

Public Works Growth Management & Planning Division

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

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

Via Email

January 17, 2025

Region Files: PLSD202401804, PLZBA202401805

Susan Smyth
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Smyth:

**Re: Regional and Provincial Comments
Zoning By-law Amendment & Draft Plan of Subdivision Applications
Township File(s): 1601-003-23; 2000-92-24
Owner: Kainthville Holdings Inc.
Agent: NPG Planning Solutions
Address: North Side of St. Catharines Street (Regional Road 20), East of
Industrial Park Road
Township of West Lincoln**

Regional Public Works Growth Management and Planning Division staff have reviewed the updated Zoning By-law Amendment and Draft Plan of Subdivision applications circulated by the Township for lands on the north side of St. Catharines Street (Regional Road 20), east of Industrial Park Road, located in the Township of West Lincoln (“subject lands”).

The applicant is proposing the development of 37 blocks for a mix and range of dwelling types and densities for a total of 329 residential dwelling units, a “business park”, commercial space, and parkland and other associated land uses, as follows:

- Three single detached dwellings
- 36 semi-detached dwellings
- 34 townhouse dwellings
- Retirement home with 104 units
- Apartment building with 152 units
- 20 business park units
- Approximately 756 m² of commercial gross floor area
- 0.63 hectares of parkland

Regional staff provided comments on the original submission of the applications in a comment letter dated March 12, 2024, followed by a revised submission on November 8, 2024 (copies are provided electronically for reference). In the revised submission, the northern parking lot had been reconfigured and Blocks 30 and 31 were readjusted from the original submission. Additionally, the resubmission included an additional 79 residential units relative to the original application submission which proposed 250 new residential units.

The following comments are provided from a Provincial and Regional perspective to assist the Township of West Lincoln with their review of the applications.

Provincial and Regional Policies

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

East Smithville Secondary Plan

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Archaeological Potential

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable. As requested, staff received acceptance letters from the Ministry of Citizenship and Multiculturalism (MCM) for the respective archaeological assessment reports outlined in the previous comment letter. As such, staff offer no further requirements from an archaeological perspective. A standard archaeological advisory clause is included in the attached Appendix.

Land Use Compatibility

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Noise Feasibility Study

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Land Use Compatibility Study

In the previous Regional comment letter (dated November 8, 2024), staff reviewed the *Land Use Compatibility Study* ("LUCS"), prepared by HGC Engineering (dated September 12, 2024), noting that the Harbison Walker facility is not currently operating and, as such, the sound level measurements would not have indicated any noise impacts. Nevertheless, any future operations could generate sound levels that may

impact the proposed development. Staff requested an Addendum to provide confirmation that Harbison Walker is a Class II facility based on a future worst-case scenario and that the recommended mitigation measures in the LUCS remain valid.

Accordingly, the applicant submitted a letter response to the Region and Township's comments pertaining to the LUCS and Noise Feasibility Study (prepared by HCG Engineering; dated November 28, 2024). Based on the information provided in the letter, during the Ministry of the Environment, Conservation and Parks (MECP) Environmental Compliance Approval (ECA) process, HCG Engineering visited the site in 2006 and 2020 when the facility was said to have been operating at full capacity, to complete acoustic assessments operating under worse-case operation conditions. The conditions observed at the time of these site visits did not meet the definition for Class III industrial facilities, defined as, *“the outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations”*, with *“the frequent outputs of major annoyance”*.

Staff relies upon the information provided by HCG Engineering and is satisfied with the rationale provided for the Harbison Walker facility to be classified as a Class II Industrial Facility. As such, the mitigation recommendations provided in the NFS and LUCS (summarized below) should be implemented to the satisfaction of the Township and Niagara Region. A condition to this effect is included in the attached Appendix.

Similar to the NFS, the LUCS noted that the sound emissions of the commercial / industrial facilities comply with the MECP D-6 guidelines and no physical mitigation measures are required to address stationary noise sources.

Mitigation Recommendations

The NFS and LUCS note that detailed designs are not available for the development and have, therefore, provided mitigation measures based on the worst-case scenario. With respect to transportation noise sources, the NFS and LUCS recommend that the following noise mitigation measures / devices be incorporated into the proposed development and any associated agreements:

Block 2

- That an updated noise study is provided when details of the commercial block, including rooftop mechanical equipment and trucking activities are known to ensure the block does not cause adverse impacts to the residential lots/blocks to the south.

Blocks / Lots 4-31

- An acoustic barrier according to CP rail requirements. This mitigation measure may be refined upon receiving detailed plans of the future residential units.
- Central air conditioning for residential units closest to the railway, with the provision for air conditioning for dwellings further away.

- Brick veneer exterior wall construction for all dwellings in the first row from the railway
- Upgrade building/window glazing construction for all dwellings with exposure to the railway.
- Warning clauses to inform future occupants of the sound level excesses and presence of the roadways and railway.
- An updated noise study when detailed siting information, floor plans, building elevations, and grading information is available for the future residential units.

As noted in the NFS, staff request the submission of a detailed noise study at the Site Plan stage when floor plans and building elevations are available for the proposed development to refine acoustic requirements and to determine the impact of the proposed commercial uses on the site to determine noise mitigation. An appropriate condition has been included in the attached Appendix to address this.

Agricultural Land Use Compatibility

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Urban Design

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Natural Environment System

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Road Allowance

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable. A condition requiring revisions to the engineering plans to address the Transportation Engineering comments outlined in the previous comment letter is included in the attached Appendix (Condition 1).

Regional Road, Entrance and Permit Requirements

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Entrance/Construction Permits

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Sign Permits

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Legal Agreement

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Servicing

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Sewage Pumping Station

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Stormwater Management

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Waste Collection

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

Regional Bicycle Network

The comments provided in the Regional comment letter dated November 8, 2024 remain applicable.

