

Via Email Only

January 13, 2023

Region File: D.18.12.ZA-22-0101

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

Dear Ms. Dyson:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment Application
Township File: 1601-012-22
Owner: Atsje Bruinsma
Agent: Steven Rivers (South Coast Consulting)
8535 Twenty Road
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the above-noted Zoning By-law Amendment application to rezone the property located at 8535 Twenty Road in the Township of West Lincoln.

The Zoning By-law Amendment application seeks to permit an agri-tourism use (country market) on the property. This includes both the sale of locally grown products and products not grown or produced on the property or locally. The application is seeking the following exemptions to the permissions for agri-tourism uses as outlined in Section 3.11 of the Township's Zoning By-law:

- Minimum lot area for on-farm diversified use ("OFDU") / agri-tourism use is 10 hectares, whereas only 2.5 hectares is provided;
- Maximum area for OFDU / agri-tourism use is 1%, whereas 2% is requested;
- Exemption to requirement of being operated by persons who reside in the dwelling on the same lot; and
- Recognition of existing deficient building setbacks.

A pre-consultation meeting was held on September 2, 2021 with the Owners, Township staff, Regional staff, and Niagara Peninsula Conservation Authority (“NPCA”) staff in attendance. Regional staff note that the new *Niagara Official Plan, 2022* (“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 prior to the NOP coming into effect, the policies of the ROP continue to apply for this application. The following Provincial and Regional comments are provided to assist the Township in their consideration of the application.

Provincial and Regional Policies

The subject land is located within the ‘Prime Agricultural Area’ under the *Provincial Policy Statement, 2020* (“PPS”) and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated ‘Good General Agricultural Area’ in the 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 OFDUs. Compatible uses, such as forestry and conservation of plant and wildlife is also permitted. ROP Policies 5.B.25 and 5.B.26 outline criteria to be utilized when evaluating agri-tourism uses, which are uses to be secondary to the farm operation, including that the scale of the operation is limited and appropriate to the site and surrounding area, that the use has minimal impact on and does not interfere with surrounding agricultural and rural land uses, can accommodate the use on private services, and does not generate off-site impacts related to infrastructure and transportation.

The Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”) Publication 851 *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* provides guidance on agricultural uses, agriculture-related uses, and OFDUs to assist in explaining the intent of the PPS policies and definitions. In accordance with the PPS, as outlined in Publication 851, the following criteria is to be met in order to qualify as an OFDU:

1. Located on a farm property that is actively in agricultural use.
2. Secondary to the principal agricultural use of the property
3. Limited in area - up to 2% of the property coverage to a maximum of 1 ha (10,000 m²) and up to 20% of the gross floor area of buildings utilized for on-farm diversified uses.
4. Includes, but is not limited to, home occupations, agri-tourism uses, and uses that produce value-added agricultural products. Agri-tourism uses are defined as farm-related tourism uses, including limited accommodation such as bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

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

Staff has reviewed the *Preliminary Policy Justification Report and Impact Analysis* ("PJR"), prepared by South Coast Consulting (dated September 6, 2022). The PJR highlights that an agri-tourism use is being proposed in order to permit the Creekside Country Market (formerly an apple store) to sell produce grown on the property, honey from hives on the property, fresh flowers grown on the property and from local greenhouses, frozen chicken products from chicken produced on the Applicant's farm property located at 7706 Twenty Road, take-out ice cream, homemade crafts, décor and wearable items.

Based on the PJR and correspondence with the Township and Agent (dated January 10, 2023), it is unclear to Regional staff what the primary agricultural use on the property is. The PJR highlights that produce, fresh flowers and field crops are to be grown and honey is to be produced from hives on the property. The PJR identifies that the applicant owns and operates a poultry farm located at another property within the Township and the agri-tourism use business is part of that farm. Staff require more detail with respect to the agricultural use on the property at 8535 Twenty Road in order to ensure that the property is in active agricultural use, as identified as a requirement through both Provincial and Regional policy.

Staff has reviewed the Survey (dated November 25, 1975) and Site Plan (dated June 9, 2022), included within the Appendix of the PJR. It is unclear based on the Survey, Site Plan, and details contained with the PJR what the exact size of the property is as each plan identifies a slightly different size. Staff recommend the PJR be updated to clearly identify the size of the property in order to calculate the acceptable size of OFDU for this property. In this regards, the PJR highlights that the size of the property is approximately 28, 620 m² (or 2.862 ha). Based on Regional staff's calculations 2% of the property would be 572.4 m² and 20% would be 114.48 m². The PJR highlights that 605 m² (approximately 2.1% of the property) would be taken out of agricultural use, which counts the existing barn at 169 m² (50% in accordance with Provincial Publication 851) and the new parking area at 436.5m². Staff require that the Site Plan be updated to include the size of the septic system and the PJR be updated to include the septic system area for the overall OFDU calculation.

