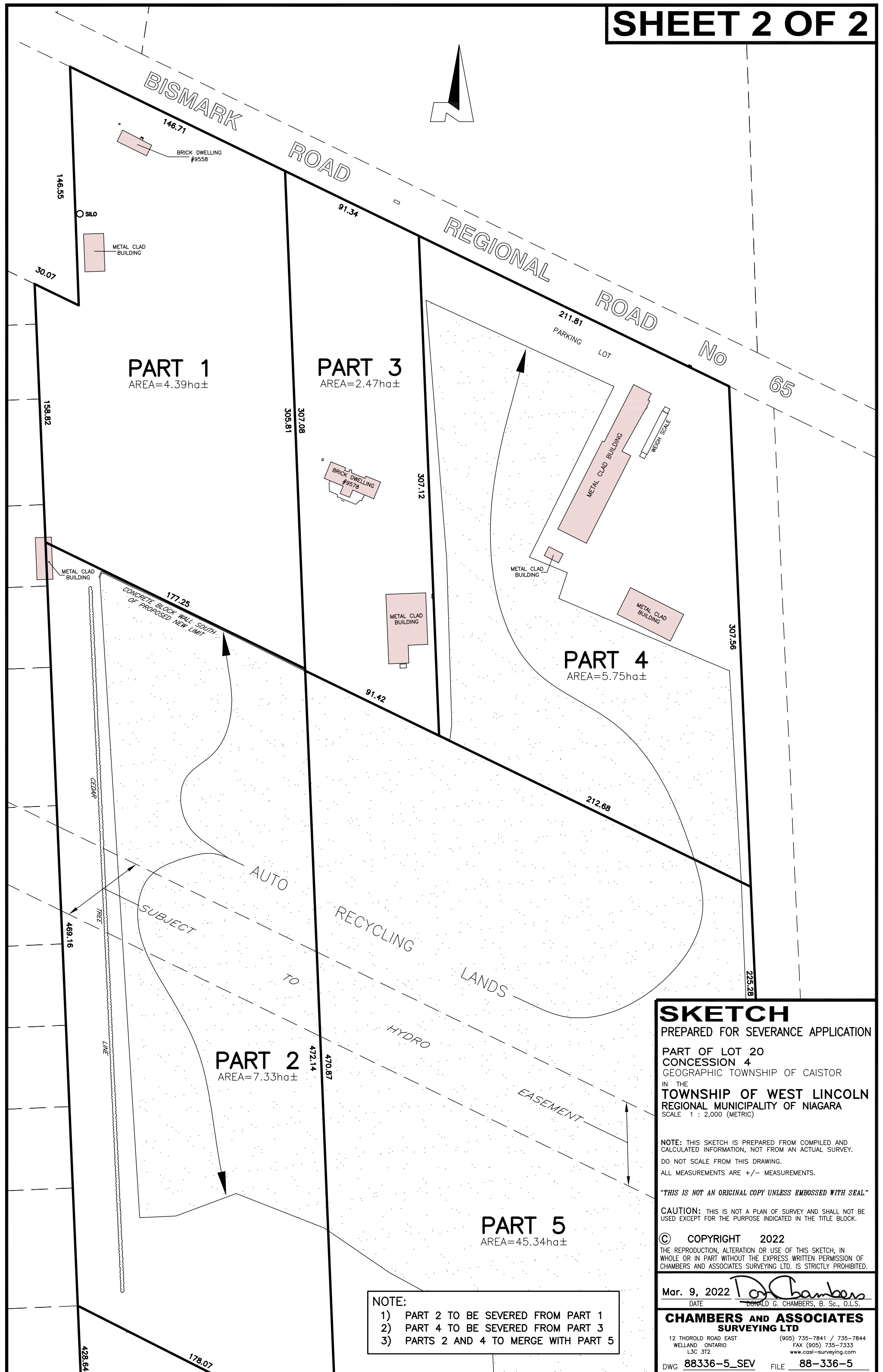
The subject lands are designated as Rural Area in the Regional Official Plan. The subject property is within the Rural Area designation of the Township of West Lincoln's Official Plan. The Township's Official Plan does not contain specific policies for this designation as the subject lands being the only lands within this designation. The existing zoning for the subject lands includes; Agriculture – A, Open Space – OS, Agriculture – A5, Industrial - M2-5, Environmental Protection – EP and Environmental Conservation – EC. The existing zoning for the subject property imperfectly align with the existing residential and auto recycling land uses. Township staff are proposing a Township led housekeeping amendment which will align the zoning of the property with the current land uses.