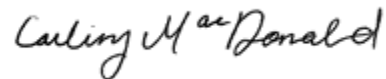
Conclusion

Based on the information provided, staff is of the opinion that the proposal is consistent with the Provincial Planning Statement and does not conflict with Provincial and Regional policies for development within a designated growth area and Designated Greenfield Area, respectively. As such, Regional Public Works Growth Management and Planning Division offers no objection to the Draft Plan of Subdivision and Zoning By-law Amendment applications, subject to the satisfaction of the Township and the conditions of draft plan approval included in the attached Appendix.

January 17, 2025

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

Best regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region

Josh Wilson, P.Eng., Acting Manager of Development Engineering, Niagara Region

Khaldoon Ahmad, MCIP, RPP, Manager of Urban Design, Niagara Region

Adam Boudens, M.Sc. Senior Environmental Planner, Niagara Region

Philippe Biba, Development Approvals Technician, Niagara Region

Appendix 1

Regional Conditions of Draft Plan of Subdivision Approval North Side St. Catharines Street, Township of West Lincoln

1. That revised engineering drawings to address the transportation engineering comments outlined in the Regional comment letter dated November 8, 2024, are to be submitted for review and approval by Regional staff.
2. That the owner dedicates to Niagara Region the necessary road widening and daylight triangles along Regional Road 20. All dedications must be free and clear of mortgages, liens and other encumbrances, and all associated costs will be borne by the applicant.
3. That the owner deed 0.3 metre reserves to Niagara Region along Regional Road 20.
4. Prior to any construction taking place within the Regional road allowance, the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Niagara Region Public Works Department (Permits Section, Transportation Services Division). Road cuts required as part of the development into a recently reconstructed Regional Road 20 must be "as good as" or "better than" condition, at the completion of the works and all costs associated with curb cuts and road replacement will be at the owner's expense.
5. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
6. That the owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Township.
7. That prior to approval of the final plan, the owner shall submit detailed sanitary sewer design information (flows, timing, revised flows for any changes to development plans) for the subdivision, and prior to final approval, the anticipated design flows will be submitted along with flow monitoring information to evaluate the capacity in the Smithville Sewage Pumping Station. The Report is to be sealed by a qualified professional engineer.

8. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region for review and approval:
 - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
 - b) Detailed erosion and sedimentation control plans.
9. That the subdivision agreement between the owner and the Township contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the stormwater management condition above.
10. That the subdivision agreement between the owner and the Township contain a condition that the owner agrees to comply with the requirements of Niagara Region's Corporate Waste Collection Policy and enters into an Indemnity Agreement with Niagara Region for the purpose of entering the subject property to provide waste collection services.
11. That the subdivision agreement between the owner and the Township includes the following clause:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>)."
12. That the subdivision agreement between the owner and the Township include the following warning clause and that the owner agrees to include the clause in all Agreements of Purchase and Sale or Lease or Occupancy:

"These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants."
13. That the subdivision agreement between the owner and the Township includes a clause(s) to implement the recommendations of the *Land Use Compatibility*

Study, prepared by HGC Engineering (dated September 12, 2024), to the satisfaction of the Township and Niagara Region.

14. That the subdivision agreement between the owner and the Township include a clause requiring the submission of a detailed noise study, prepared by a qualified acoustical engineer, with future development applications.
15. That the owner agrees to include the following warning clause in all agreements of purchase and sale and/or lease for all units:

“Purchasers and / or tenants are advised that due to the proximity of adjacent industrial and commercial facilities, the sound levels from the facilities may at times be audible.”
16. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
17. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that no grading within the natural heritage feature and/or its buffer will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage feature and its buffer.
18. That a Restoration Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in the Constraint Analysis and Scoped Environmental Impact Study (EIS) (prepared by Myler Ecological Consulting, dated May 19, 2023). The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate. The Restoration Plan shall also outline how the success of the vegetative plantings and invasive species removals will be monitored. The Restoration Plan should be completed by a full member of the Ontario Association of Landscape Architects (OALA).
19. That the developer provides securities to the Township of West Lincoln in the form of a Letter of Credit in the amount of the estimated cost as approved by the Region for the restorative plantings required in accordance with the above condition and that the subdivision agreement include provisions whereby the developer agrees that the Township may draw on the Letter of Credit, if required, to ensure installation of the plantings.
20. That the subdivision agreement between the owner and the Township contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Restoration Plan.

Clearance of Conditions

Prior to granting final approval, the Township of West Lincoln must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

Public Works Growth Management and Planning Division

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

Via Email

November 8, 2024

Region Files: D.11.12.SD-24-0011
D.18.12.ZA-24-0015

Susan Smyth
Senior Planner
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Smyth:

**Re: Preliminary Regional and Provincial Comments
Resubmission - Proposed Zoning By-law Amendment and Draft Plan of
Subdivision Applications
Township Files: 1601-003-23; 2000-92-24
Owner: Kainthville Holdings Inc.
Agent: NPG Planning Solutions
North Side of St. Catharines Street (Regional Road 20), East of Industrial
Park Road
Township of West Lincoln**

Regional Public Works Growth Management and Planning Division staff have reviewed the updated Zoning By-law Amendment and Draft Plan of Subdivision applications circulated by the Township for lands on the north side of St. Catharines Street (Regional Road 20), east of Industrial Park Road, located in the Township of West Lincoln (“subject lands”). The Township has circulated the applications as a preliminary review.

