



Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
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Via Email Only

April 28, 2023

Region File: D.18.12.ZA-23-0040

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
Township File: 1601-011-23 ZBA
Owner: 9109072 Ontario Inc. (Raf Cervo)
Agent: South Coast Consulting
5623 Twenty Mile Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-noted Zoning By-law Amendment application for the property municipally known as 5623 Twenty Mile Road in the Township of West Lincoln. Regional staff received circulation of the application on April 11, 2023 with the associated review fees received April 12, 2023.

The application proposes to rezone a 0.27 hectare parcel of land from Agricultural 'A' zone to Agriculture-Related Use 'AR' zone in order to permit an agricultural service establishment that will sell farm tractor tires. A Site Plan application is also required.

A pre-consultation meeting was held on June 2, 2022 with the Agent, Township staff, and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist Council with their decision on the application.

Provincial and Regional Policies

The subject lands are located within the 'Prime Agricultural Area' under the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden*

Horseshoe, 2020 Consolidation (“Growth Plan”), and the *Niagara Official Plan, 2022* (“NOP”).

An Agricultural System has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. Within Prime Agricultural Areas, a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted. Proposed agriculture-related uses shall be compatible with, and shall not hinder surrounding agricultural operations. Agriculture-related uses are farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

NOP Policy 4.1.7.8 provides criteria that shall be considered when reviewing applications for proposed agriculture-related uses. Such policy includes whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands; whether the use is required for or in close proximity to agricultural operations; the extent to which the use is compatible with existing and surrounding farming operations; whether the scale of the activity is appropriate to the site; whether the use maintains the character of the agricultural area; does not generate potentially conflicting off-site impacts; does not include a new residential use; is able to accommodate private water and private sewage treatment systems; does not require significant improvements to infrastructure; and complies with all other applicable provisions of the plan.

Regional staff has reviewed the *Preliminary Planning Policy Justification and Impact Analysis*, prepared by South Coast Consulting (dated February 24, 2023), which provides support for a proposed tractor tire sales and service agriculture-related use. The proposed use would consist of constructing an approximately 222.97 m² building on the property, which would be operated by 4 employees. Staff note that a finalized Planning report should be submitted to in support of the application. Staff also note that under ‘Policy and Planning Analysis Summary’ there is reference to a home occupation office use. Staff acknowledge this is likely an error, but should be corrected through the finalized report. Staff concur with the submitted report that the use of this undersized parcel in the agricultural area is appropriate for an agriculture-related use. The scale of the operation is limited due to the constraints of the parcel size and will be able to support surrounding agricultural operations. There is also no residential use proposed. As servicing is under the jurisdiction of the Township of West Lincoln, staff defer to Township staff with respect to the site being able to accommodate private water and private sewage treatment systems.

Land Use Compatibility

At the time of pre-consultation, Regional staff requested the submission of a Vibration Study given that the Canadian Pacific Railway abuts the subject land and recommended that CP Rail be circulated the proposal for comment.

Staff has reviewed the *Vibration Impact Study*, prepared by GHD (dated November 9, 2022). GHD conducted vibration measurements over a two day period, with the location for vibration measurements closest to the rail line (worst-case location). A total of 10 freight pass-by vibration measurements during the monitoring period were measured, which did not exceed the recommended vibration limits. Therefore, GHD concludes that vibration mitigation is not required for the development.

Archaeological Potential

The PPS and NOP state that development or site alteration is not permitted within areas of archaeological potential, unless archaeological resources have been conserved. At the time of pre-consultation, staff utilized the Province's Criteria for Evaluating Archaeological Potential, which determined there was low potential for the discovery of archaeological resources as the property was not within 300 m of registered archaeological sites or present natural watercourses. As such, no archaeological assessment requirements were requested by Regional staff.

With the approval of the new Niagara Official Plan on November 4, 2022, the subject land is mapped within Schedule K of the NOP as an area of archaeological potential. NOP Policy 6.4.2.6 requires the submission of a Stage 1 Archaeological Assessment (at minimum), completed by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential. As such, staff recommend the inclusion of standard archaeological warning clauses be included in the future Site Plan agreement should any resources be uncovered through construction works.