Proposal

The Mac's auto recycling business currently operates on three parcels of land. Two of the parcels of land (#9558 and #9578) also contain single detached dwellings and associated uses. The purpose of the

application is to consolidate the land upon which the auto recycling operation is operating into a singular parcel of land. The property boundary between the lot containing the single detached dwelling with the municipal address #9558 and the auto recycling operation will be realigned to coincide with the boundary between the auto recycling and residential land uses. Similarly, property boundary between the lot containing the single detached dwelling with the municipal address #9578 and the auto recycling operation will be realigned to coincide with the boundary between the auto recycling and residential land uses. No new lots or change of land use are proposed through this development approvals process. The purpose of the land consolidation process is to permit the application for Site Plan Approval for the auto recycling operation to proceed on a single parcel of land.

Figures 1 and 2 demonstrate the land division process required to implement the proposal. Part 2 will be severed from Part 1; Part 4 will be severed from Part 3; and Parts 2 and 4 will merge with Part 5. Parts 1 and 3 will continue in in their existing residential use. Parts 2, 4 and 5 will be merged together as one parcel and will continue to be used as an auto recycling operation.



NOTE:
1) PART 2 TO BE SEVERED FROM PART 1
2) PART 4 TO BE SEVERED FROM PART 3
3) PARTS 2 AND 4 TO MERGE WITH PART 5

SKETCH
PREPARED FOR SEVERANCE APPLICATION

PART OF LOT 20
CONCESSION 4
GEOGRAPHIC TOWNSHIP OF CAISTOR
IN THE
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 2,000 (METRIC)

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Planning Analysis

Planning Act

Section 51(24) of the Planning Act applies to the consideration of applications for consent. The following provides an analysis of the proposed consents in the context of Section 51 (24) of the Planning Act.

The proposed severances are technical in nature as they will realign property boundaries to make them coincide with existing, long-standing land uses and they will not create any new building lots. Section 51(24) is used to assess the appropriateness of land division processes that create new parcels of land for development purposes and is not directly applicable to this technical boundary adjustment exercise. Nevertheless, the following is provided to assist in the analysis of this proposal in the context of Section 51(24) of the Planning Act.

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

The proposed consents are technical and will not affect any matters of provincial interest.

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

The proposed consents will align property boundaries with existing land uses. The consents are not premature as the land uses exist and are in the public interest.

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

The Township Official Plan specifically recognizes the existing auto recycling operation. Consolidating the lands upon which the business operates conforms to the Official Plan. The land division process conforms with the adjacent Merrivale Acres Plan of Subdivision.

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

The land uses on the property exist and will not be changed as a consequence of the consents. The land is suitable for the existing uses.

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

This policy is not applicable to these applications.

(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;

The subject lands will maintain their current accesses from Regional Road 65 which require no changes.

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

The dimensions and shapes of the lots comply with the minimum lot size for residential lots within the Rural Area and align with the existing land uses.

(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 on the lands to be severed or retained that impact the proposed lot line configuration.

(h) conservation of natural resources and flood control;

The proposed boundary adjustments will not have any impact on the natural resources or a flood plain.

(i) the adequacy of utilities and municipal services;

The proposed boundary adjustments do not impact on the current or future uses of utilities or municipal services.

(j) the adequacy of school sites;

The proposal does not impact on the adequacy of school sites.

(k) 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 to be dedicated for public purposes.

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

This policy is not applicable to the proposed severances.

(m) 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).

The purpose of the subject applications is to facilitate Site Plan Control on the auto recycling operation.

Provincial Policy Statement

The subject lands are located outside of the Township of West Lincoln (Smithville) Urban Area and are identified by the Region of Niagara Official Plan as being within the Rural Area. Rural Areas are defined by the PPS as lands within rural settlement areas, prime agricultural areas, natural heritage features and resource areas. Policies for Rural Areas are found under Section 1.1.4 of the PPS. Policy 1.1.4.1 includes policy for creating that healthy, integrated and viable rural areas. The applications for consent are consistent with Provincial Policy for rural areas as they will preserve an existing rural commercial operation that contributes positively to the community and will also maintain existing residential uses that are consistent with the rural character of the area.