The applicant is proposing the development of 37 blocks for a mix and range of dwelling types and densities for a total of 329 residential dwelling units, a “business park”, commercial space, and parkland and other associated land uses, as follows:

- Three single detached dwellings
- 36 semi-detached dwellings
- 34 townhouse dwellings
- Retirement home with 104 units
- Apartment building with 152 units
- 20 business park units
- Approximately 756 m² of commercial gross floor area

- 0.63 hectares of parkland

Regional staff provided comments on the original submission of the applications in a comment letter dated March 12, 2024. The northern parking lot has been reconfigured and Blocks 30 and 31 have been readjusted from the original submission. Additionally, the resubmission includes an additional 79 residential units relative to the original application submission which proposed 250 new residential units.

Since the initial Regional comment letter was issued, the *Provincial Planning Statement, 2024* (“2024 PPS”) replaced the *Provincial Policy Statement, 2020* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*, effective as of October 20, 2024. As such, the following comments will reflect the policies of the 2024 PPS.

The following comments are provided from a Provincial and Regional perspective to assist the Township of West Lincoln with their review of the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications.

Provincial and Regional Policies

The property is located within the ‘Settlement Area’ under the *Provincial Planning Statement, 2024* (“PPS”), and within the ‘Designated Greenfield Area’ under the *Niagara Official Plan, 2022* (“NOP”).

The PPS directs growth to Settlement Areas, which are the focus of growth and development, and encourages the efficient use of land and resources and the optimization of existing and planned infrastructure and public service facilities. The PPS also encourages planning authorities to establish density targets for designated growth areas, based on local conditions, and to support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options, employment, public service facilities and other institutional uses, among other land uses.

The NOP identifies that Designated Greenfield Areas are to be planned as complete communities by ensuring that development is sequential, orderly, and contiguous with existing built-up areas, utilizing district plans and secondary plans where appropriate, ensuring infrastructure capacity is available, and supporting active transportation and encouraging the integration and sustained viability of public transit service. Designated Greenfield Areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. The NOP requires that local official plans achieve the minimum greenfield density target across the entire municipality and are encouraged to exceed this minimum. Staff note the subject land is located within the East Smithville Secondary Plan area.

Regional staff have reviewed the updated *Planning Justification Report* (“PJR”), prepared by NPG Planning Solutions Inc. (dated September 2024). Based on the information provided in the PJR, the proposed development has increased in density

from the original submission, from 67 residents and jobs per hectare to 87.7 residents and jobs per hectare. Staff acknowledge that this exceeds the above noted density target for Designated Greenfield Areas.

The Township is to monitor developments to ensure that the overall Greenfield density target will be achieved on a municipal-wide basis and should be satisfied that the proposal conforms to the neighbourhood density targets in the Township's Official Plan. Therefore, provided the Township is satisfied that the neighbourhood density target will be achieved, the proposed development is consistent with and conforms to Provincial and Regional growth management policies for designated growth areas/Designated Greenfield Areas, subject to the discussion below. Regional staff further acknowledge that local compatibility considerations and interface with neighbouring land uses are local planning matters to be addressed by Township staff and Council.

East Smithville Secondary Plan

The East Smithville Secondary Plan ("ESSP"), which was approved by Township Council on February 28, 2022, provides guidance for detailed planning and future development of East Smithville over the next 20 years. The ESSP is expected to function as a future prominent gateway into the urban area of Smithville.

The lands south of the rail line within the ESSP were considered locally identified employment land. Staff notes that through the Secondary Plan process, the Region required consideration of (former) Growth Plan policy 2.2.5.14, with respect to local employment land conversion. Staff, however, acknowledges that the PPS did not maintain the former Growth Plan's policies with respect to local employment lands. Nevertheless, the Region is satisfied that the supporting information and policy direction of the ESSP has addressed the Growth Plan policy requirement, which is also addressed in NOP policy 4.2.5.1. In consideration of this policy, Regional staff noted at the pre-consultation meeting that the business park block not be reduced and that there be mixed-uses along St. Catharines Street based on the direction of the Secondary Plan. Staff note that the proposed blocks appear to be consistent with the direction of the ESSP.

The Secondary Plan considers land use compatibility with the nearby industrial park and CP rail line. Applications made under the *Planning Act* may be subject to study requirements to demonstrate land use compatibility (e.g., Noise and Vibration, Air Quality, etc.).

Regional staff received circulation of the updated Land Use Compatibility Study and Noise Feasibility Study to address the policies outlined in the Secondary Plan. Regional comments regarding these studies is found in the Land Use Compatibility section below.

Archaeological Potential

The subject lands are mapped as an area of archaeological potential on Schedule 'K' of the NOP. 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.

In the previous Regional comment letter (dated March 12, 2024), staff reviewed the Stage 1 and Stage 2 Archaeological Assessment reports (prepared by Archaeological Services Inc.; dated November 12, 2021 and September 8, 2022, respectively) and received their associated Ministry acknowledgement letters (dated November 25, 2021 and February 15, 2024, respectively). The Stage 2 Archaeological Assessment identified six findspots and two indigenous sites and recommended that a comprehensive Stage 3 Archaeological Assessment be conducted of four of the six findspots (P3, P4, P7, P8, P11, and P12) and the two indigenous sites (AgGv-148 and AgGv-149).

Staff has reviewed the *Stage 3 Archaeological Site-Specific Archaeological Assessments of Site AgGv-148 and Site AgGv-149* (prepared by AS&G Archaeological Consulting Inc.; dated July 29, 2024) and *Stage 4 Archaeological Assessment* for the excavation of Site AgGv-148 (prepared by AS&G Archaeological Consulting Inc.; dated August 7, 2024). With respect to Site AgGv-148, a total of 88 artifacts were recovered during the Stage 3 Assessments. As such, Stage 4 mitigation by excavation was required for Site AgGv-148. With respect to Site AgGv-149, it was confirmed that the site has been fully documented and that it does not retain further cultural heritage value or interest. As such, no further investigation of Site AgGv-149 is required.

