



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-25-057      **COMMITTEE DATE:** 2025-05-06  
**REPORT TO:** COTW-Planning      **DUE IN COUNCIL:** 2025-05-27  
**SUBJECT:** 747 and 795 East and West Line  
Zoning By-law Amendment Application (ZBA-19-2024)

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-19-2024) for lands municipally known as 747 and 795 East and West Line, **BE APPROVED** and that the draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

### 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding an application for a Zoning By-law Amendment (the “Application”) for 747 and 795 East and West Line.
- The Application proposes to rezone the subject lands by expanding the “Rural (A) Site-Specific Zone” which currently applies to 795 East and West Line to include 747 East and West Line. The Application also proposes to remove an existing site-specific provision which requires a buffer to be maintained as landscaped open space at the rear yard lot line, in addition to reducing the required width of a landscape buffer in the front yard and proposing site-specific parking requirements.
- Staff recommend approval of the Application, as detailed in this report, as the proposal conforms with *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with Provincial and Town planning policies.

### 3. PURPOSE

This report provides a recommendation to Committee and Council respecting an Application under the *Planning Act* seeking approval of a Zoning By-law Amendment for the subject lands known municipally as 747 and 795 East and West Line.

The Application proposes to rezone the subject lands by expanding the “Rural (A) Site-Specific Zone” which currently applies to 795 East and West Line to include 747 East and West Line. The Application also proposes to remove an existing site-specific provision which requires a 30-metre buffer to be maintained as landscaped open space measured from the rear yard lot line, in addition to reducing the required width for an existing site-specific landscaped open space buffer and setting site-specific parking requirements.

The portion of the subject lands municipally known as 795 East and West Line were previously subject to a Zoning By-law Amendment in 2015 and are currently zoned “Rural (A) Site Specific Zone” pursuant to By-law 500WW-15. The site-specific zoning facilitated an expansion of the existing facility and sets out minimum lot and setback requirements, in addition to landscaped open space requirements. The lands are also subject to a site plan agreement.

The Application would facilitate a further expansion of the existing produce storage facility and associated loading area operated by the Vineland Growers Co-operative Limited (the “Vineland Growers”). A Site Plan Amendment and the merger of the properties in title are both required prior to any development proceeding on the subject lands. **Appendix I** illustrates the proposal.

#### **4. BACKGROUND**

##### **4.1 Site Description and Surrounding Lands**

The subject lands are located on the west side of Concession 4 Road, south of East and West Line, and north of Niagara Stone Road in the Town’s agricultural area. The subject lands are comprised of two separate parcels and have a combined area of approximately 3.02 hectares, with a total of 36.4 metres of frontage on Concession 4 Road. The location of the subject lands is shown on **Map 1** of **Appendix II** to this report.

The subject lands contain a farm produce storage building operated by the Vineland Growers with associated loading bays and parking area at 795 East and West Line, in addition to a single-detached dwelling located at 747 East and West Line, which is proposed to be demolished.

Vineland Growers is the longest continually run co-operative in Ontario. It has operated as a farm produce storage facility and crop input dealer at 795 East and West Line for several years and is considered an agricultural-related use. In 2015, a site-specific Zoning By-law Amendment was approved by Town Council which facilitated an expansion of the existing farm produce storage use.

The Application was deemed complete by Town Staff on January 22, 2025.

#### **5. DISCUSSION / ANALYSIS**

##### **5.1 Policy and Legislative Framework**

The Application has been evaluated for consistency and conformity with the relevant Provincial and Town planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix III** to this report.

###### 5.1.1 *Planning Act*, R.S.O 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard for in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws. By-laws passed by Council shall conform to official plans that are in effect. The Application supports matters of provincial interest, is consistent with policy statements and conforms with provincial plans and Official Plans, as demonstrated in the analysis provided in the following sections of this report.

#### 5.1.2 Provincial & Local Planning Documents

The subject lands are identified as “Specialty Crop Area” under the Provincial Planning Statement, 2024 (“PPS”), and as “Specialty Crop Area” but more specifically the “Niagara Peninsula Tender Fruit and Grape Area” within the “Protected Countryside” according to the Greenbelt Plan, 2017 (“Greenbelt Plan”). The subject lands are designated “Specialty Crop Area” in the Niagara Official Plan (2022, the “NOP”), and “Agricultural” in the Town’s Official Plan, 2017 consolidation, as amended (“Town OP”).