Provincial Policy 1.1.5 contains policies for development in rural areas. The proposed boundary adjustment is consistent with these policies for the following reasons:

- The boundary adjustments constitute residential development, in part, that is locally appropriate as it will maintain existing rural residential land uses;
- The development is compatible with the rural landscape and can be sustained on existing private services;
- The boundary adjustments will allow the site plan approval of an existing commercial operation to proceed which sustains the existing operation and preserves the ability for an existing operation which requires separation from other uses to operate.

Natural Heritage policies are contained in Section 2.1 of the Provincial Policy Statement. Natural Heritage features located on site are located a significant distance away from the lot lines that will be adjusted through this proposal and will not be impacted by the development. The proposal is therefore consistent with Provincial Policy 2.1.

Growth Plan for the Greater Golden Horseshoe

The policies of the Growth Plan are based on the realization of the vision for the Greater Golden Horseshoe (GGH), as set out in the Guiding Principles under Section 1.2.1. Specific policies for Rural Areas are contained in Section 2.2.9. The proposed minor boundary adjustments conform to the policies of Section 2.2.9 as they are compatible with the rural landscape, can be sustained on private services and do not adversely affect agricultural or natural heritage resources. The applications also conform with Growth Plan policies contained in Section 4.2 as they do not impact natural heritage features or hydrologic features that are located on site a significant distance from the area where lot lines are proposed to be adjusted.

Region of Niagara Official Plan

The Region of Niagara Official Plan designates the subject property as Rural Area. Policies for Rural and Agricultural Areas are contained in Section 5.B of the Regional Policy Plan. Policy 5.B permits consents for minor boundary adjustments for technical reasons that do not create a new building lot. The proposed consents are technical in nature and will not create a building

lot. The consents will also not have any impact on natural environment features identified in Section 8 of the plan. The proposed consents are therefore consistent with the relevant policies of the Region of Niagara Official Plan.

Township of West Lincoln Official Plan

The subject property is within the Rural Area designation of the Township's Official Plan. The Township's Official Plan does not contain specific policies for this designation as the portion of the site that is occupied by the auto recycling operation being the only lands within the municipality with this designation. The policies found in Section 4.5 of the Official Plan permit the use of the property for the auto recycling operation and include policies for ensuring the operation does not have negative impacts on surrounding properties. The proposed consents that will consolidate the parcels of land upon which the auto recycling operation occurs and are permitted by the Rural Official Plan policies.

General consent policies are contained in Section 18.13 of the Township of West Lincoln Official Plan.

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. 178*

The proposal meets the designation and provisions are set out in the Official Plan.

- 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.*

There will be no change to the existing frontages of the three lots.

- c) No land severance shall create a traffic hazard, or have limited sight lines on curves or grades.*

The proposal will not result in any changes to existing driveways or accesses.

- 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.*

The proposal will not result in any changes to existing driveways or accesses.

- 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.*

The proposal does not result in any change to accesses that would impact sight lines.

- 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.

This proposal only seeks a boundary adjustment between existing uses therefore this consent does not require installation of septic tank system or other private sewage disposal systems.

- 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 proposal is for a boundary adjustment between parcels on private services so it will not impact on reserve sewage system capacity and reserve water system capacity.

- 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.*

The proposal does not involve development within hazardous lands.

- 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.*

The proposed boundary adjustment will not have any drainage or lot grading impacts.

- j) Any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-law.*

The proposed boundary adjustment conforms to the applicable policies of the Township Official Plan and applicable regulations of the Zoning By-law.

- 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. 179*

This policy is not applicable.

- l) Consents will be permitted for infrastructure corridors and facilities where easements or rights of ways are not feasible.*

This policy is not applicable.

Planning Opinion

The purpose of the applications for consent is to consolidate the lands being used as an auto recycling operation into one parcel of land. The owner plans to apply for Site Plan Approval once the lands are consolidated. The two existing residential lots will continue in their existing residential use. No new

building lots will be created and no new land uses will be introduced as a consequence of the approval of the consent applications.

The proposed lot lines are located a significant distance from all natural heritage features located on site and will not have any impact on them. The proposed consents are consistent with the Provincial Policies and conform to Provincial and Regional plans with respect to natural heritage policies.

The proposed boundary adjustments are minor and technical in nature and conform to applicable Region of Niagara Policies for development in the Rural and Agricultural area.

The proposed boundary adjustments are permitted by the Township of West Lincoln's Official Plan and are consistent with relevant policies contained therein.

The applications for Consent to Sever are appropriate for the subject lands, are consistent with the Provincial Policy Statement, conform to applicable Provincial and Regional plans, are consistent with the applicable policies of the Township of West Lincoln Official Plan, represent good planning and should be supported.

