
Niagara Region

Growth Management and Planning

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

Via Email

November 1, 2024

Region File: PLZBA202401259

Madyson Ettl
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Ettl

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment Application
Township File: 1601-011-24
Owner: Bradley and Kimberly Killins and NGF Property Inc.
Agent: Upper Canada Consultants (c/o Ethan Laman)
5357 and 5377 Elcho Road
Township of West Lincoln**

Staff of the Regional Public Works Growth Management and Planning Division 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 5357 and 5377 Elcho Road in the Township of West Lincoln (“subject lands”).

This application has been submitted in conjunction with consent application B092024WL, which proposes to sever 5 acres (2.02 hectares) of land from 5357 Elcho Road to be merged with 5377 Elcho Road for agricultural-related commercial use.

Within the Township of West Lincoln Zoning By-law (No. 2017-70), 5375 Elcho Road is zoned Agricultural (A) which permits agricultural uses, and 5377 Elcho Road is zoned Commercial 3 (C3), which permits a wide range of commercial uses.

The ZBA application proposes to rezone the agricultural lands being conveyed as a part of the boundary adjustment to a Service Commercial (C3) Zone with a site-specific exception to recognize a maximum outdoor storage of 57% of the lot area whereas a maximum of 5 % is permitted as well as to rezone Parcel 1, the existing Service Commercial zoned property, to the same site-specific zone. This application also proposes to rezone the Agricultural lands on Parcel 3 from Agricultural (A) to

Agricultural with a site-specific exception (A) to recognize a deficient lot area of 30.65 hectares whereas 40 hectares is required.

Staff note that a pre-consultation meeting was held on May 3, 2023, to discuss the proposal with Regional and Township staff, and the Agent in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Township in their consideration of the application.

Provincial and Regional Policies

The subject land is within the 'Prime Agricultural Area' within the Provincial Planning Statement, 2024 ("PPS") and the Niagara Official Plan, 2022 ("NOP"). The PPS requires planning authorities to use an agricultural system approach, based on provincial guidance, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network. As part of the agricultural land use, Prime Agricultural Areas shall be designated and protected for long-term use for agriculture. Permitted uses and activities within the Prime Agricultural Areas are agricultural uses, agriculture-related uses, and on-farm diversified uses.

Staff note that the submitted Planning Justification Report ("PJR"), prepared by Upper Canada Consultants ("UCC"), dated August 2024, indicates that the property known as 5377 Elcho Road is currently used for agricultural-related commercial purposes by Anthony's Excavating (Excavating Company), Ontario Agra Piping (Agricultural Pipe and Tile vendor), Kor Rentals (Farm Equipment Rental and Repairs), and Enercon (Green Energy Maintenance for Wind Energy projects). Additional information was provided by the applicant's planning consultant (UCC) regarding the services provided by Ontario Agra Piping and Kor Rentals indicating that the primary market for these businesses is the agricultural community and that, as confirmed by the applicant, the majority of customers are members of the farming community. However, no detailed information was provided in this regard, or concerning the other commercial operations noted above.

The NOP describes agriculture-related uses as farm-related commercial or industrial uses, compatible with surrounding agricultural operations, directly related to farms in the area, support agriculture, provides products or services to farms and benefits from proximity to farms.

Based on information within the PJR and additional discussion, the proposed development is primarily an agricultural-related use. Staff note, however, that the Commercial 3 (C3) zone already existing and proposed, would provide any future owner the opportunity to redevelop the lands into a use that would not be categorized as an agriculture-related use. With this in mind, Regional staff caution that the rezoning of the agricultural lands required for the expansion should be zoned to the Agriculture-Related (AR) Zone to ensure that the land use permissions for the expansion area will not allow

for new non-agricultural related commercial uses in order to be consistent with and conform to Provincial, Regional, and Township policies.

Further, the PPS and NOP state that proposed agriculture-related and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations. Regional staff do not anticipate that the proposed expansion will hinder surrounding agricultural operations considering the nature of the expansion is limited to temporary storage of materials. Regional staff note that Township staff should be satisfied that the minimum distance separation formulae have been met.