As of March 31, 2025, pursuant to Bill 23 the *More Homes Built Faster Act, 2022*, the *Planning Act* was amended to recognize the Regional Municipality of Niagara as an upper-tier municipality without planning responsibilities. Accordingly, the Niagara Official Plan (“NOP”) has been downloaded to the Town of Niagara-on-the-Lake and other local area municipalities across the Region to implement the policy direction contained therein.

Provincial and local policy direction states that Specialty Crop Areas are to be preserved and protected over the long term for farming and agricultural operations. The policies in place provide direction to ensure that agricultural areas and operations are protected from the intrusion of new incompatible land uses.

The PPS directs that planning authorities are required to use an agricultural system approach to maintain and enhance a geographically continuous agricultural land base. The permitted uses in specialty crop areas are agricultural uses, agricultural-related uses, and on-farm diversified uses.

Under the Greenbelt Plan, a full range of agricultural, agricultural-related and on-farm diversified uses are permitted in the Specialty Crop Area subject to Provincial Guidelines. The goals and objectives of the Greenbelt Plan include the protection of the specialty crop area land base while allowing agriculture-supportive infrastructure and value added uses necessary for sustainable agricultural uses and activities. In addition, the objectives include increasing certainty for the agricultural sector to foster long-term investment in the agri-food network and improvement to and management of the agricultural land base. The NOP mirrors the policies of the Greenbelt Plan with respect to uses permitted in the Specialty Crop Area as well as associated goals and objectives.

The Ministry of Agriculture, Food and Rural Affairs released Publication 851 in 2016, entitled “Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas” (“OMAFRA Guidelines”). The OMAFRA Guidelines set out criteria that must be met to qualify as an “agricultural-related” use in prime agricultural areas. The analysis of these criteria in relation to the existing farm produce storage use that is proposed to expand is set out below:

Criteria	Analysis
Farm-related commercial and farm-related industrial use	The farm produce storage operations currently on the subject lands are a commercial use that are directly related to agricultural operations in the local area. Vineland Growers stores and distributes produce grown in the local area and is a farm-related commercial use.
Shall be compatible with, and shall not hinder, surrounding agricultural operations	The Planning Justification Report submitted with the Application indicates that the existing farm produce storage and crop input supplier operations have been ongoing for over 50 years. Town Staff are not aware of any negative impacts or hinderances to surrounding agricultural operations. An easement has been granted to the property owners to the south to allow farm equipment to turnaround on the Vineland Growers property and establish that those agricultural operations are not negatively impacted. The existing use and proposed expansion are compatible with and are not anticipated to hinder surrounding agricultural operations.
Directly related to farm operations in the area	The existing use of the subject lands is to store and distribute produce grown in the area by local farmers and provides a location for farmers to purchase crop input supplies. The existing use and its associated expansion are directly related to farm operations in the area.
Supports agriculture	The produce storage use on the subject lands proposed for expansion supports agriculture by providing additional space for local farmers to store their produce prior to distribution. This supports the local economy and farm operations by improving the supply chain through connecting farmers to the market to sell produce.
Provides direct products and/or services to farm operations as a primary activity	The primary activity of the proposed expansion is to store and distribute produce from local farms. Vineland Growers provides direct service to farm operations as a primary activity.
Benefits from being in close proximity to farm operations	The existing use on the subject lands and its proposed expansion benefit from being near farm operations given that there is a short window from when produce is picked and when it needs to be brought market. Further, being in proximity to farms minimizes the cost of transporting farm produce to the storage and distribution facility and provides a convenient location for farmers.

Based on the planning analysis above, the proposed expansion of the existing farm produce storage and facility meets all the criteria to be considered an agricultural-related use and further is consistent with the criteria for the OMAFRA Guidelines. As such, the proposed expansion of an existing agricultural-related use is permitted under the Greenbelt Plan and NOP. Further, the proposal complies with the existing use policies under Section 4.5 of the

Greenbelt Plan given that the expansion will not require new municipal services, and the use does not expand into key natural heritage features or key hydrologic features or their associated vegetation protection zones.