Staff observe that the proposal will not take significant land out of agricultural production, given that the use is to be contained within an existing structure on-site, which is located at the front of the property along Twenty Road. The portion to be taken out is primarily behind the existing structure to accommodate parking. While acknowledging this, staff require more detailed information with respect to the primary agricultural use on the property to confirm the use would be considered as an OFDU.

Natural Heritage

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland (PSW) Complex, Significant Woodland and Type 1 (Critical) Fish Habitat. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System ("PNHS"). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features ("KHF"), and the natural heritage policies identified in the Growth Plan apply.

The applicant proposes to make changes within the agriculturally related zone to allow for an agri-tourism use (on-farm diversified use). The environmental features identified above are currently appropriately zoned Environmental Protection ("EP"), and no changes are proposed to the EP zone. As such, staff has no concerns or requirements from a natural heritage perspective.

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 Unlimited Blue/Grey Boxes;
- Organics: Weekly Collection of Unlimited Green Bins;
- Garbage: Bi-Weekly Collection of 2 Garbage Bags/Cans;
- Curbside collection only.

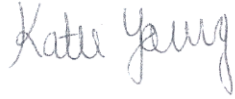
If the site is unable to comply with the requirements of Niagara Region's Corporate Waste Collection Policy then waste collection services would be the responsibility of the owner through a private waste collection contractor and not the Niagara Region. Notwithstanding the above comments the site remains eligible for Regional curbside recycling and green been collection.

Conclusion

Regional Planning and Development Services staff require additional information through an updated and finalized Planning Justification Report, completed by a Registered Professional Planner to address the above-noted comments with respect to the primary agricultural use on the property and calculations of the agri-tourism use (on-farm diversified use) in order to determine consistency with the *Provincial Policy Statement* and conformity to Provincial and Regional plans.

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

Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Katie Young, MCIP, RPP
Development Planner

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

Darrell Patzalek & Eda Martini
8555 Twenty Road, R.R.# 1
Smithville, Ontario, LOR 2A0, Canada

Email: [REDACTED]

5th January 2023

Gerrit Boerema, MCIP RPP,
Senior Planner, Planning/Building/Environmental
The Township of West Lincoln
318 Canborough St., P.O. Box 400
Smithville, ON LOR 2A0

RE: File No. and Name: 1601-012-22– 8535 Twenty Road – Bruinsma

Dear Gerrit,

SUBJECT MATTER: Supporting Documents of Water Well Easement:

- ☐ Enclosed herein:
- ☐ The survey, dated 25 Nov 1995, 2 pages
- ☐ Indenture, Deed, dated 27th February 1980
- ☐ MLS Real Estate Listing, dated 7th January 2021

Herein, is documented proof of easement for our well and piping over on 8535 Twenty Road to our address of 8555 Twenty Road. Which I feel is self-explanatory.

Also included, is Darrell's lawyers' application for Land Ownership Deed to Darrell Patzalek, dated 1980 27th February. If I could bring to your attention to paragraph 2, at the bottom of the page, where it is written clearly about easements which we claim.

Finally, I've enclosed a copy of the original MLS Real Estate Listing, which was used at the time of sale to A. Bruinsma & Pamela H., (now only by A. Bruinsma).

Yours Respectfully,



Darrell Patzalek & Eda Martini

DM: em

Enclosures

BOUNDRIES AND ASTRONOMIC AND ARE
REFERRED TO THE EASTERN LIMIT LOT 11,
CONCESSION 1, TOWNSHIP 35 NORTH 30" N
ACCORDING TO MEASUREMENTS BY N. 981.

Attachment 3 to PD-15-2023
File No. and Name. 1601-012-22-8535 TWENTY ROAD -
BRUINSMA
Pg 3 of 4

ENCL: #18

Barich Grenkie Surveying Ltd.

Edward J. Grenkie, O.L.S., S.L.S.
President

Unit C, 28 King St. E

P.O. Box 66703

Stoney Creek, ON L8G 5E6

Bus: (905) 662-6767

Fax: (905) 517-9947

CULVERT FEB/2005

This Indenture

94 of 6

made in duplicate the 27th day of February
one thousand nine hundred and eighty

In Pursuance of the Short Forms of Conveyances Act:
Between

DAVID BRUCE COX, of the Township of West
Lincoln, in the Regional Municipality of
Niagara, and HELEN COX, his wife, of the
same place,

hereinafter called the Grantors of the FIRST PART

DARRELL PATZALEK, of the Town of Stoney Creek,
in the Regional Municipality of Hamilton-
Wentworth, and NANCY KIRKWOOD, of the same
place,

and the sum of ONE----- (\$1.00)----- dollar of
lawful money of Canada now paid by the said grantees to the said grantors (the receipt
whereof is hereby by them acknowledged) they the said grantors DO

GRANT unto the said grantee in fee simple as joint
tenants and not as tenants in common.

