

Aug 21 / 23

NOTICE OF PUBLIC MEETING FOR PLANNING MATTERS

Get involved with your input. The Township of West Lincoln Planning/Building/Environmental Committee will hold a Public Meeting in accordance with the Planning Act where the matter(s) below will be considered. The meeting will take place:

HYBRID PUBLIC MEETING

DATE: Monday, September 11th, 2023

TIME: 6:30PM

LOCATION: Hybrid Meeting (in person and virtual attendance*)
Town Hall - 318 Canborough Street Smithville Ontario

*Barb
no objection to proposed application.
E.H.*

*Those who wish to provide comments at a meeting virtually (Zoom), must register in advance by contacting Jessica Dyson, Deputy Clerk jdyson@westlincoln.ca or 905-957-3346

About the Planning Application:

File No. and Name: 1000044923 Ontario Inc. - 1601-006-23 ZBA

An application for Zoning Bylaw Amendment has been submitted by Henry and Lisa Van Ryn for the addition to their property located at 8248 Concession 3 Road and on behalf of the owners (Doug and Rita Lampman) of 8214 Concession 3 Road. Both properties are located on the south side of Concession 3 Road, south east of the Hamlet of Caistor Centre, west of Smithville Road/Regional Road 14, municipally known as 8214 and 8248 Concession 3 Road.

The rezoning application has been submitted to permit the operation of a salvage yard on the lands recently added to 8248 Concession 3 Road (shown as Parcel 3 on the attached sketch), with adequate setbacks from significant environmental features. This will also fulfill condition 6 of the applicants' consent application (B03/2023WL) which granted the minor boundary adjustment. The intent of this zoning bylaw amendment will also recognize the deficient lot area of 8214 Concession 3 Road which does not meet the minimum lot area requirement of 40 hectares, being a total lot size of 17.0 hectares following the boundary adjustment. This will also fulfill condition 6 of the related consent application (B03/2023WL). The rezoning will also recognize the deficient front yard setback for the existing residence located at 8214 Concession 3 Road which is located approximately 6.0 metres from the front lot line whereas, 15 metres is the minimum front yard requirement within an Agricultural 'A' zone.

The purpose of the zoning bylaw amendment is to change the zoning from an Agriculture 'A' zone to Agriculture 'A-5' zone for Parcel 3 (4037.4 square metres), being the lands added to 8248 Concession 3 Road. Additionally, to rezone 8214 Concession 3 Road with site specific exceptions to recognize the zoning deficiencies on the property, being the reduced lot area of 17.0 hectares and a front yard setback of 6.0 metres. See the location map on the reverse side of this notice.

If you have any questions about this application, please contact the following planner:

Name Stephanie Pouliot, Planner

Email: spouliot@westlincoln.ca

How to have your comments heard:

Please submit your written comments to jdyson@westlincoln.ca with the file number for the application by 4 PM Friday September 1st, 2023 to have them included in Staff's report for the application. If you submit comments after this date, they will not be included in Staff's report. Please ensure all comments have been submitted prior to Friday September 8th, 2023 at 4pm. Any comments received after September 1st and before September 8th will be read into the public record during the specified meeting. While residents are encouraged to make written submissions to the committee, members of the public will also be able to provide verbal comments at Committee and Council in person or virtually through Zoom. Please contact the Township Deputy Clerk by email at jdyson@westlincoln.ca to register to speak at the meeting and indicate if you will need a link to the Zoom meeting.

Important information about making a submission

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln Planning/Building/Environmental Committee before a by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Township of West Lincoln to the Ontario Land Tribunal. Additionally, should no oral or written submissions be made, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

For more information:

The documents and background material for this application can be made available by contacting West Lincoln's Planning Department at:

Phone: 905-957-3346

E-mail: planning@westlincoln.ca

Website: www.westlincoln.ca

Copies of the Staff Report will be available Friday September 8th, 2023 after 4 PM on the Township's website. If you would like to be notified of Township Council's decision with respect to any planning application, you must make a written request (specifying which file number) to:

Jessica Dyson, Deputy Clerk

Phone: 905-957-3346

E-mail: jdyson@westlincoln.ca

Dated: August 18th, 2023



Location Map
8214 & 8248 Concession 3 Road

West Lincoln
Your Future Naturally

Legend

	Zone Boundary
	Subject Property

Stephanie Pouliot

From: Jennifer Bernard
Sent: August 21, 2023 10:42 AM
To: Stephanie Pouliot
Subject: RE: Notice of Public Meeting -1601-006-23 Van Ryn/Lampman

Hi Stephanie,

I have no comments on this application.