The proposal meets the goals and objectives of the PPS, Greenbelt Plan and NOP for lands in the Protected Countryside given that the specialty crop area land base is being protected. In addition, the farm produce storage expansion is an agricultural-related use which benefits agri-food network and improves the management and function of the agricultural land base through providing storage, crop input supplies, and distribution for locally grown produce. The proposed expansion will not take any land out of agricultural production and will not fragment the agricultural land base.

Section 4.1.7.7 of the NOP sets out criteria that shall be considered when reviewing applications for proposed agriculture-related uses, which are analyzed below:

<b>Criteria</b>	<b>Analysis</b>
Whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands	The proposed activity is an expansion of an existing agriculture-related use which is appropriately located in the agricultural area as it benefits nearby farm operations, providing convenient access to farmers to utilize the expanded storage and distribution services.
Whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity	The use benefits from being in close proximity to agricultural uses located in the specialty crop area in the Town and supports farmers by providing a convenient location to store their produce and getting it to market in an efficient manner. The proposed expansion also supports agriculture by providing crop input supplies to farmers.
The extent to which the use is compatible with the existing farming operation and surrounding farming operations	As noted, the existing agriculture-related use on the subject lands has been in operation for over 50 years and has not negatively impacted surrounding farming operations.
Whether the scale of the activity is appropriate to the site and farming operation	The Owner has purchased the lands abutting the property to the west at 747 East and West Line to facilitate the expansion. The applicant is proposing to maintain most of the existing site-specific zoning provisions. Town Staff are of the opinion that the scale of the operation is appropriate to service farms in the local area, given that the land base in the Town is largely used for farming.
Whether the use is consistent with and maintains the character of the agricultural area	The expansion of the existing agriculture-related use will maintain the character of the agricultural area as it will continue to store and distribute produce from local farm operations, which benefits the agricultural community.
The use does not generate potentially conflicting off-site impacts	No potentially conflicting off-site impacts on agricultural operations are anticipated. Comments were received by a nearby resident raising concerns related to noise during

<b>Criteria</b>	<b>Analysis</b>
	nighttime hours related to transport trucks and internal operations of the facility, which has been addressed in Section 5.3.3.
The activity does not include a new residential use	The activity does not include a new residential use. The existing residential use would be removed from the lands at 747 East and West Line to allow for the expansion of the agriculture-related use.
The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems	Based on the engineering materials submitted with the Application, the existing private sanitary system on the subject lands will require replacement, and the existing municipal watermain connection on East and West Line will continue to be utilized.
The use does not require significant improvements to infrastructure	No improvements to municipal infrastructure are required to support the proposed expansion.
The use complies with all other applicable provisions of this Plan	The use complies with all other applicable provisions of the NOP in the opinion of Town Staff.

The Town OP provides goals and objectives for designated agricultural lands, including the preservation of prime agricultural lands and consideration of the impact on surrounding agriculture. The policy direction in the Town OP for agricultural lands is to help ensure the preservation of prime agricultural lands for farming with a particular emphasis on the preservation of specialty crop lands. The Town OP sets out policies to ensure that agricultural areas are protected from harassment and conflict from non-farm residents and non-farm related uses through measures such as preventing the development of non-farm uses in the Agricultural designation.

Under the Town OP, the proposed expansion of the produce storage and distribution facility would be considered a secondary use permitted within the agricultural designation, given that it is a commercial activity which is directly related to and serves agricultural operations. Section 7.4.3 (a) of the Town OP sets out secondary use policies which apply for the Agricultural designation, which are summarized below:

- The location of the facility or use imposes no operating constraints or results in no reduction of the efficiency of any existing farms.
- An adequate and potable water supply shall be available.
- Adequate drainage and outlets shall be available for storm water run-off.
- Adequate entrances and exits to roads shall be so located as to minimize travel hazards.
- Adequate off-street loading, parking spaces and access points shall be provided for all commercial and industrial development.

Town Staff are of the position that the proposal meets the secondary use policies of the Town

OP given that there are no anticipated operating constraints to existing farms, municipal water services are already provided to the subject lands and no improvements are needed, a new stormwater pond is proposed to control stormwater runoff, and adequate entrances and exits to roads are proposed on East and West Line and Concession 4 Road. Adequate off-street loading areas, parking spaces and access points will be provided, as discussed further in Section 5.2.

