

Planning and Development Services

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

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

Via Email Only

January 9, 2023

Region File: D.10.12.OPA-22-0045

D.18.12.ZA-22-0103

Jessica Dyson
Deputy Clerk
Township of West Lincoln
318 Canborough Street
Smithville, ON, L0R 2A0

Dear Ms. Dyson:

**Re: Regional and Provincial Comments
Proposed Official Plan Amendment & Zoning By-law Amendment
Applications
Township File: 1601-013-22 ZBA & 1701-003-22 OPA
Owner: Olufemi (Joseph) Oyegbami
Agent: Steven Rivers (South Coast Consulting)
Lot 34, Plan M98 - Mill Street
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the above-mentioned Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for a vacant Lot 34, Plan M98 located on the north side Mill Street in the Township of West Lincoln to permit a 3 dwelling unit townhouse.

The OPA application is required to permit three units on the subject property, whereas the property is designed in the Township's Official Plan as Medium Density Residential, which only permits up to two units. The ZBA application is required to change the zoning from a Low-Density Residential zone to a Medium Density 'RM2' zone, with a number of site specific modifications, including a reduced minimum lot frontage from 6 m to 5.8 m, a reduced minimum interior side yard from 3 m to 1 m, and an increased maximum garage width from 50% to 63%.

A pre-consultation meeting for the proposal was held on April 7, 2022 with the Owner, Agent, Township and Regional staff in attendance. Regional staff note that the new *Niagara Official Plan* ("NOP") was approved with modifications by the Minister of Municipal Affairs and Housing, coming into effect on November 4, 2022 and replacing

the *Regional Official Plan* (“ROP”). Given that this application was deemed complete by the Township of West Lincoln on November 21, 2022, the policies of the NOP apply. The following comments are provided from a Provincial and Regional perspective to assist Township Council with their consideration of the applications.

Provincial and Regional Policies

The subject land is located in the ‘Settlement Area’ under the *Provincial Policy Statement, 2020* (“PPS”), and within the ‘Delineated Built-Up Area’ in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated ‘Built-Up Area’ in the NOP.

The PPS, Growth Plan, and NOP together direct development to take place within urban areas to support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are permitted generally within the built-up area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

The annual minimum intensification target for the Built-Up Area for the Township of West Lincoln contained in Table 2-2 of the NOP of 13% will continue to apply. The proposal will contribute to the Township’s intensification target as it is considered to be an intensification of the subject lands in accordance with both Provincial and Regional policies.

Staff has reviewed the *Preliminary Planning Policy Justification Report and Impact Analysis*, prepared by South Coast Consulting (dated August 10, 2022) and are generally accepting of its content. Regional staff require that a ‘final’ Planning Justification Report is submitted to support the application, including an analysis of the in-effect NOP policies. Staff note that local compatibility and interface with neighbouring properties is a local matter to be addressed by Township staff and Council.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Citizenship and Multiculturalism’s (“MCM”) Criteria for Evaluating Archaeological Potential utilized at the time of pre-consultation, the subject

land has potential for the discovery of archaeological resources as it is within 300 m of 2 registered archaeological sites and a natural watercourse (Twenty Mile Creek to the south), and nearby to the Union Methodist cemetery (northeast). Given that the subject land has not been recently, intensively, or extensively disturbed as outlined within the Province's Criteria, staff requested the completion of a Stage 1-2 Archaeological Assessment and Ministry Acknowledgement Letter.

A *Stage 1-2 Archaeological Assessment*, prepared by Irvin Heritage Inc. (dated April 22, 2022) has been received and reviewed by staff. The Stage 1 Assessment confirmed that the site has archaeological potential and the Stage 2 Assessment conducted test pit surveys excavated by shovel at 5 m intervals. The Stage 2 test pit survey identified no archaeological resources. Based on the assessments completed, the licensed archaeologist states that the study area has been sufficiently assessed and is free of further archaeological concern.

A Ministry Acknowledgement Letter, dated June 15, 2022 has been received by Regional staff, acknowledging that the report has been entered into the Ontario Public Register of Archaeological Reports without technical review. As such, staff are satisfied that archaeological assessment requirements have been addressed.

