

From: [CARRIGAN, Andrew](#)
To: [Victoria Nikoltcheva](#)
Subject: RE: New Application - ZBA-06-2023 - 434 Hunter Road, NOTL
Date: Thursday, May 11, 2023 3:38:15 PM

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Hi Victoria,

CPC has no comments regarding this proposed zoning by-law amendment.

Thank you

Andrew Carrigan | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

From: [Municipal Planning](#)
To: [Victoria Nikoltcheva](#)
Subject: RE: New Application - ZBA-06-2023 - 434 Hunter Road, NOTL
Date: Thursday, May 18, 2023 2:14:40 PM

CAUTION: This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Thank you for your circulation.

Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

The applicant will contact Enbridge Gas Customer Service at 1-877-362-7434 prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

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

Regards,

Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

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

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

June 2, 2023

Region Files: D.18.05.ZA-23-0050

Victoria Nikoltcheva
Planner II
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO BOX 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Review Comments
Zoning By-law Amendment Application
Town File No.: ZBA-06-2023
Owner: Greg Epp
Applicant: Quartek Group Inc. (c/o Susan Smyth)
434 Hunter Road
Town of Niagara-on-the-Lake**

Regional Growth Strategy and Economic Development staff has reviewed the Zoning By-law Amendment application for 434 Hunter Road in the Town of Niagara-on-the-Lake (the “subject lands”). Staff note that the proposed expansion also requires a Site Plan Amendment to the Site Plan registered on August 31, 1995.

The Applicant is proposing site-specific zoning to facilitate the construction of a 1,639.77 sq. m. addition to an existing church facility on a 27,758 sq. m (2.78 ha) property. The proposed expansion includes a gymnasium, classrooms, childcare facilities and additional parking.

The subject lands are currently zoned ‘Rural (A) Site-Specific’ in the Town’ Zoning By-law (No. 500JO-95, as amended) that legally established the institutional facility subject to a maximum gross floor area of all buildings being less than 2800 sq. m. and parking coverage being less than 30% of the lot area.

Regional staff note that a pre-consultation meeting took place on September 2, 2021 for the proposed development. The following comments are provided to support the Town in the consideration of the proposed application. As noted below, **the Region requires additional information for further consideration of the Application.**

Regional and Provincial Policies

The subject lands are designated as Specialty Crop Area under the *Provincial Policy Statement, 2020* (“PPS”) and *Niagara Official Plan, 2022* (“NOP”). A range of agricultural, agriculture-related and on-farm diversified uses are permitted within specialty crop areas, as well as limited non-agricultural uses. The subject lands are designated as Protected Countryside Area under the *Greenbelt Plan, 2017* (“Greenbelt Plan”).

According to NOP Policy 4.1.2.2, all existing uses lawfully used for such purpose prior to December 16, 2004 are permitted. Additionally, Greenbelt Policy 4.5.4 and NOP Policy 4.1.10.2 permits expansions to existing buildings and existing uses that bring the use more into conformity with Provincial and Regional policies, so long as new municipal services are not required; the proposed use does not expand into key natural heritage features (KNHF) and key hydrologic features (KHF); the proposal does not result in the intrusion of new incompatible uses; and the proposed use is in accordance with the minimum distance separation formulae.

Regional staff acknowledges the current institutional use of the property was legally established prior to December 16, 2004 through Zoning By-law No. 500JO-95 and the Site Plan Agreement registered on title in 1995, and that the proposal does not require municipal servicing and there are no KNHF or KHF located on the property. The Planning Justification Report (“PJR”), however, does not describe how the proposed introduction of a *new non-agricultural use* (e.g., classrooms and childcare facilities) brings the existing use into conformity with Provincial and Regional policies. As such, Regional staff require additional information in order to consider the Application as proposed.

Planning Justification Report

Regional staff has reviewed the *Planning Justification and Impact Analysis Report* prepared by Quartek Group Inc. (dated May 2023). Surrounding land uses include agricultural uses (vineyards), residential uses (single detached dwellings), commercial uses (hotel/bed and breakfast), on-farm diversified uses (wineries), and institutional uses (retirement home). Additionally, staff note the presence of an orchard at the northeast portion of the property where the parking expansion is proposed.