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.



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: Stephanie Pouliot <spouliot@westlincoln.ca>
Sent: August 18, 2023 3:54 PM
To: Pat.busnello@niagararegion.ca; Wilson, Connor <Connor.Wilson@niagararegion.ca>; devtplanningapplications@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Jessica Dyson <jdyson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>
Cc: Brian Treble <btreble@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Jeni Fisher <jfisher@westlincoln.ca>
Subject: Notice of Public Meeting -1601-006-23 Van Ryn/Lampman

Hello,

Please find attached the Notice of Public Meeting for Zoning By-law Amendment application (1601-006-23) for the properties located at 8214 & 8248 Concession 3 Road. Please also find attached the full package for the application.

Stephanie Pouliot

From: Meghan Birbeck <mbirbeck@npca.ca>
Sent: August 31, 2023 4:21 PM
To: Stephanie Pouliot; Jessica Dyson
Cc: Jeni Fisher
Subject: NPCA response to ZBA for 8214 & 8248 Concession 3 Road
Attachments: Regulated Land Map - 8214 Concession 3 Rd.pdf

Good afternoon,

Please see NPCA's comments on 8214 & 8248 Concession 3 Road below:

8214 & 8248 Concession 3 Road

- The NPCA have had a chance to review the ZBA for 8214 & 8248 Concession 3 Road. The application indicated that the ZBA will fulfill conditions of a minor boundary adjustment that was just completed on the subject lands.
- The subject lands are impacted by the 30 m wetland buffer of the Caistor Centre Wetland Complex and additionally watercourses.
- Given the existing disturbed areas and the fact that the salvage yard use appears to be already existing on the subject property, the NPCA has no objections, in principle, to the approval of this application.
- Please be aware of the wetlands to the west and therefore the western portion of the lot falls within the wetland buffer and as such, the vegetated areas shall remain undisturbed as per NPCA policies.
- Further, the zoning of the wetland, wetland buffers, and watercourses should reflect the environmental features.
- The NPCA should be contact prior to any site alterations or disturbances proposed within 30m of the wetlands.
- The NPCA's mapping of the property is attached to this email.

Best,
Meghan



Meghan Birbeck (MS)

Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278

www.npca.ca

mbirbeck@npca.ca

From: Stephanie Pouliot <spouliot@westlincoln.ca>

Sent: Friday, August 18, 2023 3:54 PM

To: Pat.busnello@niagararegion.ca; Wilson, Connor <Connor.Wilson@niagararegion.ca>; devtplanningapplications@niagararegion.ca; Meghan Birbeck <mbirbeck@npca.ca>; Mike DiPaola

Growth Strategy and Economic Development

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

Via Email

September 1, 2023

Region File: D.18.12.ZA-23-0084

Stephanie Pouliot
Planner 1
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Pouliot

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment Application
Township File: 1601-006-23-ZBA
Owner: Lampman & 1000044923 Ontario Inc. (c/o Henry Van Ryn)
Agent: LandPro Planning Solutions (c/o Mitchell Baker)
8214 & 8248 Concession 3 Road
Township of West Lincoln**

Staff of the Growth Strategy and Economic Development Department has reviewed the materials that were provided with the circulation of the above noted Zoning By-law Amendment ("ZBA") application for the properties municipally known as 8214 & 8248 Concession 3 Road in the Township of West Lincoln ("subject lands").

Within the Township of West Lincoln Zoning By-law (No. 2017-70), 8248 Concession 3 Road is zoned Agricultural with site-specific exceptions (A-5) which permits a salvage yard in addition to agricultural uses and 8214 Concession 3 road is zoned Agricultural (A).

The ZBA application proposes to change the zoning from Agriculture 'A' to site-specific Agriculture 'A5' zone with adequate setbacks from significant environmental features to permit the operation of a salvage yard on the lands recently added to 8248 Concession 3 Road. The Zoning By-law Amendment additionally seeks to recognize the deficient front yard setback for the existing residence located at 8214 Concession 3 Road.

A pre-consultation meeting was held on June 16, 2022 with the Applicant's agent/representative, attended by Town and Regional staff, to consider a variation of the proposal. Regional staff provided comment on the Consent Application (April 19, 2023), which was granted by the Township's Committee of Adjustment on April 26, 2023.