A handwritten signature in black ink, appearing to read 'Matthew Kernahan', with a stylized flourish at the end.

Matthew Kernahan, MCIP, RPP
Planning Manager
Upper Canada Consultants

Meghan Birbeck

From: Jennifer Bernard
Sent: June 2, 2022 10:04 AM
To: Meghan Birbeck; Madyson Etzl
Subject: RE: June Committee of Adjustment - Notice of Hearings

Hi Meghan,

I have no comments to provide on these applications.

Thank you,
Jenn



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: Meghan Birbeck
Sent: May 31, 2022 3:31 PM
To: Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Lyle Killins <lkillins@live.com>
Cc: Brian Treble <btreble@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Madyson Etzl <metzl@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>
Subject: June Committee of Adjustment - Notice of Hearings

Good afternoon,

Attached to this email are three Notice of Hearings for the June COA hearing.

1. B02/2022WL – Plazek (9558 RR 65)
 - a. A minor boundary adjustment has been submitted for the subject.
2. B03/2022WL - Plazek (9578 RR 65)
 - a. A minor boundary adjustment has been submitted for the subject.
3. B04/2022WL – Snippe - 5444 Concession 4 Road
 - a. A minor boundary adjustment/ Surplus Farm Dwelling Severance has been submitted for the subject

Please contact Madyson Etzl metzl@westlincoln.ca for any future inquiries with this application as Friday is my last day with the Township of West Lincoln.

Best,
Meghan

	<p>Meghan Birbeck</p> <p>Planner I</p> <p>Tel: 905-957-3346 ext. 5140 Email: mbirbeck@westlincoln.ca Web: www.westlincoln.ca</p> <div data-bbox="605 856 716 953"></div>
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Application Number: B03/2022WL , B02/2022WL

Date: June 10, 2022

Property Address:

Project:

Planning Staff,

Please be advised this department offers no objection to the proposed application.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)
Part 8, O.B.C., Septic System Inspector Manager
Building and Bylaw Enforcement Services Department

From: [Nikolas Wensing](#)
To: [Madyson Etzl](#)
Subject: NPCA Comments on Proposed Minor Boundary Adjustments - B02/2022WL and B03/2022WL
Date: June 8, 2022 3:12:04 PM
Attachments: [3. Full Package - B022022WL.PDF](#)
[3. Full Package - B032022WL.PDF](#)

Hello Madyson,

I am emailing you regarding the two proposed Minor Boundary Adjustments as shown on the attached notices. It is the NPCA's understanding that Parts 2, 4 and 5 will become one parcel and that Parts 1 and 3 will become separate parcels.

NPCA staff note the presence of Provincially Significant Wetlands (PSW), and regulated Watercourses on the subject properties. The proposed lot lines for Parts 1 and 3 will not bisect the PSW or the associated development buffer on site. Furthermore, the merging of Parts 2, 4 and 5 will reduce the number of lot lines bisecting the PSW on site. As such, NPCA staff will not object to the proposed Minor Boundary Adjustment applications.

Please note however, that Parts 1 and 3 are still impacted by NPCA regulated Watercourses. Please note that development or site alteration within 15 metres of a watercourse requires a work permit from the NPCA, and possibly studies to be provided to the NPCA depending on the scope, nature and location of what is being proposed.

Please let me know if you have any questions.

Sincerely,

Nikolas Wensing, B.A., MPlan
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [facebook.com/NPCAOntario](#) & [twitter.com/NPCA_Ontario](#).

For more information on Permits, Planning and Forestry 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>

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

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.

Planning and Development Services

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

Via Email

June 17, 2022

Region File: D.06.12.CS-22-0052
D.06.12.CS-22-0053

Madysen Etzl
Secretary Treasurer of the Committee of Adjustment
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Etzl:

**Re: Regional and Provincial Comments
Proposed Consent Application
Township File: B02/2022WL, B03/2022WL,
Owner: Edward Joseph Plazek
Agent: Matt Kernahan – Upper Canada Consultants
Address: 9558 & 9578 Silver Street
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the information circulated for the above noted Consent applications for 9578 and 9558 Silver Street (Regional Road 65) located in the Township of West Lincoln. Staff received circulation from the Township on May 31, 2022. The subject land is within the “Rural Area” designation in the Township of West Lincoln’s Official Plan. The Applicant is proposing several boundary adjustments to consolidate the lands that an existing auto recycling business is using for its operations.