Based on the above analysis, the proposal is consistent with the PPS and conforms with the policies of the Greenbelt Plan, NOP and Town OP.

#### 5.1.2.1 Archaeology

Provincial, Regional and Town policies provide direction for the conservation of significant cultural heritage and archaeological resources. Development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

A Stage 1 and 2 Archaeological Assessment was submitted to assess the portions of the subject lands proposed for development or ground disturbance with respect to lands known as 747 East and West Line. The Licensed Archaeologist who completed the assessment concluded that no further archaeological work is recommended for the property as the investigation resulted in the identification and documentation of no archaeological resources. The licensed archaeologist that completed the Assessment submitted the reports to the Ministry on July 10, 2024. A clearance letter from the Ministry of Citizenship and Multiculturalism is required to be submitted as part of the forthcoming Site Plan Approval process, prior to any ground disturbance or development proceeding on the subject lands.

In 2016, a Stage 1 and 2 Archaeological Assessment was completed and submitted for 795 East and West Line with the former Zoning By-law Amendment Application which facilitated the previous expansion of the building. Ministry clearance letter received. Town Staff note that the assessment undertaken in 2016 was scoped to study the western portion of the property.

Given the above, Town Staff are of the opinion that additional archaeological assessment work is not warranted on the subject lands for the following reasons:

- The ground in this area, which is abutting the north western side of the existing building, has already been disturbed due to the construction of the gravel parking area, in addition to a concrete slab of approximately 5.5 meters in width along the western side of the existing building.
- The Stage 1 and 2 Archeological Assessment submitted with the current application in addition to the assessment completed in 2016 resulted in the identification and documentation of no archaeological resources, which is directly beside the area referenced above.
- Archaeological warning clauses will be implemented at the Site Plan Approval stage regarding the potential for the discovery of deeply buried archaeological resources.

Town Staff are of the opinion that based on the above, that the applicable policies are met.

#### 5.1.3 Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council intent. The subject lands are identified as “Specialty Crop Lands” on Schedule B1 in the proposed Official Plan. A Zoning By-law Amendment would be required under the proposed Official Plan.

### 5.2 Niagara-on-the-Lake Zoning By-law 500A-74, as amended

The portion of the subject lands municipally known as 795 East and West Line is currently zoned “Rural (A) Site Specific Zone” pursuant to amending By-law 500WW-15, which sets out site specific minimum lot and setback requirements, in addition to landscaped open space requirements, for the Vineland Growers agricultural storage operation. The remaining portion of the subject lands, known as 747 East and West Line is currently zoned “Suburban Residential (RS) Zone” and “Rural (A) Zone”.

A Zoning By-law Amendment has been submitted to rezone the subject lands by expanding the “Rural (A) Site-Specific Zone” which currently applies to 795 East and West Line to include 747 East and West Line and proposes to remove an existing site-specific provision, in addition to amending an existing site-specific provision, as follows:

<b>Zone Requirement</b>	<b>Existing Site-Specific Rural (A) Zone</b>	<b>Proposed Site-Specific Rural (A) Zone</b>
Landscaped Open Space	The rear yard, shown as Part 1 on Map “B” attached to and forming part of this by-law, shall be maintained as landscaped open space for a distance of 30 m (98.4 ft) from the rear yard lot line.	Provision proposed to be removed.
Landscaped Open Space	The southeast corner of the property, shown as Part 2 on Map “B” attached to and forming part of this by-law, shall be maintained as landscaped open space for a distance of 50 m from the interior lot line.	The southeast corner of the property, shown as Part 1 on Map “B” attached to and forming part of this by-law, shall be maintained as landscaped open space for a distance of 29 metres from the interior lot line.