The proposal includes an expansion to Cornerstone Community Church (formerly Orchard Park Bible Church). The proposed addition is oriented north and west of the existing building structure, and is not intended for expansion of the current use (place of worship), but for a gymnasium, classrooms, childcare facilities and additional parking. The PJR states that the proposal will: “*make efficient use of the land available to expand a legally approved non-agricultural use (institutional) to meet the long-term needs of the church community without compromising adjacent agricultural and non-agricultural uses in the area.*” However, as noted above, addition information is required to address land use compatibility and any potential impacts to adjacent agricultural

June 2, 2023

operations associated with the introduction of new non-agricultural uses (e.g., classrooms and childcare). Staff note that this can be done through an updated PJR.

Past Site Use

NOP Policy 4.2.4.2 states that *sensitive land uses* (including educational and childcare facilities) shall 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, and minimize risk to public health and safety. Based on aerial imagery available to the Region dating back to 1965, the majority of the subject property was previously used as a vineyard and orchard. Since the proposal includes new sensitive uses, O. Reg. 153/04 requires that Phase 1 and 2 Environmental Site Assessments be completed.

If the Applicant wishes to proceed with the application, staff request that a copy of the applicable ESA reports are circulated to the Region, as well as a Letter of Reliance from a Qualified Professional to indicate that the Region may rely upon the findings of the ESA reports, despite any study limitations.

Archaeological Potential

According to Schedule 'K' of the NOP, the subject property falls within the Area of Archaeological Potential. Additionally, staff note that there are two registered archaeological sites (AhGs-25 and AhGs-426) within 300 metres of the subject lands. NOP Policy 6.4.2.1 states 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.

Regional staff request a Stage 1 Archaeological Assessment, and any subsequent studies, and applicable Letter(s) of Acknowledgement from the Ministry of Citizenship and Multiculturalism are circulated to the Region for review.

Natural Environment System

The subject property is located outside of the Region's Natural Environment System. As such, Regional staff offer no requirements.

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 curbside limits are met:

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- Recycling: Maximum 8 Blue/Grey Carts collected weekly;
- Organics: Maximum 8 Green Carts collected weekly; and,
- Garbage: 8 Bags/Cans collected every-other-week.
- **Curbside Collection Only**

Staff note that waste collection at the site is to continue as existing.

Stormwater Management

Due to the location, scope and nature of the development, Regional staff offer no stormwater management requirements.

Private Servicing

Regional staff identified a sewage system permit which was issued in 1995 and approved by Niagara Region Public Health. Based on the sewage system design, it appears that the daily sewage flow rate will exceed 10,000 liters/day. As such, approval for the private sewage disposal system will be required from the MECP. As such, staff recommend that this application be forwarded to the MECP for their review.

Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff require additional information for further consideration of this Application. Staff request the following materials are circulated to the Region for review as part of a revised submission:

- Stage 1 Archaeological Assessment, and any subsequent studies, and applicable Letter(s) of Acknowledgement from the Ministry of Citizenship and Multiculturalism
- Phase 1 and Phase 2 Environmental Site Assessment
 - Letter of Reliance form a Qualified Professional is requested at the time of site plan.
- Updated Planning Justification Report to demonstrate how the proposed expansion of an existing use and introduction of a new non-agricultural use (e.g., classrooms and childcare facilities) brings the existing use into conformity with Provincial and Regional policies. The updated PJR should address land use compatibility and potential impacts to adjacent agricultural operations, as well as appropriate mitigation measures, as applicable.

Should you have any questions related to the above comments, please feel free to contact me at Carling.MacDonald@niagararegion.ca or Pat Busnello, Manager of Development Planning, at Pat.Busnello@niagararegion.ca.

D.18.05. ZA-23-0050

June 2, 2023

Please send notice of Council's decision on this application.

Respectfully,

Carling MacDonald

Carling MacDonald
Development Planner, Niagara Region

cc: Diana Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region
Quintin Michlik, Private Sewage System Inspector, Niagara Region

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

August 30, 2023

Region Files: D.18.05.ZA-23-0050

Victoria Nikoltcheva
Planner II
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO BOX 100, Virgil, ON L0S 1T0

Dear Ms. Nikoltcheva:

**Re: Regional and Provincial Review Comments
Zoning By-law Amendment Application (2nd Submission)
Town File No.: ZBA-06-2023
Owner: Greg Epp
Applicant: Quartek Group Inc. (c/o Susan Smyth)
434 Hunter Road
Town of Niagara-on-the-Lake**

Regional Growth Strategy and Economic Development staff has reviewed the 2nd submission for the Zoning By-law Amendment application for 434 Hunter Road in the Town of Niagara-on-the-Lake (the “subject lands”). Additional materials provided in the submission include a Planning Justification Report Addendum, Conceptual Site Plan, private sewage details and a servicing brief.