Regional Transportation

Regional staff has reviewed the Site Grading and Erosion & Sediment Control plan and note the following revisions, which will need to be address in the future Site Plan application submission drawings:

- The existing entrance is noted to be closed. The Region will require that the culvert be removed and the ditch and boulevard be reinstated in accordance with Regional Standards
(<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>)
- Clarification is to be provided for the swale outlet. Staff require confirmation that the outlet will be on private property for both the east and west side and drain overland to the road side ditch.
- The applicant needs to ensure that a minimum 30 m clearance distance is met from the edge of the access to the nearest rail line, as set out by Transport Canada. Transport Canada minimum sight distance requirements also needs to be met for the proposed access as outlined in the Transport Canada Grade Crossing Standards.
- If the existing hydro pole is being moved out of the parking lot area, the entrance must be clear of hazards.

- Culvert on new entrance is to be determined at the time of permit, however material will be HDPE if the cover is less than 900 mm.
- Drawing is to clearly indicate if there is any proposed grading in the Regional Road. If there is grading proposed then cross sections at 10 m intervals are to be provided.
- Drainage for the parking lot is to be captured and outlet to an on-site system. Direct grading to the ditch is not supported as the parking area material can be changed therefore the stormwater management brief is to be updated to include the parking area. Confirmation that the Township's zoning does not require the area to be asphalt is required.
- Widening is to be shown on the plans to ensure all distances from the entrance to parking meet the TAC requirement for clear throat distance.

Regional Road Allowance

The subject property is situated along Regional Road 69 (Twenty Mile Road). This section of road does not meet the current required road allowance of 26.2 m. Therefore, in accordance with the NOP, Niagara Region will require a road widening of approximately 7.77 metres across the subject property frontage in order to meet the designated width of 13.1 metres from the original centreline of the Regional road allowance. Such allowance is to be granted gratuitously to the Region as part of the future Site Plan application for the subject property.

Regional Permit Requirements

A Regional Construction Encroachment and Entrance Permit is required prior to any construction within Regional Road Allowance. Should there be any signs within 20 m of the centerline of the Regional Road, a Regional Sign Permit would be required. In order to apply for a permit please visit the following link:

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

All restoration is to be to Regional standards as noted at the following link:

<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Stormwater Management

The Niagara Region requires Twenty Mile Road (Regional Road 69) to not be negatively affected as a result of the proposed development. It is unclear from the submitted Site Plan whether the future parking, driving aisle, and areas associated with the building will be gravel or pavement. The stormwater management brief is to be updated to ensure the parking/driveway area material is clear. Regional staff will provide further comments at the Site Plan stage.

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:

- 8 Cart Maximum Blue/Grey Carts – Collected Weekly;
- 8 Cart Maximum Green Carts – Collected Weekly; and,
- 8 Garbage Bags/Cans – Collected Bi-Weekly.
- Curbside collection only.

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.

Protection of Survey Evidence

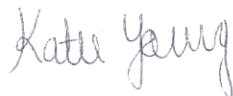
The applicant is advised that survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Department do not object to the proposed application to rezone the property to an agriculture-related use for the construction of an agricultural service establishment. Subject to the above comments, staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional plans.

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

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Stephen Bureau, Development Approvals Technician, Niagara Region
Shradha Arun, Senior Planner, Township of West Lincoln

Shradha Arun

Subject: FW: 5623 Twenty Mile Road-Smithville-ZBA submission File No. 1600-011-23

From: Jennifer Bernard
Sent: April 19, 2023 4:05 PM
To: Shradha Arun <sarun@westlincoln.ca>
Subject: RE: 5623 Twenty Mile Road-Smithville-ZBA submission File No. 1600-011-23

Hi Shradha,

I don't have any concerns with the application. I don't believe this is the correct stage to provide this input but I would recommend they look into the distance provided from the proposed entrance to CP Rail's property to ensure it meets any required setbacks to the tracks. Since Twenty Mile Road is a Regional road, Regional staff will provide comment on the work in the right-of-way for the entrances and drainage to the roadside ditch.

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.