The following comments are offered from a Provincial and Regional perspective to assist Council with its consideration of the application.

Provincial and Regional Policies

The subject lands are designated '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").

Across the region, 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. In addition to these uses, the NOP does not prohibit the continued operation of legally established uses, including commercial uses. With respect to expanding an existing use, NOP policy 4.1.10.2 states that "*Expansions to existing uses are permitted subject to demonstration of the following:*

- a. new municipal services are not required;*
- b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;*
- c. if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;*
- d. for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;*
- e. the proposal does not result in the intrusion of new incompatible uses; and*
- f. the proposed use is in accordance with the minimum distance separation formulae."*

Staff acknowledge that new municipal services are not required as the property is located within the Prime Agricultural Area, where servicing is private and subject to the Township's review. With respect to subsection (b), staff require environmental features and their associated vegetation protection zones to be placed in a restrictive environmental zone as detailed below under 'Natural Environment System'. Staff note that subsection (c) and (d) do not apply to the subject lands as it does not fall under the Specialty Crop designation and the application does not pertain to a redevelopment nor a conversion. With respect to subsection (e) and based on information provided in the 'Planning Justification Letter' prepared by LandPro Planning Solutions (March 27, 2023), the existing salvage yard has been on the property at 8248 Concession 3 Road since approximately 1953. The expansion of the use is on land newly added to the subject land through a boundary adjustment, approved by the Township's Committee of Adjustment on April 26, 2023. The land has not been actively used for agricultural purposes and the use is to be the same as the current property (salvage yard). With respect to subsection

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(f), Township staff should be satisfied that the minimum distance separation formulae has been met.

As such, Regional staff is satisfied that the proposed ZBA application meets the applicable Provincial and Regional policies and offer no objection to the proposal, subject to the comments below.

Archaeological Resources

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

According to Schedule K of the NOP, the subject land is located within the mapped 'Area of Archaeological Potential'. Regional staff note that at the time of pre-consultation, staff did not require an archaeological assessment for the lands newly added to 8248 Concession 3 Road, or for the expansion of the use as there is no new site alteration / development proposed. In accordance with Policy 6.4.2.6 of the NOP, any future *Planning Act* applications within the area of archaeological potential may require an archaeological assessment.

Natural Environment System

The pre-consultation meeting for this application was held prior to the approval of the NOP by the Minister of Municipal Affairs and Housing on November 4, 2022. Policy 3.1.30.3.1 of the NOP states that, where a formal pre-consultation meeting has been completed within one (1) year of the approval of the NOP, and environmental requirements have been established through a signed pre-consultation agreement that has not expired, required environmental studies may be evaluated in accordance with the Regional policies that existed at the time the pre-consultation meeting was completed (provided the application is submitted within two years of the approval of the NOP). Accordingly, the environmental policies of the previous Regional Official Plan ("ROP") apply to the proposed application

The subject property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of the Caistor Centre Complex Provincially Significant Wetland ("PSW"), and Significant Woodland. The property is also mapped as part of the Growth Plan (2019) Provincial Natural Heritage System ("NHS"). As such, these features are considered Key Natural Heritage Features ("KNHF") and Key Hydrologic Features ("KHF") and Growth Plan policies apply accordingly. There is also a watercourse on the property, but it was determined by Regional staff that it was not permanent or intermittent in nature and as such is not a Regionally designated CNHS feature.

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Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 metres (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 and 50 m of Significant Woodland. 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.

Based on observations made by staff on May 30th, 2023, and the nature of the application, staff do not object to the proposed ZBA provided that the PSW, Significant Woodland and their associated 30 m VPZs are placed within an appropriately restrictive environmental zone. Staff request that the proposed ZBA schedule be circulated prior to approval so that staff can confirm that environmental planning requirements have been adequately addressed.

Conclusion

Staff of the Growth Strategy and Economic Development Department do not object to the proposal and is satisfied that the proposal is consistent with the *Provincial Policy Statement* and conforms to Provincial and Regional policies, subject to the proposed ZBA schedule being circulated prior to approval, in order to confirm that environmental features and their associated vegetation protection zones are placed within an appropriately restrictive environmental zone.

Please contact the undersigned at Connor.Wilson@niagararegion.ca or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca should you have any questions related to the above comments. Please send the Notices of Decision on this Application when available.

Best Regards,



Connor Wilson
Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region