The Applicant is proposing an amendment to the existing site-specific zoning of the subject lands to facilitate the construction of a 1,639.77 sq. m. addition to an existing church facility on a 27,758 sq. m (2.78 ha) property. The proposed expansion includes a gymnasium, classrooms, childcare facilities and additional parking.

The subject lands are currently zoned ‘Rural (A) Site-Specific’ in the Town’ Zoning By-law (No. 500JO-95, as amended) that legally established the institutional facility subject to a maximum gross floor area of all buildings being less than 2800 sq. m. and parking coverage being less than 30% of the lot area.

Regional staff note that a pre-consultation meeting took place on September 2, 2021, for the proposed development. Following the Regional comments provided on the initial submission, a meeting was held on June 21, 2023 attended by the Applicant, Agent,

August 30, 2023

Town staff and Regional staff. A hybrid public meeting for the application was held on July 11, 2023.

The following comments are provided to support the Town in the consideration of the proposed application.

Regional and Provincial Policies

The subject lands are designated as Specialty Crop Area under the *Provincial Policy Statement, 2020* (“PPS”) and *Niagara Official Plan, 2022* (“NOP”). A range of agricultural, agriculture-related and on-farm diversified uses are permitted within specialty crop areas, as well as limited non-agricultural uses. Under the *Greenbelt Plan, 2017* (“Greenbelt Plan”), the subject lands are identified as within the Specialty Crop Area – Tender Fruit and Grape Lands – of the Protected Countryside Area.

According to NOP Policy 4.1.2.2, all existing uses lawfully used for such purpose prior to December 16, 2004 are permitted. Staff acknowledge that the site-specific zoning by-law (No. 500JO-95) came into effect prior to this date. Section 4.5.4 of the Greenbelt Plan and NOP Policy 4.1.10.2 permits expansions to existing buildings and existing uses that bring the use more into conformity with Provincial and Regional policies, so long as new municipal services are not required; the proposed use does not expand into key natural heritage features (KNHF) and key hydrologic features (KHF); the proposal does not result in the intrusion of new incompatible uses; and the proposed use is in accordance with the minimum distance separation formulae.

In the initial submission, Regional staff reviewed the *Planning Justification and Impact Analysis Report* prepared by Quartek Group Inc. (dated May 2023) and requested additional information regarding the nature of the proposed uses and land use compatibility, specifically as it pertains to the adjacent agricultural use.

Accordingly, a *Planning Justification and Impact Analysis Report Addendum* was prepared by Quartek Group Inc. (dated July 2023) to address the above noted information requirements. The Addendum clarifies that the expansion is to be used exclusively for the existing uses which are currently permitted under the zoning and take place within the basement of the existing building, with no new non-agricultural uses being proposed. Based on the information provided in the Addendum and discussions with the Applicant, staff are of the understanding that the intention of the expansion is to address accessibility issues associated with the current building.

With regard to land use compatibility, the Addendum notes that the intent of the previous boundary adjustment approved August 21, 2020 (File No. B-04/20) was to give additional land more suitable to agricultural production to the adjacent landowner in exchange for land less suitable for agriculture. The boundary adjustment provided a benefit to the ongoing viability and growth of the adjacent agricultural operation, while also accommodating the proposed improvements to the existing church facility. Further, in addition to serving its nearby rural community, staff understands from the information

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provided that the church also offers supportive services to members of the agricultural community, particularly for the migrant workers.

The original *Planning Justification and Impact Analysis* and subsequent Addendum note that, given the hours of operation of the church, the potential impacts associated with the adjacent agricultural operation are expected to be minimal. The Addendum also notes that outdoor activities associated with the Sunday School programs (i.e., northeast corner of the site) would not occur while farming activities such as spraying are occurring to avoid conflicts with adjacent agricultural uses. Acknowledging that the expansion will not introduce any new non-agricultural uses and that the services offered at the church will remain the same, staff agree with this conclusion, provided that appropriate mitigation measures in the form of landscaping and screening buffers are provided. The Addendum states that such mitigation measures will be addressed through the subsequent Site Plan Amendment.

Based on the information provided, staff are of the opinion that the proposal is consistent with the PPS and does not conflict with Greenbelt Plan policies. As such, staff do not object to the proposed application, subject to the requirements outlined below.

Past Site Use

In the Regional comment letter provided on June 2, 2023, staff requested the submission of a Phase 1 and 2 Environmental Site Assessment (ESA). However, as noted above, it has been confirmed through the *Planning Justification and Impact Analysis Addendum* that no new sensitive uses are being proposed. Therefore, given that the proposed expansion is comprised of existing uses that were approved as part of a previous Planning Act application, staff no longer require a Phase 1 and 2 ESA to support the proposed application.