ALL and Singular that certain parcel or tract of land and premises, situate, lying and
being in the Township of West Lincoln, in the Regional Municipality
of Niagara, and the Province of Ontario, and being composed of
part of Lot Eleven (11) in the Seventh Concession of the said
Township of Caistor, and designated as Part 1, according to a
Reference Plan deposited in the Registry Office for the Registry
Division of Niagara North as Plan 30R-1419;

Together with the exclusive right and easement in perpetuity of
using the water from the existing dug Well situate on that part
of said Lot Eleven, designated as Part 3, on said Plan 30R-1419,
to be appurtenant to and for the benefit of said Part 1, with the
right and easement to enter upon the said Part 3 for the purpose
of repairing and cleaning the said Well and the waterline and
pipes leading therefrom on said Part 3 to said Part 1.

File No. and Name: 160-012-22-8535 Twenty Road - BRUINSMA
Attachment 3 to PD-15-2023

HAZELL, GAY & WHITE
Barristers - Solicitors - Notaries
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO

Pg 5 of 6.

WILLIAM HAZELL, Q.C., B.A. - 1920 - 1962
LESLIE W. GAY, Q.C. - 1921 - 1958
WILLIAM J. C. WHITE, Q.C., B.A.
—
ERIC H. PALMER, B.A., LLB.

TELEPHONE: 522-4611
MAILING ADDRESS:
P. O. BOX 906
HAMILTON, ONTARIO
L8N 3P6

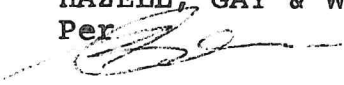
27th February, 1980

Mr. Frank Vine
Barrister & Solicitor
272 Kenilworth Avenue North
Hamilton, Ontario
L8H 4S9

Dear Sir:

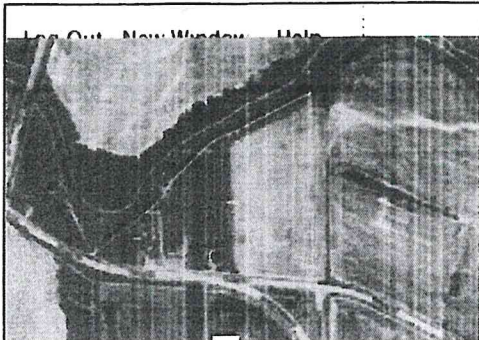
Re: Cox sale to Patzalek and Kirkwood
Regional Road #6, Smithville
Our file #50 - 80P

At this time we enclose herewith draft deed in the above matter.

Yours very truly,
HAZELL, GAY & WHITE
Per 

EHP:jn
Encls.

File No. and Name: 1601-012-22-8535 TWENTY ROAD-BRUINSMA

	8535 Twenty Rd		Sold: \$875,000
	West Lincoln Ontario L0R 2A0		List: \$999,900
	West Lincoln Niagara		
	Taxes: \$1,706.00 /2020	For: Sale	% Dif: 88
	SPIS: N	Last Status: Sld	
	Con 7 Pt Lot Rp 30R1419 Part 2 Part 4		DOM: 34
	Detached	Fronting On: N	Rms: 6
	Link: N	Acreage: 5-9.99	Bedrooms: 3
	Bungalow	Lot: 607.67 x 736.69	Washrms: 1
	Irreg: Easement For	Feet	1x4xMain
	Well		
	Dir/Cross St: Caistor Centre Rd		

Pg 6 of 6

MLS#: X5055948	Seller: Thomas Howard Packham	Occupancy: Owner
PIN#: 460560275	ARN#: 260201000235900	Contact After Exp: N
Holdover: 90		

Kitchens: 1	Exterior: Brick / Stone	Zoning: A2
Fam Rm: N	Drive: Private	Cable TV: Hydro:
Basement: Finished / Full	Gar/Gar Spcs: Attached / 1	Gas: Phone:
Fireplace/Stv: Y	Drive Pk Spcs: 20	Water: Well
Heat: Water / Oil	Tot Pk Spcs: 21	Water Supply: Cistern
A/C: Central Air	UFFI:	Sewer: Septic
Central Vac:	Pool: None	Waterfront: Direct
Apx Age: 51-99	Prop Feat: Golf,	Retirement:
Apx Sqft: 1100-1500	Grnbelt/Conserv, Library, Park, Place	Farm/Agr: Other
Assessment: 197000 / 2016	Of Worship, River/Stream	Oth Struct: Workshop
POTL:		Spec Desig: Other
Laundry lev:		

#	Room	Level	Length (ft)	Width (ft)	Description
1	Foyer	Main	12.82	x 6.82	
2	Kitchen	Main	12.66	x 10.99	
3	Living	Main	10.99	x 8.66	
4	Dining	Main	17.42	x 12.76	
5	Master	Main	12.33	x 11.15	
6	2nd Br	Main	12.23	x 9.15	
7	3rd Br	Main	13.25	x 9.74	
8	Rec	Bsmt	23.75	x 11.32	
9	Laundry	Bsmt	16.66	x 12.23	
10	Workshop	Bsmt	16.5	x 12.17	
11	Games	Bsmt	18.73	x 15.25	
12	Utility	Bsmt		x	