The Stage 4 Excavation of Site AgGv-148 was carried out between November 3 and November 20, 2023. A total of 205 lithic artifacts were recovered which indicated that the site was a multi-component site ranging from Early to Late Archaic periods, consistent with a typical small camping/hunting site. The licensed archaeologist has confirmed that it does not retain further cultural heritage value or interest. As such, no further archaeological investigation is required.

Staff request a letter from the Ministry of Citizenship and Multiculturalism confirming that the Stage 3 and 4 Archaeological Assessment reports have met licensing and resource conservation requirements. A condition to this effect is included in the attached Appendix.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff request that the following standard archaeological clause be included in the draft plan agreement:

"If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop

immediately. If the discovery is human remains, contact the police and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C (Available at: <https://www.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>).”

Land Use Compatibility

The PPS and NOP state that sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. The subject property is adjacent to an active rail line (Canadian Pacific Railway corridor) and situated southeast of the Smithville Industrial Park.

ESSP Policy 9.1 requires compatibility between residential uses within the Secondary Plan Area and the rail line north of the Secondary Plan Area. The policy also requires the implementation of a 5.5-metre-high noise wall or berm between the rail right-of-way and the Business Park, Medium Density and Low-Density residential development (with a reduction to the noise wall if a detailed noise study is completed). The Business Park and Medium Density Residential designations include policies to implement central air conditioning, brick construction and upgraded glazing. The ESSP requires that warning clauses regarding noise and vibration to be included in agreements of purchase and sale for the Business Park, Medium Density and Low-Density designations that are within the rail line setback.

ESSP Policy 9.2 requires new sensitive land uses within 300 metres of lands within the Smithville Employment Area to undertake a land use compatibility study, or other required study, to identify potential adverse impacts.

Noise Feasibility Study

Staff has reviewed the updated *Noise Feasibility Study* (“NFS”), prepared by HGC Engineering (dated September 12, 2024). The primary sources of noise identified in the NFS include road traffic on St. Catharines Street and Industrial Park Road, as well as rail traffic on the Canadian Pacific Kansas City (“CPKC”) railway to the north of the site. The sound level predictions indicate that future traffic sound levels will exceed MECP guidelines at the proposed residents with exposure to the roadways and CPKC railway.

With respect to stationary noise sources, the NFS identified Harbison Walker and Premiere Express Lines to be acoustically insignificant and found Stanpac Inc. and West Lincoln Community Care Centre to operate within acceptable parameters for noise.

Staff notes, however, that the Harbison Walker facility is currently not in operation, which accounts for the determination of a negligible impact based on the sound level measurements. Further discussion in this regard is provided below.

Land Use Compatibility Study

Staff has reviewed the updated *Land Use Compatibility Study* (“LUCS”), prepared by HGC Engineering (dated September 12, 2024). Based on the MECP D-6 guideline classifications for industrial uses, the LUCS classified the establishments west of Industrial Park Road and south of the CP Rail line as Class I facilities. The LUCS classified three industrial operations located east of Industrial Park Road and north of the CP Rail line, as Class II facilities (Stanpac Inc. / WLCC Centre, Harbison Walker International, and Premier Express Lines). The LUCS determined these to be Class II facilities as they consist of medium scale processing and manufacturing, outdoor storage of wastes or materials, occasional outputs of fugitive emissions for noise, odour dust and / or vibration, with daytime and / or nighttime operations permitted.

In the previous comment letter (dated March 12, 2024), staff requested an addendum to the LUCS to clarify how Harbison Walker International was determined to be a Class II facility. In a letter dated September 12, 2024, HGC Engineering notes that several site visits were conducted where staff observations and sound level measurements indicated a negligible outdoor acoustical impact from Harbison Walker. Based on the information gathered on site, it was determined that the facility does not meet the MECP’s characterization of Class III facilities, as they did not observe “frequent outputs of major annoyance”, “outdoor storage of raw and finished products, large production volumes”, nor “continuous movement of products and employees during daily shift operations”.

As previously noted, Harbison Walker is not currently operating and, as such, the sound level measurements would not have indicated any noise impacts. Nevertheless, any future operations could generate sound levels that may impact the proposed development. The addendum letter should, therefore, be revised to provide confirmation that Harbison Walker is a Class II facility based on a future worst-case scenario and that the recommended mitigation measures noted below remain valid.

Similar to the NFS, the LUCS noted that the sound emissions of the commercial / industrial facilities comply with the MECP D-6 guidelines and no physical mitigation measures are required to address stationary noise sources.

Mitigation Recommendations

The NFS and LUCS note that detailed designs are not available for the development and have, therefore, provided mitigation measures based on the worst-case scenario. With respect to transportation noise sources, the NFS and LUCS recommend that the following noise mitigation measures / devices be incorporated into the proposed development and any associated agreements:

Block 2

- That an updated noise study is provided when details of the commercial block, including rooftop mechanical equipment and trucking activities are known to ensure the block does not cause adverse impacts to the residential lots/blocks to the south.

Blocks / Lots 4-31

- An acoustic barrier according to CP rail requirements. This mitigation measure may be refined upon receiving detailed plans of the future residential units.
- Central air conditioning for residential units closest to the railway, with the provision for air conditioning for dwellings further away.
- Brick veneer exterior wall construction for all dwellings in the first row from the railway
- Upgrade building/window glazing construction for all dwellings with exposure to the railway.
- Warning clauses to inform future occupants of the sound level excesses and presence of the roadways and railway.
- An updated noise study when detailed siting information, floor plans, building elevations, and grading information is available for the future residential units.