As such, provided the rezoning of the proposed expansion area will be to Agricultural-related and not permit new non-agricultural uses, 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 state that development and site alteration is not permitted within areas of archaeological potential unless significant archaeological resources have been conserved. The subject lands are mapped as an area of archaeological potential on Schedule K of the NOP. Regional staff reviewed the Stage 1 & 2 Archaeological Assessments conducted by Detritus (Stage 1 dated May 10, 2024; Stage 2 dated July 17, 2024). The Stage 1 Archaeological Assessment indicated the entire area exhibited moderate to high potential for the identification and recovery of archaeological resources. The Stage 2 Archaeological Assessment noted that 95% of the property consisted of ploughed agricultural field and was subjected to a pedestrian survey, with the remaining 5% consisting of grass and was subject to test pit surveys and recommended that no further work is required.

As no Ministry Acknowledgement letter has been provided in the submission package, Regional staff require that a copy of Ministry Acknowledgement letters be circulated to the Region.

Regional staff note that, in accordance with Section 48 (1) of the Ontario Heritage Act, no site alteration or development is permitted on the subject lands until the required archaeological assessments have been completed and Ministry acknowledgement letters have been issued.

Recognizing that no archaeological assessment, regardless of intensity, can entirely negate the possibility of discovering deeply buried archaeological materials, staff recommend the inclusion of a standard archaeological warning clauses in the site plan agreement should any resources be encountered through future construction works.

Archaeological requirements, therefore, can be addressed through the future Site Plan application.

Natural Environment System

The subject property is impacted by the Region's Natural Environment System ("NES"), consisting of Provincially significant wetland ("PSW"), significant woodland, other wetlands, permanent or intermittent watercourse and a linkage. Wetlands and watercourses are considered Key Hydrologic Features ("KHF") outside of settlement areas.

Staff has reviewed the Township's Zoning By-law and confirm that the extent of Regionally mapped NES features are already identified within an appropriately restrictive environmental zone. As such, staff offer no objection to the application from an environmental perspective.

Road Allowance

This property has frontage along Regional Road 27 (Wellandport Road). The current width of Wellandport Road at this location is approximately 30.5 m, which exceeds the NOP road allowance of 26.2 m. However, a daylight triangle of 15 meters x 15 meters is required at the corner of Elcho Road and Wellandport Road to meet the NOP requirements, which will be taken at future Planning Act application (Site Plan).

The requested daylighting triangle is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk, 905-980-6000 extension 3271.
E-mail: jordan.hadler@niagararegion.ca
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325, E-mail: normans.taurins@niagararegion.ca
(Inquiries -specific to the reference plan)

The daylight triangle is to be clearly shown on all plans in future submissions.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property 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 limits are not exceeded (based on current waste collection contract):

5357 Elcho Road (Residential)

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit (bi-weekly)
- Curbside collection only
- Will remain as existing

5377 Elcho Road (Commercial)

- Blue/grey – Blue/Grey Boxes Equivalent to 8 Blue/Grey Carts (weekly)
- Green – Green Bins Equivalent to 8 Green Carts (weekly)
- Waste – 8 containers (bi-weekly)
- Curbside collection only
- Will remain as existing

Circular Materials Ontario are responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. We would request that any future agreements entered into for this development include a clause that requires the owner 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 Public Works Growth Management and Planning Division do not object to the proposal provided the zoning of the expansion area will not permit new non-agricultural uses. Regional staff, in this regard, recommend that the agricultural lands being conveyed be zoned to Agriculture-Related (AR) Zone in order to limit the use of the land for agricultural-related commercial uses. Subject to this requirement, Regional staff is satisfied that the proposal is consistent with the *Provincial Planning Statement* and conforms to Provincial and Regional policies.