Client Remks: Picturesque 7.6 Acre Hobby Farm Backing Onto Twenty Mile Creek. 60' X 24' Barn That Includes Storage Area, Two Cooler Rooms, Large Storage Loft Plus A 34' X 12' Lean-To Behind The Shop. Connected To The Barn Is A 44' X 24' Shop With One Bay Heated By A Woodstove, Plus Another Double Bay For Storage. Shop/Barn Is Serviced By 100 Amp Service & Water Line From The Cistern. Approx 4 Acres Rented By A Neighbouring Farmer For \$300/Year On A Year-Year Basis.
Extras: Propane Tnk, Irrigat Pmp, Ss Fridge, Stove, Bi Mw, Bi Dw, W & D, All Win Cover & Blnds, Garage Door Op, Work Bnches, Woodstve In Shop, Air Compressor, Weider, 220 Heater. (All in As is Condition On Closing). Chest Freezer And Fridge in Basem
Brkage Remks: Attach Sch B & 801. 24 Hours Irrev. Co List W Schilstra. "1% + Hst Reduction To Cooperating Broker Commission If Buyer (Or Buyer's Family) Is Shown By Listing Brokerage & Brings Successful Offer (Oh Excl)

List: RE/MAX ESCARPMENT REALTY INC., BROKERAGE Ph: 905-573-1188 Fax: 905-573-1189

CONRAD GUY ZURINI, Broker of Record 905-573-1188

Co-Op: NON-TREB BOARD OFFICE, BROKERAGE

Member Non-Treb, Staff

Contract Date: 12/03/2020

Sold Date: 1/06/2021

Leased Terms:

Expiry Date: 2/27/2021

Closing Date: 2/12/2021

Original: \$999,900

Last Update: 1/07/2021

CB Comm: 2.5% Plus Hst

905.957.1188

TOWNSHIP OF WEST LINCOLN

RECEIVED

JAN 04 2023

PER 

SMITHVILLE, ONTARIO

Darrell Patzalek & Eda Martini
8555 Twenty Road, R.R.# 1
Smithville, Ontario, L0R 2A0, Canada


3rd January 2023

Mayor Cheryl Ganann,
Counselor Mike RehnerMCEO,
The Township of West Lincoln 123 Address St
318 Canborough St., P.O. Box 400
Smithville, ON L0R 2A0
Canada

RE: File No. and Name: 1601-012-22 - 8535 Twenty Road - Bruinsma

Dear Mayor & Counselor,

SUBJECT MATTER: Request for an extension

Due to the lack of time to thoroughly examine and prepare written comments with regard to above noted File, it is only fair to grant an extension of twenty (20) business days. Only seven (7) business days have been given at this time.

- The Township of West Lincoln received South Coast Consulting Package on October 18th, 2022.
- Notification to 8555 Twenty Road from West Lincoln Township was postmarked December 13, 2022, and received by 8555 Twenty Road residence late afternoon of Friday, December 16th, 2022.
- The Township of West Lincoln and other bodies that need to be contacted were all closing for the holidays. Closures began Friday 23rd December at 4 pm and were not reopening until today's date of 3rd January 2023.

We have several concerns that need addressing, such as whether was there ever a building permit attained when 8535 Twenty Road, the new owner's, changed the type, moved from the original location, and made larger and closer to the protected water, (CNHS) Core Natural Heritage Wetland Complex. Then there is the rear parking lot, on the north side of the existing barn, (proposed commercial business of marketplace), an area that they have made into a parking lot. This area is located immediately horizontal to the east of my back door, approximately 10 meters, right on the property line.

Then there is the issue of 8555 Twenty Road's Well that supplies our water being located way over on 8535 Twenty Road by the driveway on the east

*Eda
of Septic management*

side of the barn, proposed grocery store, and slightly northwest of the home. This easement was clearly noted on the original surveys and at the time of severance of the mid-1960s, then finally at the time of sale and purchase of 8535 Twenty Road property in 2022. The increased driveway on the east side of the proposed grocery, and the newly formed parking lot on the north side of the proposed grocery store now extend, we believe, into the 120 metre protection zone of the KNHF, NHE, and over top of our water pipes from the well to our home.

These are just a few of the very urgent issues that must be addressed, before moving forward with this **HYBRID PUBLIC MEETING**, January 6th, 2023 cutoff, and the meeting itself scheduled for Monday, January 16th, 2023 at 6:30 PM.

We respectfully request full transparency on behalf of the Township of West Lincoln by granting us this extension.

Yours Respectfully,

The image shows two handwritten signatures in blue ink. The top signature is 'Darrell Patzalek' and the bottom signature is 'Eda Martini'. Both signatures are fluid and cursive.