	<p>Jennifer Bernard, C.E.T.</p> <p>Coordinator, Engineering Services</p> <p>Tel: 905-957-3346 ext 6732 Email: jbernard@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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From: Shradha Arun <sarun@westlincoln.ca>
Sent: April 11, 2023 1:47 PM
To: ann-marie.norio@niagararegion.ca; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; cpproximity-ontario@cpr.ca; mr18enquiry@mpac.ca; Lisa Kasko-Young <lyoung@westlincoln.ca>; [REDACTED]; jim.sorley@npei.ca; Ray Vachon <rvachon@westlincoln.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; fredv@royallege.ca; westlincolnchamber@bellnet.ca; Jeni Fisher

<jfisher@westlincoln.ca>; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@fenfc.org; executivedirector@nrnc.ca; clark.euale@ncdsb.com; Landuseplanning@hydoone.com; [REDACTED]; patbusnello@niagararegion.ca; Katie.Young@niagararegion.ca; 'Development Planning Applications' <devtplanningapplications@niagararegion.ca>; josie_tomei@cpr.ca; consultations@metisnation.org; tedc@metisnation.org; pontdj@hotmail.com; jocko@sixnationsns.com; hdi2@bellnet.ca; [REDACTED] fawn.sault@mncfn.ca; peter.epler@mncfn.ca

Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>

Subject: FW: 5623 Twenty Mile Road-Smithville-ZBA submission File No. 1600-011-23

Hello All,

Please find attached the Zoning By-Law Amendment package for 5623 Twenty Mile Road located , owned by 9109072 Canada Inc.(Mr. Raf Cervo) in Smithville. File No. 1600-011-23 ZBA.

If you have any comments, please provide them to me by April 28th if possible.

If you have any questions please let me know.

Thanks,
Shradha

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>Shradha Arun</p> <p>Senior Planner</p> <p>Tel: (905) 957-3346 ext. 5126 Email: sarun@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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From: Ryan Anderson
Sent: April 29, 2023 10:44 AM
To: Jessica Dyson
Cc: Shradha Arun <sarun@westlincoln.ca>; Ryan Anderson <
Subject: Comments for 9109072 canada inc 1601-011-23 ZBA

Hey Jessica,

I have questions and possiblity concerns of the rezoning of this property which is next to me.

If somone would call or email me back that would be great.

My concerns are what new noise will be generated from this business, hours of operation, lighting, site plan, building size and traffic.

I would like to see the site plan and what proposed buildings will be added and depending on this information and concerns above will dictate if I have an issue with the rezoning or not and will determine if I need to speak at the meeting or not.

Currently I have an issue with the speed of traffic on this road. The 80km limit for a short distance from hwy 20 to the train tracks is dangerous and passing is allowed so depending on the business operation these safety issues could get worse. Also we have had cars go into our ditch and over our driveway where my kids wait for the bus due to no shoulder and high speed of traffic.

I need more info so please let me know how to get that or give me a call.

Thanks

Ryan Anderson

-----Original Message-----

From: Jessica Dyson
Sent: April 20, 2023 1:56 PM
To: 'pamela mataseje'
Subject: RE: Zoning Application concerns

Good afternoon Pamela,

Thank you for providing comments with respect to the Zoning By-law Amendment application for 9109072 Canada Inc. (File No. 1601-011-23).

Please be advised that your correspondence has been received and forwarded to the Planning Department for their consideration.

Warm regards,
Jessica

-----Original Message-----

From: pamela mataseje
Sent: April 20, 2023 11:45 AM
To: Jessica Dyson <jdyson@westlincoln.ca>
Subject: Zoning Application concerns

Hello Jessica

We are close neighbours
(100 meters) from the site on the Twenty Mile Creek Rd that the owner is applying for zoning change to sell farm tractor tires.

File # 9109072 Canada Inc.1601-011-23 ZBA The letter we received states the applicant wants a zoning change so they can sell farm tractor tires but we have learned from the town planner that they also are providing a service department which wasn't stated in the letter.

Our concerns are as follows:

- full disclosure would have added the service department to the letter not just the sale of tires -noise related to the use of air guns to install tires -increase in farm equipment traffic noise and fumes -will the hours of operation be 24/7

- concerns that this facility might effect our property value

We feel that this kind operation isn't well suited for a residential and farm community but more suited to the industrial park setting.

We would like our concerns brought forward at the town meeting and look forward to the answers to our concerns.

Please acknowledge that you have received this letter of concern.

Sincerely
Ernie and Pamela Mataseje

Sent from my iPhone