HGC Engineering states that, “a detailed noise study should be performed when a detailed site plan, floor plans and building elevations are available for the proposed development to refine acoustic requirements and to determine the impact of the proposed commercial uses on the site to determine noise mitigation.” An appropriate condition has been included in the attached Appendix to address this.

Both the NFS and LUCS recommend that a warning clause advising purchasers and future tenants of the proximity to adjacent industrial and commercial facilities be included in purchase, sale, rent or occupancy agreements and the subdivision agreement for all residential units.

Agricultural Land Use Compatibility

The subject lands are near agricultural uses. Regional staff recommend the inclusion of an agricultural warning clause with respect to potential adverse effects from activities and/or operations on these lands. An appropriate condition has been included in the attached appendix.

Urban Design

Regional Urban Design staff have reviewed the *Urban Design Brief*, prepared by NPG Planning Solutions (dated December 2023) which provides a concept demonstrating the interface between the development and the Regional Road. There is sufficient guidance in the brief to influence practical and positive design outcomes. At the Site Plan stage for development within Blocks 30 and 31, staff will provide additional technical urban design comments.

Natural Environment System

A pre-consultation meeting for the proposal 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 proposal.

Under the ROP, the subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland and Type 2 (Important) Fish habitat; however, recent studies for the Smithville Master Community Plan (MCP) and ESSP indicated that the area mapped as woodland was a cultural thicket. Consistent with ROP Policy 7.B.1.15, an Environmental Impact Study was required to characterize CNHS on the subject property and confirm that the proposed development will have no significant negative impact on any features present or their ecological function.

Staff reviewed both the Constraint Analysis and Scoped Environmental Impact Study (EIS) as well as the Update to the EIS (prepared by Myler Ecological Consulting, dated May 19, 2023 and December 1, 2023, respectively), which concludes that the only CNHS feature present on-site is a watercourse that contributes and provides indirect fish habitat as a conveyance feature. Based on this characterization, the EIS recommends a 10-metre buffer, measured from the top of bank associated with the watercourse.

Based on review of the EIS and updated EIS, staff support the conclusions of the EIS and as such offer no objection to the recommended 10 metre buffer.

As it relates to the proposed ZBA application, staff offer no objection from an environmental perspective provided the proposed ZBA schedule provided in *Appendix F* of the Planning Justification Report (prepared by NPG Planning Solutions, dated December 12, 2023) is implemented as outlined.

As it relates to the proposed DPS application, staff offer no objection from an environmental perspective subject to implementation of the recommended conditions of approval in the attached Appendix.

Road Allowance

The subject property has frontage along Regional Road 20 (St. Catharines Street). The current width of Regional Road 20 at the subject property is approximately 28 m to 30 m and satisfies the NOP policy width of 20.1 m.

The proposed subdivision will be required to design and build the last leg of the recently reconstructed roundabout. The land needed to accommodate the roundabout will be required to be transferred to the Region.

To ensure future accesses are from the private road, a 0.3 m (1ft) reserve will be required along Regional Road 20 on Blocks 30 and 31. The applicant is, therefore, required to gratuitously grant the following daylight/widening/reserve to the Region:

- A right of way at the round about will be required at the intersection of Regional Road 20 and the new municipal road.
- 1 ft / 0.3 m reserve alongside the frontage of Regional Road 20 along the area of Blocks 30 and 31.

The requested widening and daylighting triangles are 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 road widening, round about right of way and reserves are to be shown on future draft plans and all future engineering drawings.

Regional Road, Entrance and Permit Requirements

Transportation Engineering staff have reviewed the preliminary engineering drawings provided and note the following high-level comments. Detailed comments will be provided when detailed engineering plans have been provided.

- Proposed 'Street A' is missing a splitter island for the roundabout.
- '*Preliminary General Plan of Services*' is missing information, i.e. staff require the plan to show proposed servicing up to where the proposed infrastructure is being connected to existing and all restorations (as per Niagara Region Construction Encroachment Spec)

- The Region will require proposed infrastructure within the Right of Way i.e. Watermain, Sanitary, to be constructed solely within the boulevard on the north side of St. Catharines Street and to avoid all vehicularly travelled areas, i.e. the road, including the roundabout. The roundabout and St. Catharines St. to the west were recently reconstructed. Proposed servicing is to avoid impacting these areas.

Future engineering drawings are to provide details of the proposed roundabout leg and restoration details for all works within the Regional road allowance.

Regional Entrance/Construction Permits

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Regional staff have reviewed the comment-response table prepared by S. Llewellyn & Associates Ltd. dated September 6, 2024, including the concern relating to the Region's and Township's preference for the sanitary and watermain location. Staff would require additional supporting materials (e.g. design plans) to substantiate SLA's position. At this time the Region's position remains unchanged, and this matter will need to be addressed at the detailed design phase.

Regional Sign Permits

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of St. Catharines Street will require a Regional Sign permit.

Permit applications can be made through the following link:

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

Legal Agreement

The construction of the last leg of the roundabout will be at the developer's cost and responsibility to construct the works as part of the draft plan. A condition is included in the attached Appendix requiring that the owner enter a legal agreement and post letters of credit for the work related to the addition of the road connection to the roundabout.

Servicing

Regional staff note that servicing is under the jurisdiction of the Township of West Lincoln. The Region will have to confirm capacity in the Regional system prior to the municipality signing off on the CLI ECA forms if required.

Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Smithville relative to the existing infrastructure capacity. The report identifies a number of future servicing upgrades that are required to address transmission and capacity constraints for both the existing water and sanitary systems.