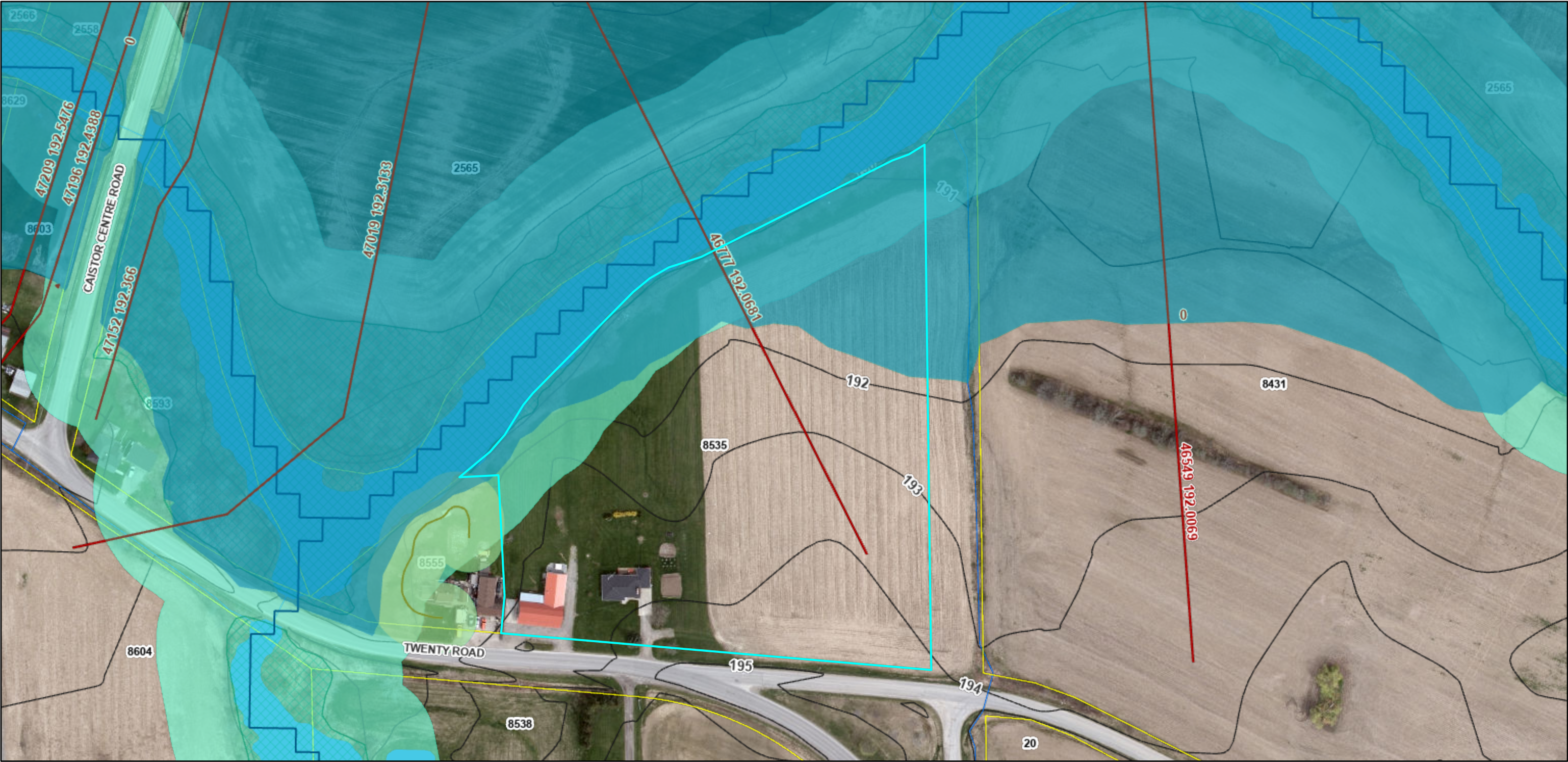
Darrell Patzalek & Eda Martini

DM: em

Cc: Gerrit Boerema, MCIP RPP, Senior Planner

Email: gboere@westlincoln.ca

8535 Twenty Road (Attachment 3 to RD-12-2023-000201000235900)



1/5/2023, 4:31:11 PM

SWOOP 2020 NPCA

- Red: Band_1

Green: Band_2

Blue: Band_3

Roads
- NPCA APPROXIMATE REGULATION LANDS

Regulation Wetlands

Evaluated-Provincial

Wetland Allowance

Top of Slope Allowance

- Top of Slope Features

Stable

Reaches Draining 125ha Requiring FPM

Regulated Floodplain Extent

Regulated

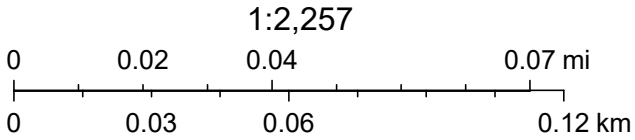
- Cross Sections Inventory

Cross Section

Assessment Parcels

2K Hydrography

2K HydroPoly



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

Gerrit Boerema

From: Jessica Dyson
Sent: January 3, 2023 3:19 PM
To: Gerrit Boerema
Cc: Brian Treble; Jeni Fisher
Subject: FW: Document shared with you: "Copy of WestLincolnFile#1601_012_22"
Attachments: imaged47d01.PNG

FYI

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: [REDACTED]
Sent: January 3, 2023 3:01 PM
To: Jessica Dyson <jdyson@westlincoln.ca>
Subject: Re: Document shared with you: "Copy of WestLincolnFile#1601_012_22"

Hello Jessica,

I would like to add clarification to the first paragraph after the three bullets regarding the timing of notices and public meeting.