As there is no specific parking rate set out for a farm produce storage building in Zoning By-law 500A-74, as amended, site-specific parking requirements for the proposed building addition are requested as follows:

<b>Provision</b>	<b>Zone Requirement</b>	<b>Proposed Site-Specific Rural (A) Zone</b>
Parking Requirements	<b>Building Supply or Lumber Yard</b> Rate: 1 space per 90 m <sup>2</sup> of wholesale/warehouse space	A minimum of 14 spaces shall be provided for the building addition, for a



	<p><i>Building addition would require 32 additional spaces</i></p> <p><b>Wholesale Establishment</b> Rate: 1 space per 150 m<sup>2</sup> <i>Building addition would require 19 parking spaces</i></p> <p><b>Commercial Greenhouse</b> Rate: 1 space per 1,000 m<sup>2</sup> wholesale growing area <i>Building addition would require 3 parking spaces</i></p>	<p>minimum requirement of 27 parking spaces total when combined with the existing parking spaces on site.</p> <p>This equates to 1 space per 201 m<sup>2</sup> of building area for the proposed building addition</p>
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Town Staff are of the opinion that the removal of the provision for the 30-metre landscaped open space buffer at the rear of the property is acceptable given that the existing residential dwelling located at 747 East and West Line is proposed to be demolished to facilitate the expansion of the produce storage facility. Accordingly, the abutting land use to the west of the subject lands is used for active agricultural operations, and as such the 30-metre landscaped open space buffer is not necessary as compatibility issues are not anticipated.

Staff are supportive of the reduction of the landscaped open space buffer located at the south east corner of the property from 50 metres to 29 metres. The reduction in landscaped open space continues to allow sufficient space for the existing septic system, in addition to allowing parking spaces at the rear of the building which are visually screened from the street. Sufficient ingress and egress will be provided to access these parking spaces at the rear of the building through a gravel laneway behind the proposed building expansion. This area is currently used as a parking area and there are no known compatibility concerns or complaints with the dwelling located at 1786 Concession 4 Road.

Staff are of the opinion that the site-specific parking requirements proposed are appropriate. The PJR submitted with the Application states that the number of employees to be on-site at peak times will range from 16 to 18, considering the gross floor area associated with the existing and proposed building expansion. Given that twenty-seven (27) parking spaces are proposed, this leaves 18 parking spaces for the Vineland Growers employees, in addition to nine (9) parking spaces for visitors to the facility. There are also several spaces to park empty trailers throughout the property, which are not required by the Town's Zoning By-law.

It is Staff's opinion that the site-specific provisions and the expansion of the farm produce storage facility are appropriate for the subject lands. Town Staff recommend approval of the Zoning By-law Amendment Application, as detailed in this report and set out in **Appendix IV**.

### **5.3 Consultation**

The Application was circulated to Town departments and external Agencies. Notice of the Application was provided as required by the *Planning Act*. Comments received from external agencies are attached as **Appendix V** to this report, with overall comments summarized below.

#### 5.3.1 Town Comments

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objections. Comments provided for the future Site Plan Approval stage related to fire access routes, building matrix, hydrant locations, and principal firefighting entrance.

Heritage – No objections. The Town is in receipt of the Stage 1 and 2 Archaeological Assessment which clears the subject lands from having archaeological potential. Heritage Staff require that the Ministry clearance letter is submitted as part of the future Site Plan Approval application.

Operations – No objection. A detailed comprehensive review of the water and stormwater management plan will be reviewed at the Site Plan Approval stage. A road widening is required in addition to the conveyance of a 4.5 metre by 4.5 metre daylighting area at the Concession 4 and East and West Line intersection at the future Site Plan Approval stage.

#### 5.3.2 Agency Comments

Enbridge – No objection.

Niagara Region – Niagara Region no longer has planning authority under the *Planning Act*, and as such the comments provided are for informational purposes only and Niagara Region defers to Town Staff regarding planning requirements. Regional Staff are of the opinion that the proposed Zoning By-law Amendment is generally consistent with the Provincial Planning Statement and is in conformity to Provincial and Regional policies, provided that the two parcels are merged in title prior to rezoning and that the applicant applies for a sewage system permit to accommodate the proposed expansion. Regional Staff recommend a Stage 1-2 Archaeological Assessment for the lands at 795 East and West Line. Town Staff note that a legal undertaking has been signed and provided by the landowner to confirm that the lands will merge in title following the approval of the Zoning By-law Amendment, and that archaeological considerations are addressed in Section 5.1.2.1 of this report.

Canada Post – No objection.