Archaeological Potential

The Regional comments provided on June 2, 2023 remain applicable. The Region has not been circulated a Stage 1 Archaeological Assessment or Letter(s) of Acknowledgement from the Ministry of Citizenship and Multiculturalism. This requirement shall be satisfied as a condition of site plan approval.

Natural Environment System

The Regional comments provided on June 2, 2023 remain applicable.

Waste Collection

The Regional comments provided on June 2, 2023, remain applicable.

August 30, 2023

Stormwater Management

The Regional comments provided on June 2, 2023 remain applicable.

Private Servicing

The Regional comments provided on June 2, 2023 remain applicable.

Conclusion

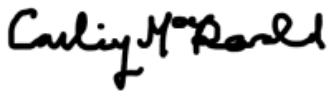
Regional Growth Strategy and Economic Development staff have concluded that the proposal is consistent with and does not conflict with Provincial and Regional policy. As such, staff offer no objection to the proposed application.

Staff advise that a Stage 1 Archaeological Assessment, and any subsequent studies, and applicable Letter(s) of Acknowledgement from the Ministry of Citizenship and Multiculturalism will be requested as a condition of site plan approval.

Should you have any questions related to the above comments, please feel free to contact me at Carling.MacDonald@niagararegion.ca or Pat Busnello, Manager of Development Planning, at Pat.Busnello@niagararegion.ca.

Please send notice of Council's decision on this application.

Respectfully,



Carling MacDonald
Development Planner, Niagara Region

cc: Diana Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng., Manager, Development Engineering, Niagara Region
Quintin Michlik, Private Sewage System Inspector, Niagara Region

THE PRESERVATION OF AGRICULTURAL LANDS SOCIETY

Regarding: Proposed Zoning By-Law Amendment 434 Hunter Road

-Gracia Janes July 11, 2023

The Preservation of Agricultural Lands Society is opposed to the Cornerstone Community Church proposed By-law amendment for an addition to an existing legal use, and for an amendment to its site plan agreement. at 424 Hunter Road to “*expand an existing legal use*” .

We note specifically that :

the lands are specialty crop lands , which under Regional and Provincial policies are given the highest priority to be protected for long term agriculture .

the lands are also within the Greenbelt.

the site is almost completely surrounded by specialty crop lands.

the proposed expansion building area is only 98 square metres short of doubling the size of the Church, is almost double the lot coverage, and will pave over 34% of the lot .

the expanded uses, are not Agricultural ones and so won't help satisfy the Provincial Policy vision that “*farming will be productive, diverse and sustainable.*”

the applicant has framed the expansion onto specialty crop lands as one where the Church becomes a part of the support system for the rural agricultural community . And Policy 2.3.1 of the PPS states that “in some agricultural areas permitted uses and activities are agricultural uses , agriculturally related uses and non farm diversified uses. However, Policy 2.3.6 of the PPS clearly states that non-agricultural uses are prohibited if the land comprises a “*specialty crop area.*”

The substantive building and parking expansions for the Church in this proposal, appear to be for its planned expanded membership uses , and only in a minor way for the farm workers .1.

To conclude, specialty crop lands are extremely limited in Canada , making up approximately.004% of Canada's farmlands . And Niagara , which provides the bulk of the tender fruit and grapes in Ontario, has lost slightly under 2/3rds of its original fruit lands to development i.e. of the original 70,000 acres of fruit lands there are only 15,000 acres of grape land, with 13,760 acres in production and 10,000 acres of tender fruit land with 5,690 acres in production .

Despite this, our Niagara tender fruit and grape industry is a significant farm player creating jobs and bolstering the Niagara and Ontario economy . However, there are growing negative impacts for the industry and individual farmers . For example the

rising costs of farm equipment , climate changes and crop failures, and rural estate values that have driven the cost of land purchase, or even rentals, up.

With this in mind we feel there is absolutely no room for an expansion of non farm uses such as this, and other proposed Church expansions in Niagara on specialty crop lands , and we have just a few days ago appealed a decision by Niagara Regional Council for a similar Church expansion in St. Catharines to the Ontario land Tribunal.

Reference:

1. *“The amendments are required to support the amalgamated and anticipated growth of the church community and agricultural support services for migrant agricultural workers , and the space in the current facility is not equipped and sufficient for accessibility barrier free spaces as well as provide for additional spaces to accommodate the growth of Church members.”*