Where I wanted to inquire to see if the new owners applied for a building permit to relocate, enlarge, move the location, and changed the type of "Septic system" they did in early spring of 2021.

I wasn't clear that it was the "Septic system", so herein is the necessary information.

Thank you for your time and prompt response.

Yours respectfully

Darrell Patzalek &

Eda Martini

8555 Twenty Rd, Smithville, ON L0R 2A0, CA

On Tue, Jan 3, 2023, 2:44 p.m. Jessica Dyson <jdyson@westlincoln.ca> wrote:

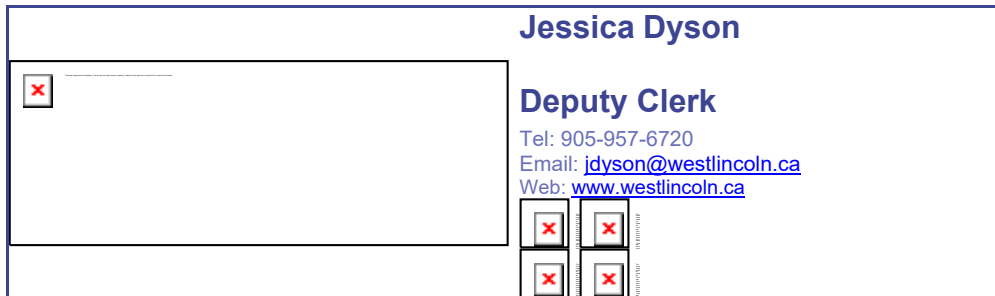
Good afternoon,

This is to advise that your comments with respect to the Public Meeting (File No. 1601-012-22 have been received.

Thank you,

Jessica

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: [REDACTED]
Sent: January 3, 2023 12:29 PM
To: Jessica Dyson <jdyson@westlincoln.ca>
Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Mike Rehner <mrehner@westlincoln.ca>
Subject: Document shared with you: "Copy of WestLincolnFile#1601_012_22"

[REDACTED]



Xendogz M ([REDACTED]) has invited you to **edit** the following document:



File No. and Name: 1601 012 22- 8535 Twenty Road - Bruinsma.



Copy of WestLincolnFile#1601_012_22



This email grants access to this item without logging in. Only forward it to people you trust.



Open

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA
You have received this email because emartinilucky13@gmail.com shared a document with you from Google Docs.

Google™

Gerrit Boerema

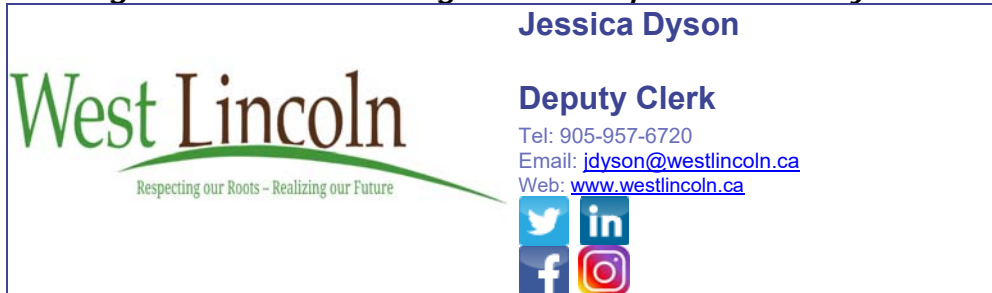
From: Jessica Dyson
Sent: January 3, 2023 9:56 AM
To: Gerrit Boerema
Cc: Stephanie Pouliot; Brian Treble; Jeni Fisher
Subject: FW: File No. 1601-012-22

Good morning

Please see comments below with respect to the Twenty Rd Public Meeting.