Regional Sewage Pumping Station

The site falls within the Smithville Sewage Pumping Station (SPS) sewershed. The Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Smithville relative to the existing infrastructure capacity. The report identifies a number of future servicing upgrades that are required to address transmission and capacity constraints for both the existing water and sanitary systems. <https://www.niagararegion.ca/projects/www-master-servicing-plan/default.aspx>.

Currently the Region has identified improvements to the Smithville SPS in the 10 year capital budget schedule and are working to identify design solutions to support the anticipated growth in the Smithville Secondary Plan areas. Timing for the projects could change based on budget restrictions and pressures and is not guaranteed until the budget year is approved by Regional Council.

Currently there is some available capacity at the SPS; however, as noted in the Functional Servicing Report the Region supports a combination of both a flow monitoring reduction and Infiltration/inflow projects to project additional capacity for new developments as well as include a phasing plan for the development based on the owner's/developer's planned schedule. The Region would recommend that the subdivision agreement include post flow monitoring to ensure the new system is not adding to the current infiltration and inflow in the system.

Conditions have been included in the Appendix to address the above Regional servicing requirements.

Stormwater Management

Further to staff's previous comments (based on the review of the conceptual stormwater management (SWM) plan included in the submitted 'Functional Servicing Report', prepared by S. Llewellyn & Associates Ltd. (dated November 2023)), staff note that the SWM plan requires that an offsite SWM facility, i.e., a wet pond be constructed within 6063 Highway 20, to service the subject development to meet SWM criteria. Staff noted that the proposed SWM facility location is different from that shown on the Community Structure Plan of ESSP. As the detailed analyses required to support this SWM facility sizing and engineering plan of the pond and outlet have not been submitted to the Region, staff are not able to provide further comments from the previous comments dated March 12, 2024.

In this regard, staff previously noted that since the development is within the ESSP area, the following comments are offered based on the Subwatershed Study (SWS) requirements:

- a) This development is required by the SWS to meet water quality, quantity, and erosion control. The SWM plan is missing how to manage the site's storm water meeting the erosion control criteria of the Table 2.2.3 of SWS Phase 3 Report.

- b) The plan proposes on-site storm water quality and quantity control in catchments 201 & 203 (refer to the report Appendix A). A preliminary assessment is necessary to confirm the plan is practical with respect to the installation of required storage and flow control to meet the allowed discharge rate of erosion and quantity control.
- c) The SWS required that Low Impact Development and Green Infrastructure to be explored in the development plan.

Conditions requiring the submission of a detailed SWM plan and implementation of the approved plan are included in the Appendix.

Waste Collection

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste collection provided that the owner brings the waste to the curbside on the designated pick-up day and that the following limits are not exceeded (based on current waste collection contract).

Residential

- No Limit green containers; and,
- 2 Garbage containers (Biweekly)
- **Curbside Collection Only**

Commercial

- Green – containers to a maximum equivalent of 8 carts (weekly)
- Waste – 8 containers bi-weekly
- **Curbside collection only**

The residential units proposed along the future municipal roadways would be eligible for Regional curbside collection, subject to the above noted curbside collection limits. Road designs will need to be in accordance with the current policy and will be reviewed through future engineering drawing submissions. Regional staff will provide detailed waste collection comments through future planning applications.

The applicant should be advised that if the site is unable to meet the requirements for Regional curbside waste collection, then the owner will be responsible for providing this service through a private waste collection contractor and not the Niagara Region.

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

Regional Bicycle Network

The subject property has frontage on St. Catharines Street which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

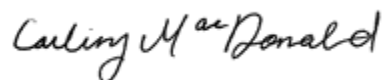
Conclusion

Regional Public Works Growth Management and Planning Division is satisfied that the materials provided are sufficient for deeming the Draft Plan of Subdivision and Zoning By-law Amendment applications complete. As noted above, as Harbison Walker is not currently operating a revised addendum letter should be provided to confirm that Harbison Walker is a Class II facility based on a future worst-case scenario and that the recommended mitigation measures remain valid.

Preliminary conditions of Draft Plan approval are outlined in the Appendix for the Township's information.

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

Best regards,



Carling MacDonald
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Connor Wilson, Development Planner, Niagara Region
Josh Wilson, P.Eng., Acting Manager of Development Engineering, Niagara Region
Adam Boudens, M.Sc. Senior Environmental Planner, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region

From: Dunsmore, Susan [mailto: Susan.Dunsmore@niagararegion.ca]

Sent: December 20, 2024 7:21 AM

To: Colin Dougan <cdougan@sla.on.ca>

Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Biba, Philippe <Philippe.Biba@niagararegion.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Wilson, Josh <Josh.Wilson@niagararegion.ca>

Subject: Kainthville Holdings Inc.

Good Morning

As noted at the last meeting I have reviewed the request to have the sanitary sewer in the newly constructed Regional road. Transportation staff agreed. They have noted the following, we will need to ensure that areas disturbed by the installation of the servicing, or Street A, are fully restored per the requirements identified in our [Construction encroachment restoration specifications](#) including within the roundabout and approaches. We would also suggest that VC3 be relocated to within the roundabout centre island and not in the truck apron.

Restoration will be more than the normal requirements due to the age of the pavement, please show a full lane restoration on your plans and engineering plans to start staff will review and provide any additional comments as required. Please submit the engineering drawings and the detour information when you provide your submissions for this proposed sewer.

Thank you,

Susan M. Dunsmore, P.Eng.