The first consent application (Town File: B02/2022WL; Region File: CS-22-0052) proposes to sever Part 2 (7.33 ha) from Part 1 (4.39 ha) and merge it with the adjacent property to the south being Part 5 (45.34 ha). The second consent application (Town File: B03/2022WL; Region File: CS-22-0053) proposes to sever Part 4 (5.75 ha) from Part 3 and merge it with Part 5 (45.34). Part 1 and 3 will be utilized for existing residential purposes and Part 2, 4, and 5 will be utilized for the existing auto recycling operation.

A pre-consultation meeting for the proposal was held on November 18, 2021, with staff from the Region and Township, Niagara Peninsula Conservation Authority (“NPCA”), and the Agent in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Committee in considering these applications.

Provincial and Regional Policies

The subject land is designated “Rural Area / Lands” within the *Provincial Policy Statement, 2020* (“PPS”), the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and the *Regional Official Plan* (“ROP”). Provincial and Regional policies identify permitted uses within this designation to be primarily intended for agriculture, agriculture-related, and on-farm diversified uses, with limited permissions for non-agriculture development. Staff acknowledge that the majority of the lands subject to the boundary adjustments occupy an existing non-agriculture use (auto recycling business) and are not used for agriculture or agriculture-related uses. The proposal will not impact viable agricultural lands, nor adversely impact nearby agricultural operations.

Policies in Section 5.C of the ROP provide for direction with respect to non-farm development within the Rural Area and states that development in this designation shall be compatible with the rural landscape and be sustained by rural service levels. The proposed applications will consolidate lands of the existing auto recycling operation and will not result in the creation of any new developable lots.

Regional staff has reviewed the “*Planning Brief*”, prepared by Upper Canada Consultants Ltd. (dated May 5, 2022) and find its analysis adequate. The Brief explains that the purpose of the land consolidation process is to permit the application for Site Plan Approval for the auto recycling business to proceed on a single parcel of land. The Brief also confirms that no new developable lots are being created, no new land uses are being introduced, and that the property does not require the extension of municipal servicing and can be supported by private services. As such, Regional staff is satisfied the proposed consents is consistent with the PPS and conforms to Provincial and Regional Rural Area / Lands policies, subject to the comments below.

Natural Heritage

The subject property is impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of the Wolf Creek Provincially Significant Wetland Complex (“PSW”). The portion of the property containing this features is also mapped as part of the Growth Plan’s Provincial Natural Heritage System (“NHS”). As such, this feature is considered a Key Natural Heritage Feature (“KNHF”) and a Key Hydrologic Feature (“KHF”) and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (“NHE”) when development and/or site alteration is proposed within 120 m of a

KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 120 m of PSW. Further, Growth Plan policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF/KHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ.

All boundary adjustments are outside of the above-noted setback. As such, staff offer no environmental requirements at this time. The Applicant is advised that future *Planning Act* applications (i.e., Site Plan) involving the subject lands may require further study requirements.

Regional Permit Requirements

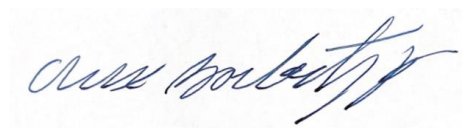
Regional staff acknowledge that the current applications do not propose any new construction works within the Regional Road 65 (Bismark / Silver Road) road allowance. Prior to any future construction works taking place within the Regional Road allowance, the Region would need to review and approve of the proposed works and the necessary Regional Road Permit's would be required from Niagara Region's Transportation Services Division, Public Works Department. Applications can be made online at: <http://niagararegion.ca/living/roads/permits/default.aspx>

Conclusion

In conclusion, Regional staff does not object to the proposed Consent Applications, in principle, as the proposal is consistent with the PPS and conforms to Provincial and Regional Rural Area / Land policies. Local staff should be satisfied any applicable local requirements and provisions for the proposed applications are met.

If you have any questions related to the above comments, please contact the undersigned at Alex.Bokeestyn@niagararegion.ca, or Katie Young, Development Planner at Katie.Young@niagararegion.ca. Please send a copy of staff report and Committee's decision on this application.

Best regards,



Alex Bokeestyn
Development Planning Student, Niagara Region

cc: Katie Young, MSC (PI), Development Planner, Niagara Region

Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region

Lori Karlewicz, Planning Ecologist, Niagara Region

Robert Alguire, C.E.T., Development Approvals Technician, Niagara Region