Thank you
Jess

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: Jason Bouwman [REDACTED]
Sent: December 26, 2022 4:02 PM
To: Jessica Dyson <jdyson@westlincoln.ca>
Subject: File No. 1601-012-22

We're writing to share a concern over the intent to permit a country market at 8535 Twenty Road. While we have no issues with the type of business being proposed we do worry about the traffic safety at the adjacent intersection of Twenty Road and Caistor Centre Road. This intersection is already tricky to navigate for many motorists. Increased flow of traffic due to a retail operation + vehicles slowing to turn into the parking area + vehicles entering the flow of traffic from a market's parking area + people that choose to park their vehicles on the shoulders of Twenty Road will potentially exacerbate the problem. Please give due consideration to this issue when deciding on this application.

respectfully,
Jason and Debra Bouwman

Jason Bouwman



compasscreative



Memo

To: Gerrit Boerema, Planner II, Jessica Dyson, Deputy Clerk
From: Jennifer Bernard, Coordinator of Engineering Services
Date: December 22, 2022
Re: File 1601-012-22 – 8535 Twenty Road - Bruinsma

A review has been completed of this application for a Zoning By-law Amendment to rezone the property at 8535 Twenty Road to permit an agri-tourism use, specifically a country market.

Public Works has no objections to this application however the Township has previously received complaints, and has concerns about vehicles stopping/parking on Twenty Rd that are visiting this property. Staff would like to see the owner address this issue by providing adequate on-site parking for the business.

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

March 24, 2023

Region File: D.18.12.ZA-22-0101

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

Dear Mr. Boerema:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment Application
Township File: 1601-012-22
Owner: Atsje Bruinsma
Agent: Steven Rivers (South Coast Consulting)
8535 Twenty Road
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the above-noted Zoning By-law Amendment application to rezone the property located at 8535 Twenty Road in the Township of West Lincoln. A pre-consultation meeting was held on September 2, 2021 with the Owners, Township staff, Regional staff, and Niagara Peninsula Conservation Authority ("NPCA") staff in attendance. Regional staff note that the new *Niagara Official Plan, 2022* ("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 prior to the NOP coming into effect, the policies of the ROP continue to apply for this application. Regional staff received the Notice of Public Meeting on December 13, 2022 and provided Regional comments on the proposal January 13, 2023.

The Zoning By-law Amendment application has been revised since Regional comments were initially provided. The application initially sought to permit an agri-tourism use (on-farm diversified use) in the form of a country market on the property. This includes both the sale of locally grown products and products not grown or produced on the property or locally. The application sought the following exemptions to the permissions for agri-tourism uses as outlined in Section 3.11 of the Township's Zoning By-law:

- Minimum lot area for on-farm diversified use (“OFDU”) / agri-tourism use is 10 hectares, whereas only 2.5 hectares is provided;
- Maximum area for OFDU / agri-tourism use is 1%, whereas 2% is requested;
- Exemption to requirement of being operated by persons who reside in the dwelling on the same lot; and
- Recognition of existing deficient building setbacks.

The proposal has since been revised by the applicant following the public meeting held on January 16, 2023 to amend the existing Agriculture Related ‘AR’ zone on the property to permit an ‘agri-tourism farm produce outlet use’ (“the Creekside Country Market”), which was formerly an agri-tourism farm market outlet associated with an existing apple orchard. The intent of this permission is to sell Ontario grown produce and locally produced crafts, imported produce and clothing, locally made bakery items, locally and Ontario grown produce and/or processed fruit, grocery, deli, and dairy products; Ontario grown greenhouse and nursery products, and locally made floral products.

The following Provincial and Regional comments are provided to assist the Township in their consideration of the application.

Provincial and Regional Policies

The subject land is located within the ‘Prime Agricultural Area’ under the *Provincial Policy Statement, 2020* (“PPS”) and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated ‘Good General Agricultural Area’ in the 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 (“ARUs”), and OFDUs. Compatible uses, such as forestry and conservation of plant and wildlife is also permitted. ROP Policies 5.B.17 – B.5.27 recognize and permit a range of diversified uses. Policy 5.B.19 outlines that farm diversification uses shall be consistent with the applicable provisions of the PPS. Policy 2.3.3.1 of the PPS identifies that criteria for proposed ARUs and OFDUs may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

The Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”) Publication 851 *Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas* provides guidance on agricultural uses, ARUs, and OFDUs to assist in explaining the intent of the PPS policies and definitions. In accordance with the PPS, as outlined in Publication 851, the following criteria is to be met in order to qualify as an OFDU:

1. Located on a farm property that is actively in agricultural use.
2. Secondary to the principal agricultural use of the property
3. Limited in area - up to 2% of the property coverage to a maximum of 1 ha (10,000 m²) and up to 20% of the gross floor area of buildings utilized for on-farm diversified uses.

4. Includes, but is not limited to, home occupations, agri-tourism uses, and uses that produce value-added agricultural products. Agri-tourism uses are defined as farm-related tourism uses, including limited accommodation such as bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

Through previous Regional comments provided (dated January 13, 2023), staff requested additional information be provided with respect to the primary agricultural use of the property in order to qualify the market as 'secondary' to the principal agricultural use of the property, in alignment with the criteria for an OFDU. Staff also had concerns with respect to the limited in area calculation as the size of the property was unclear between the survey, site plan, and details in the PJR and the calculations did not include the septic system area within the overall calculation. Staff, utilizing a property size of approximately 28,620 m² (2.862 ha), as detailed through the PJR, identified that the 2% calculation of the property would be 572.4 m² and 20% would be 114.48 m² to meet the limited in area criteria for an OFDU.