ACTING DIRECTOR, INFRASTRUCTURE PLANNING & DEVELOPMENT ENGINEERING
Niagara Region, 1815 Sir Isaac Brock Way, Thorold, ON, L2V 4T7

P : (905) 980 - 6000 ext. 3661

W : www.niagararegion.ca

E : susan.dunsmore@niagararegion.ca

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Susan Smyth

From: Taran Lennard <tlennard@npca.ca>
Sent: January 17, 2025 8:48 AM
To: Susan Smyth
Subject: NPCA Response: FORMAL SUBMISSION - COMPLETE APPLICATION: Zoning By-law Amendment Application (File No. 1601-003-23) & Draft Plan of Subdivision Application (File No. 2000-92-24) (Kainthville Holdings Inc.)
Attachments: NPCA Response Regarding Submission #2 - Kainthville Holdings Subdivision.pdf

Hi Susan,

I can confirm for you that the Draft Plan conditions as outlined in my colleague's letter (attached) remain applicable for this subdivision, and shall be included within the Agreement for this file.

Please include me on future submissions or condition clearances on this application as my colleague Meghan is off on maternity leave for 2025.

Thank you.



Taran Lennard
Watershed Planner II

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

905.788.3135 ext. 277
www.npca.ca
tlennard@npca.ca

For more information on Permits & Planning, please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Susan Smyth <ssmyth@westlincoln.ca>
Sent: December 11, 2024 11:16 AM
To: Development Planning Applications <devtplanningapplications@niagararegion.ca>; Wilson, Connor <Connor.Wilson@niagararegion.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Lampman, Cara <Cara.Lampman@niagararegion.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; clark.euale@ncdsb.com; jim.sorley@npei.ca; consultations@metisnation.org; hdi@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; lonnybomberry@sixnations.ca; executivedirector@fenfc.org; executivedirector@nrnc.ca; Municipal Planning <MunicipalPlanning@enbridge.com>; newdevelopment@rci.rogers.com; randy.leppert@cogeco.com; jocko@sixnationsns.com; megan.devries@mncfn.ca; dlaforme@sixnations.ca; Ben Agro <bagro@westlincoln.ca>; Paige Pearson <ppearson@npca.ca>; Taran Lennard <tlennard@npca.ca>; DELL, Thomas <Thomas.Dell@canadapost.postescanada.ca>; Michelle.McPhee@dsbn.org
Cc: Gerrit Boerema <gboerema@westlincoln.ca>



250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2
905.788.3135 | info@npca.ca | npca.ca

October 21, 2024

Via Email Only

Susan Smyth, Senior Planner
Township of West Lincoln
318 Canborough St.
Box 400
Smithville, ON L0R 2A0

Subject: Zoning By-law & Draft Plan of Subdivision Application
- **Submission #2 Response**

Regional Road 20 (ARN 260203001320700)
- **Part Lot 5, Concession 9 South Grimsby as in RO691284, Part 3, Plan30R15491 (Kainthville Holdings Inc.)**

Township of West Lincoln
Municipal File Nos.: 1601-003-23 & 2000-92-24
NPCA File No.: PLSUB202400178

Good afternoon Susan,

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the Zoning By-law Amendment and Draft Plan of Subdivision Applications –Submission #2 package from the Township of West Lincoln regarding Regional Road 20 (ARN 260203001320700) for Kainthville Holdings Inc. The application was submitted by NPG Solutions Inc. (Agent) on behalf of Kainthville Holdings Inc. (Owner) to facilitate a subdivision with thirty-seven (37) blocks, which uses include residential, commercial, business park, parkland and environmental uses.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 41/24 of the Conservation Authorities Act*. The *NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features.

The subject property contains a regulated watercourse, which is associated with Twenty Mile Creek.

Following a review of the Submission #2 package the NPCA offers the below comments/ requirements regarding the provided information.

The NPCA has reviewed the *Preliminary Concept Plan – Kainthville Holdings Inc., prepared by NPG Planning Solutions, revision 5, dated August 20, 2024*, and the NPCA notes that the initial comments from the preliminary review have now been addressed:

- 1) The required 10 metre setback from the regulated watercourse is now shown on the Plans to ensure the entire buffer is contained within in Block One.
- 2) The use of Block One is noted to be Environmental Conservation, the NPCA will still require that this use for Block One is maintained through the Zoning By-law Amendment process to recognize the regulated watercourse and 10 metre buffer.

Further, the NPCA notes that the comments provided February 27, 2023, remain the same regarding the *Constraint Analysis & Scoped EIS – Kainthville Holdings Inc., prepared by Myler Ecological Consulting, dated May 19, 2023*, and the *Update - Constraint Analysis & Scoped EIS – Kainthville Holdings Inc., prepared by Myler Ecological Consulting, dated December 1, 2023*.

The NPCA has had a review of the *Comments and Response Table, prepared by NPG Planning Solutions, Dated September 18, 2024*, and note that there is discussion about a future Tail. Further that the discussion is around the trail potentially crossing the watercourse within Block 1. Please note that any development within 10 m of the watercourse will require NPCA review and approval along with a work permit.

Based on the above, the NPCA is supportive of the proposed development subject to the following Conditions of Draft Plan Approval:

1. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval.
2. That the Developer provide appropriate limit-of-work fencing along the boundary of Block 1 and Blocks 2 and 37, to the satisfaction of the Niagara Peninsula Conservation Authority.

3. That the Developer provide a Buffer Enhancement Plan to the watercourse buffer, to the satisfaction of the Niagara Peninsula Conservation Authority. Scoping of the Buffer Enhancement Plan is to be obtained from the Niagara Peninsula Conservation Authority and implementation of the Buffer Enhancement Plan is to be done through an NPCA Work Permit
4. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any Buffer Enhancement works within any lands regulated by the Niagara Peninsula Conservation Authority prior to beginning any site works.
5. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any future trail crossings of the watercourse prior to the commencement of those works.
6. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for any other works or site alterations within any lands regulated by the Niagara Peninsula Conservation Authority prior to beginning any site works (such as stormwater outfalls).
7. That the watercourse and approved 10m buffer shown as Block 1 on the Concept Plan be zoned EC or another appropriate zone category which ensures long term protection of the feature.
8. That conditions 1 to 8 above be incorporated into the Subdivision Agreement between the Developer and the Township of West Lincoln, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of West Lincoln shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

CONCLUSION

At this time, NPCA staff have no objections to the applications subject to the Conditions of Draft Plan Approval. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please reach out to the NPCA.