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November 1, 2024

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

Kind regards,



Alex Boekestyn, M.Sc.
Development Planner, Niagara Region

cc. Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: October 16, 2024 3:37 PM
To: Madyson Ettl
Subject: RE: Notice of Public Meeting - 5357 & 5377 Elcho Road

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET (he/him)
Sr Analyst, Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Madyson Ettl <metzl@westlincoln.ca>
Sent: Thursday, October 10, 2024 3:49 PM
To: ann-marie.norio@niagararegion.ca; clark.euale@ncdsb.com; 'Meghan Birbeck' <mbirbeck@npca.ca>; Paige Pearson <ppearson@npca.ca>; Notifications <Notifications@enbridge.com>; Municipal Planning <MunicipalPlanning@enbridge.com>; Busnello, Pat <pat.busnello@niagararegion.ca>; 'Wilson, Connor' <Connor.Wilson@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; MR18enquiry@mpac.ca; consultations@metisn.org; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; ExecutiveDirector@fenfc.org; executivedirector@nrnc.ca; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; friedmanjoe21@gmail.com; jim.sorley@npei.ca; andrew.carrigan@canadapost.ca; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; jocko@sixnationsns.com; 'megan.devries@mncfn.ca'; dlaforme@sixnations.ca
Cc: Jennifer Bernard <jbernard@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; Paul Nickerson <pnickerson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Truper McBride <tmcbride@westlincoln.ca>; Taf Tsuru <ttsuro@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Lisa Kasko-Young <young@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
Subject: [External] Notice of Public Meeting - 5357 & 5377 Elcho Road

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Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good Afternoon,

Please find attached the above mentioned notice for - 1601-011-24- –Zoning Bylaw Amendment – 5357 & 5377 Elcho Road

This public meeting will be held on **Monday November 11th 2024**

Comments would be appreciated by **October 28th**.

If you have any questions, please contact me at 905-957-5126 or by email at metzl@westlincoln.ca

Sincerely,
Madyson Ettl

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.

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|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Madyson Ettl</p> <p>Senior Planner</p> <p>Tel: 905-957-3346 ext. 5126 Email: metzl@westlincoln.ca Web: www.westlincoln.ca</p>  |
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From: Paige Pearson <ppearson@npca.ca>
Sent: October 15, 2024 11:08 AM
To: Madyson Etzl
Subject: RE: Notice of Public Meeting - 5357 & 5377 Elcho Road

Hi Madyson,

The NPCA has reviewed the Zoning Bylaw Amendment (1601-011-24) for 5357 & 5377 Elcho Road in West Lincoln.

The subject property contains NPCA Regulated Features however, the proposal does not encroach on regulated areas. As such, the NPCA has no objection.

Thank you,



Paige Pearson (She/Her)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 205
www.npca.ca
ppearson@npca.ca

From: Madyson Etzl <metzl@westlincoln.ca>
Sent: October 10, 2024 3:49 PM
To: ann-marie.norio@niagararegion.ca; clark.euale@ncdsb.com; Meghan Birbeck <mbirbeck@npca.ca>; Paige Pearson <ppearson@npca.ca>; notifications@enbridge.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Busnello, Pat <pat.busnello@niagararegion.ca>; 'Wilson, Connor' <Connor.Wilson@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; MR18enquiry@mpac.ca; consultations@metisnation.org; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; ExecutiveDirector@fenfc.org; executivedirector@nrnc.ca; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; friedmanjoe21@gmail.com; jim.sorley@npei.ca; andrew.carrigan@canadapost.ca; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; jocko@sixnationsns.com; 'megan.devries@mncfn.ca'; dlaforme@sixnations.ca
Cc: Jennifer Bernard <jbernard@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; Paul Nickerson <pnickerson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Truper McBride <tmcbride@westlincoln.ca>; Taf Tsuru <ttsuro@westlincoln.ca>; Gerrit Boerema <gboerema@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>
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Sincerely,
Madyson Ettl

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|  | <p>Madyson Ettl</p> <p>Senior Planner</p> <p>Tel: 905-957-3346 ext. 5126 Email: metzl@westlincoln.ca Web: www.westlincoln.ca</p>  |
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