Staff has reviewed the *Supplementary Planning Policy Justification Report and Impact Analysis* ("PJR"), prepared by South Coast Consulting (dated March 13, 2023). The updated PJR has been provided to amend the existing Agriculture Related 'AR' zone to permit an 'agri-tourism farm produce outlet' on the property known as Creekside Country Market. The applicant has provided a draft Zoning By-law Amendment, which defines 'Agri-tourism use farm produce outlet' as a building or portion thereof wherein the retail sale of the following products are offered for sale to the general public:

- a) Ontario grown produce and locally produced crafts (a minimum of 60% of the retail floor area);
- b) Imported produce and clothing;
- c) Locally made bakery items;
- d) Locally and Ontario grown produce and/or processed fruit, grocery, deli, and dairy products (a maximum of 60 m² retail floor area);
- e) Ontario grown greenhouse and nursery products; and,
- f) Locally made floral products.

Staff has also reviewed modified language provided by Township staff (dated March 21, 2023) to permit the sale of agriculturally derived products only on the property and limit the maximum floor area of the retail store to 120 m² (20% gross floor area on the basis that the property is 3 ha in size)

In accordance with the PPS, as outlined in Publication 851, the following criteria is to be met in order to qualify as an ARU:

1. Farm related commercial and farm related industrial use, which may include the retailing of agriculture-related products;
2. Shall be compatible with, and shall not hinder, surrounding agricultural operations;
3. Directly related to farm operations in the area;
4. Supports agriculture;

5. Provides direct products and/or services to farm operations as a primary activity; and,
6. Benefits from being in close proximity to farm operations.

Respecting criterion 1, staff observe that the market could meet the farm-related commercial criteria, which includes the retailing of agriculture-related products should the products be related to agriculture only, as recommended by Township staff. Respecting criterion 2, staff observe that the proposal will not take significant land out of agricultural production or hinder surrounding agricultural operations given that the use is to be contained within an existing structure on-site, which is located at the front of the property along Twenty Road. The portion to be taken out is primarily behind the existing structure to accommodate parking. Respecting criterion 3, based on the PJR, some of the products would be directly related to farms in the area, such as produce, honey hives, and flowers grown on the property and from local greenhouses, and frozen chicken products from chicken produced on the Applicant's farm. Staff concur with Township staff that products sold should be those directly related to farms in the area in order to qualify as an ARU. Respecting criterion 4, the retail sale of agricultural products grown in the area will support agriculture. Respecting criterion 5, staff do not believe the proposed use meets this criterion as the use is not providing direct products and/or services to farm operations as a primary activity. Respecting criterion 6, the proposed use may meet this criterion as the use would benefit from being within close proximity to the farm operations for which products are being sold from.

Based on correspondence with Township staff, Regional staff understand that the recommendation is to have the scale of the market be limited to meet the 'limited in area' provisions of an OFDU. Subject to confirmation from the applicant that products sold are to be related to agriculture only and the scale of the retail component being limited, staff offer no objection to the proposal, subject to the below comments.

Natural Heritage

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland (PSW) Complex, Significant Woodland and Type 1 (Critical) Fish Habitat. The property is also mapped as part of the Growth Plan Provincial Natural Heritage System ("PNHS"). As such, these features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features ("KHF"), and the natural heritage policies identified in the Growth Plan apply.

The applicant proposes to make changes within the agriculturally related zone to allow for an 'agri-tourism use farm produce outlet'. The environmental features identified above are currently appropriately zoned Environmental Protection ("EP"), and no changes are proposed to the EP zone. As such, staff has no concerns or requirements from a natural heritage perspective.

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 Unlimited Blue/Grey Boxes;
- Organics: Weekly Collection of Unlimited Green Bins;
- Garbage: Bi-Weekly Collection of 2 Garbage Bags/Cans;
- Curbside collection only.

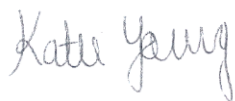
If the site is unable to comply with the requirements of Niagara Region's Corporate Waste Collection Policy then waste collection services would be the responsibility of the owner through a private waste collection contractor and not the Niagara Region. Notwithstanding the above comments the site remains eligible for Regional curbside recycling and green been collection.

Conclusion

Regional Planning and Development Services staff offer no objection to the proposed use, subject to confirmation from the Agent/Applicant that the products to be sold will be related to agriculture only, and the scale of the retail component will be limited as provided by Township staff. Provided this can be addressed, the proposal is consistent with the PPS and conforms to the ROP.

Should you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca. Please send a copy of the staff report and notice of Council's decision on this application.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Diana Morreale, MCIP, RPP, Director, Development Approvals
Adam Boudens, Senior Environmental Planner / Ecologist
Susan Dunsmore, P.Eng., Manager of Development Engineering