

Planning and Development Services

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Via Email Only

September 8, 2022

Region File: D.18.12.ZA-22-0068

Gerrit Boerema
Planner II
Township of West Lincoln
318 Canborough Street
Smithville, ON, L0R 2A0

Dear Mr. Boerema:

**Re: Regional and Provincial Comments
Proposed Temporary Use By-law Extension
Township File: 1601-011-22
Applicant/Agent: Upper Canada Consultants
Owners: Rebecca and Fred Vrugteveen
4981 Regional Road 20
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the proposed Temporary Use By-law Extension request for a one year extension for the ongoing commercial operation at 4981 Regional Road 20 in the Township of West Lincoln, which includes the storage of pallets and wood chips operated by Niagara Pallet.

A temporary use by-law was passed by Township Council in February of 2019, which permitted the commercial use for a period of 2 years. The temporary use was requested in order to assist with the expansion of the business at 2906 South Grimsby Road 8. Regional staff provided comment on the application November 28, 2019, indicating that the proposal did not conform to relevant Provincial or Regional policies. Staff provide the following comments from a Provincial and Regional perspective to assist Township Council in considering this extension request.

Provincial and Regional Policies

The subject land is located within the 'Prime Agricultural Area' of the *Provincial Policy Statement, 2020* ("PPS") and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and designated 'Good General Agricultural Area' in the *Regional Official Plan* ("ROP").

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected for long-term agricultural use. The permitted uses within the Prime Agricultural Area / Good General Agricultural Area is for agricultural uses, agriculture-related uses, and on-farm diversified uses. Compatible uses, such as forestry and conservation of plant and wildlife is also permitted.

As stated in the Region's letter dated November 28, 2019, the property is not afforded legal non-conforming use status as the existing facilities were established contrary to the Township's Zoning By-law. Therefore, Provincial and Regional policies for non-agricultural uses must be assessed.

PPS Policy 2.3.6.1 states that non-agricultural uses are only permitted in the Prime Agricultural Area in specific circumstances, including limited non-residential uses, provided the land does not comprise a 'Specialty Crop Area', complies with the 'Minimum Separation Distance Formulae', there is an identified need within the planning horizon for additional land to accommodate the proposed use, and alternative locations have been evaluated (avoiding Prime Agricultural Areas, or considering lower priority agricultural lands).

In alignment with the PPS, ROP Policy 5.B.7 states that non-agricultural uses should not be located in agricultural areas as non-agricultural development has an adverse impact on agricultural and natural resources. Consideration of non-agricultural uses may be considered through a Regional Official Plan Amendment, subject to several conditions, including but not limited to requiring a demonstrated need for additional land to be designated within the municipality and desirability of the proposed use to the community, no reasonable alternatives in 'Rural Areas' or 'Urban Areas', and no reasonable alternatives in other Good General Agricultural Areas or agricultural areas with lower priority agricultural land.

A letter prepared by Upper Canada Consultants (dated July 14, 2022) was submitted with the extension request citing the COVID-19 pandemic impacting the ability of the owner to develop a new facility and obtain necessary approvals. Regional staff recognizes that the owners are working on relocating the pallet business to another location in the Township (2906 South Grimsby Road 8). The continued use of this property for the commercial business, however, is not consistent with and does not conform to Provincial and Regional policies. Given the continued non-complying use on this site and granting of several temporary use by-laws/extensions, Regional staff is concerned that a further extension could entrench the use. As such, staff is unable to support the extension request for the storage of pallets and wood chips for an additional year.

Natural Heritage

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System ("CNHS"), including the St. Anns Slough Forest Provincially Significant Wetland ("PSW") Complex, Provincially Significant Life Science Area of Natural and

Scientific Interest (ANSI) known as the South St. Anns Slough Forest, Significant Woodland, and Important (Type 2) Fish Habitat. The property is also partially mapped as part of the Growth Plan Provincial Natural Heritage System ("PNHS"). As such, the CNHS features on and adjacent the property are considered Key Hydrologic and Key Natural Heritage Features ("KHF/KNHF") and the natural heritage policies identified in the Growth Plan apply.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") to demonstrate no negative impact to KHF/KNHFs. However, given that the application is for temporary storage of pallets and wood chips, and given that the temporary storage area is greater than 30 m from the KHF/KNHFs, staff will not require the completion of a NHE. As previously noted in the Region's November 28, 2019 comment letter, staff instead required that silt fencing be installed and maintained for the duration of the temporary use around the perimeter of the storage area to prevent sediment/materials from encroaching towards the KHF/KNHFs. Staff understand that this fencing was previously installed and inspected, to the satisfaction of the Niagara Peninsula Conservation Authority ("NPCA") when the temporary use application was circulated in 2019.

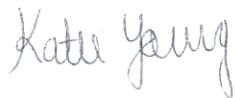
Conclusion

Regional Planning and Development Services staff is unable to support the proposed Temporary Use By-law Extension request to permit the ongoing storage of pallets and woodchips on the subject property for an additional one year as the use does not conform or meet the intent of Provincial and Regional policies.

Should you have any questions related to the above noted comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send a copy of the staff report and notice of Council's decision on the application.

Kind regards,



Katie Young
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Diana Morreale, MCIP, RPP, Director of Development Approvals
Adam Boudens, Senior Environmental Planner