250 Thorold Rd 3rd Floor, Welland, ON L3C 3W2
905.788.3135 | info@npca.ca | npca.ca

Yours truly,

A handwritten signature in black ink that reads "Meghan Birbeck". The signature is written in a cursive style and is positioned above a horizontal line.

Meghan Birbeck
Watershed Planner
(905) 788-3135, ext. 278
mbirbeck@npca.ca

October 7, 2024

Susan Smyth
Senior Planner
Township of West Lincoln
Planning Department
318 Canborough Street
P.O. Box 400
Smithville, ON L0R 2A0

Dear Susan,

Re: Draft Plan of Subdivision, Zoning By-Law Amendment – Second Submission
Kainthville Holdings Inc.
Part Lot 5, Concession 9
Township of West Lincoln
File No.: 2000-92-24, 1601-003-23

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>

The applicant shall use the [Enbridge Gas Get Connected tool](#) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.
(https://enbridge.outsystemsenterprise.com/GetConnected_Th/Login2?OriginalURL=https%3A%2F%2Fenbridge.outsystemsenterprise.com%2FGetConnectedApp_UI%2F)

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas at no cost.

Sincerely,



Casey O'Neil
Sr Analyst Municipal Planning
Engineering



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From: Real Estate Canada <Real_EstateCanada@cpkcr.com>

Sent: January 22, 2025 4:39 PM

To: Justin Paylove <jpaylove@westlincoln.ca>

Subject: Comments on - File No.: 1601-003-23 (Zoning By-Law Amendment) and File No.: 2000-92-24 (Draft Plan of Subdivision)

Good Afternoon,

Name: Kainthville Holdings Inc.

File No.: 1601-003-23 (Zoning By-Law Amendment) and File No.: 2000-92-24 (Draft Plan of Subdivision)

Comments on, within 500m of CPKC Rail line

Please note that CPKC's Hamilton Subdivision is classified as a principal mainline track.

CPKC is generally not opposed to Commercial/Industrial type developments adjacent to our right of way.

Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use. CPKC is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CPKC freight trains operate 24/7 and schedules/volumes are subject to change.

CPKC's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CPKC continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here:

<http://www.proximityissues.ca/>

In addition, all construction, continued maintenance, access, ingress and egress must be done without entering railroad right of way. This includes but is not limited to maintenance of any equipment, lawn care, snow plowing and emergency exits via windows or doors.

CPKC recommends that the below condition be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

"CPKC and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity.

Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, CPKC will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

We would appreciate being circulated with all future correspondence related to developments adjacent to our right of way.

Thank you,

Real Estate Canada



Real_EstateCanada@cpkcr.com

7550 Ogden Dale Road SE, Building 1
Calgary AB T2C 4X9

Memo

To: Susan Smyth, Senior Planner
From: Jennifer Bernard, Coordinator of Engineering Services
Date: November 11, 2024
Re: Kainthville Holdings Inc.
Draft Plan of Subdivision Application

Public Works has completed a review of the Draft Plan of Subdivision Application for Kainthville Holdings Inc. located in the East Smithville Secondary Plan area.

Site Concept Plan

The East Smithville Secondary Plan and the Township's Transportation Master Plan (TMP) identified the need for a trail connection through these lands. The TMP identified this trail as the Southeast Rail Trail (TMP Project ID TWL-Trail-09) between Industrial Park Rd and the eastern limit of the East Smithville Secondary Plan area. Block 37 on the Site Concept Plan has been provided for this trail however it dead ends. Correspondence has been provided with the submission with Myler Ecological Consulting noting a crossing of the watercourse or portion of the trail being located within the watercourse buffer may be acceptable. The Township will need more information on the proposal as a dead end trail will not be supported.

Functional Servicing Report

- The population densities used are from the Niagara Region Development Charge Background Study. The Township's Development Charge Background Study has been finalized and is available on the Township website. The population densities should be updated using that document.
- In Table 3.1, why was the P.P.U. for the business park reduced by half from the previous FSR submitted when the same number of units is being proposed?
- Section 4.4 of the report notes that the modelling completed as part of the Township's Master Community Plan (MCP) indicated that *the Niagara Region's DC projects together with water servicing upgrades highlighted in the Smithville MCP would provide adequate water supply to meet future growth.*

The MCP shows the East Smithville lands with two connections to the future Regional 400mm watermain down Industrial Park Rd. This watermain is in the Region's DCs to support Phase 2 of the growth in Smithville with the timing of that project shown as 2032-2041.

The preliminary engineering design for East Smithville shows one proposed watermain connection to the Township's existing 200mm watermain at RR20 and Industrial Park Rd. This is a deviation from the Water & Wastewater Master Plan. The FSR states that *confirmation this watermain connection can support the development will be completed at detailed design* however any significant servicing issues for the site needs to be confirmed now.

Aecom has been retained to maintain the Township's water and wastewater models. Aecom will need to update the model with data from the revised FSRs for both the Kaithville Holdings Inc and DiLeonardo developments to determine the extent to which the existing water system can support these developments.

This modelling work will be completed at the cost of both developers. Please confirm agreement in writing to have this work completed and invoices will be issued by the Township.

Parking Study

- The study discusses the parking for the apartment blocks but does not identify how many spaces are provided for each unit in the other residential blocks.