Land Use Compatibility

The PPS states that sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants.

The subject land is in close proximity to Regional Road 20 (to the north), which continues to increase in traffic volume. As such, staff recommend the inclusion of noise mitigation measures / devices during the construction of the townhouse units, which would include central air conditioning units (to allow for windows and doors to remain closed during noise events), upgraded exterior windows and doors, and exterior brick veneer. Staff also recommend the inclusion of standard warning clauses within all future Sale, Lease, or Occupancy Agreements of the dwellings. These conditions can be managed through a future Site Plan application.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development 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 curbside limits are met:

- Recycling: Weekly Collection of Blue/Grey Carts;
- Organics: Weekly Collection of Green Carts; and,

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- Garbage: Every-Other-Week Collection of 2 Bags/Cans per Unit to a Maximum of 6.
- Curb side collection only on Mill Street

No plans were submitted with the application. If the proposed development is unable to comply with Niagara Region's waste collection requirements, waste collection services for the development will be the responsibility of the owner through a private contractor and not the Niagara Region.

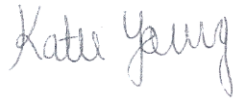
Conclusion

Regional Planning and Development Services staff is satisfied that the Official Plan Amendment and Zoning By-law Amendment applications to permit a residential development on the vacant lot 34, located on Mill Street in the Township of West Lincoln is consistent with the PPS and conforms to Provincial and Regional plans.

Regional staff note that in accordance with policies 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding, the Official Plan Amendment as reviewed is exempt from Regional Council Approval.

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

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region
Gerrit Boerema, MCIP, RPP, Senior Planner, Township of West Lincoln

Gerrit Boerema

From: Jennifer Bernard
Sent: January 3, 2023 12:16 PM
To: Gerrit Boerema
Subject: RE: Notice of Public Meeting - Application No. 1601-013-22 (ZBA) 1701-003-22 (OPA)
- Lot 34 Mill Street

Hi Gerrit,

I don't have any comments to provide on this application, it appears they have covered servicing and stormwater concerns, the drawings show the sanitary sewer easement at the back of the property and they have kept the building area out of the easement.

Thanks,
Jenn

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.



Jennifer Bernard, C.E.T.
Coordinator, Engineering Services
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From: Gerrit Boerema
Sent: December 15, 2022 3:18 PM
To: 'Sue Mabee' <Sue.Mabee@dsbn.org>; Clark.Euale@ncdsb.com; Mani Drummond <mdrummond@npca.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; mr18enquiry@mpac.ca; consultations@metisnation.org; tedc@metisnation.org; pontdj@hotmail.com; jocko@sixnationsns.com; hdi2@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; megan.devries@mncfn.ca; peter.epler@mncfn.ca; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@nrnc.ca; executivedirector@fenfc.org; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Lisa Kasko-Young

Attachment 5 to PD-03-2023

<lyoung@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Fred vanderVelde <fredv@royallepage.ca>; West Lincoln Chamber <westlincolnchamber@bellnet.ca>; Jeni Fisher <jfisher@westlincoln.ca>; Barb Hutchinson <BHutchinson@westlincoln.ca>; Femi Oyegbami <qleo2002@gmail.com>; Joseph Oyegbami <f.oyegbami@gmail.com>; steven.p.rivers <steven.p.rivers@gmail.com>; Brian Treble <btreble@westlincoln.ca>

Subject: Notice of Public Meeting - Application No. 1601-013-22 (ZBA) 1701-003-22 (OPA) - Lot 34 Mill Street

Good Morning,

Please find attached the notice for public meeting concerning a proposed zoning bylaw amendment and official plan amendment at Lot 34 Plan M89 on Mill Street.

If you have any comments please provide them to the Deputy Clerk or myself as outlined in the notice.

Gerrit Boerema, MCIP RPP

Senior Planner

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

	<p>Gerrit Boerema</p> <p>Planner II</p> <p>Tel: 905-957-3346 ext.5133 Email: gboerema@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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