#### 5.3.3 Public Comments

An electronic Open House was held on February 18, 2025, which was attended by one (1) member of the public. The statutory Public Meeting was held on March 4, 2025, which was attended by one (1) member of the public. In addition to the verbal comments received during

the Public Meeting and Open House, Staff has received approximately four (4) letters or items of correspondence with one (1) letter in support, and three (3) letters or items of correspondence in opposition. Comments raised at the Public Meeting and in written correspondence generally had the same themes, which are summarized below:

Public Comment	Response
<p>Vineland Growers Co-Op and Pillitteri Estates Winery are neighbours in good standing with each other. We appreciate the needs Vineland Growers have to utilize vacant areas for parking and storage as they are an agricultural operation critical to the benefit of the farming community. We see no problem with the application so long as the 25 ft easement is respected and that dust/debris/refuse/water etc does not interfere or become a detriment with the operation and survival of our Vineyard. Pillitteri Estates Winery is happy to support the application of Vineland Growers Co-op.</p>	<p>Comments noted.</p>
<p>Concerns related to noise generated from truck traffic (airbrakes screeching) throughout the day and night, delivering or picking up loads. This has resulted in many nights of interrupted sleep.</p> <p>Transport trucks and other commercial vehicles should be prohibited from entering and exiting the facility between 11:00 pm and 7:00 am in accordance with municipal noise regulations with strict penalties and fines for non-compliance.</p>	<p>The Town has a Noise By-law (By-law No. 4558-12) in effect to prohibit and regulate noise. Section 3 (f) of Schedule B sets out that the operation of an engine or motor in, or on, any Motor Vehicle or item of attached auxiliary equipment for a continued period exceeding five (5) minutes, while such Motor Vehicle is stationary is prohibited, unless the use of heating or refrigeration systems powered by the motor or engine are required for the safety and welfare of the operator, passengers, animals or the preservation of perishable cargo. Based on correspondence with the applicant, trucks entering and exiting the Vineland Growers facility are carrying perishable cargo (produce), and that refrigerated trailers are used to transport the produce being stored. Accordingly, the trucks accessing the site to pick up a loaded refrigerated trailer are exempt from the Town Noise By-law. While the Noise By-law does not apply, Staff have provided this feedback to the applicant for consideration in their daily operations.</p>

Public Comment	Response
<p>Concerns related to pallet mover equipment operating in the middle of the night, which is outside of the hours allowable by the municipality, contributing to interrupted sleep.</p>	<p>Pursuant to Schedule C of the Town's Noise By-law referenced above, noise from loading, unloading, delivering, packing, unpacking or otherwise handling of any containers, products or materials, are prohibited from 11:00 pm to 7:00 am the next day, and between 11:00 pm and 9:00 am the next day on Sundays and statutory holidays. As such, the noise generated from the internal operations of the Vineland Growers facility are regulated by the Town's Noise By-law.</p> <p>The Town's By-law Enforcement has not received any formal complaints for 795 East and West Line concerning noise or truck idling.</p>
<p>There is an unbearable amount of dust during the summer months, with little to no effort to mitigate this ongoing issue using anti-dust products. Only upon repeated requests are anti-dust products put down, which provides short term relief.</p>	<p>The Town does not currently have a By-law in force to regulate dust. Town Staff will review whether there are any potential solutions that can be implemented at the Site Plan Approval stage.</p>
<p>Aggressive and/or inexperienced drivers of fully loaded 18-wheelers made wide turns and damage property at our family farm.</p>	<p>The driveway is proposed to be relocated to the west with a wider entrance than currently exists which will assist in accommodating 18-wheelers. Residents may report a complaint by filing a Service Request.</p>
<p>Concerns related to light pollution from the headlights of 18-wheeler trucks pointing directly into bedroom windows when entering and exiting the Vineland Growers property.</p>	<p>The applicant has proposed to close the existing entrance to the property and relocate the entrance and driveway on East and West Line further west, generally in front of lands municipally known as 750 East and West Line. This property contains several mature deciduous tree plantings in front of the existing single-detached dwelling which are anticipated to assist in mitigating the impacts of truck headlights to the extent possible. This will also be considered through the site plan process.</p>
<p>The transport truck entrance should be relocated from East and West Line to Concession 4 Road as this would reduce disruptions to residential areas.</p>	<p>The entrance on East and West Line is proposed to be closed and relocated further west, as identified above.</p>

## **6. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

### **Pillar**

1. Vibrant & Complete Community

### **Priority**

1.1 Planning for Progress

### **Action**

1.1 b) Planning for Progress Initiatives

## **7. OPTIONS**

The Committee may approve, refuse, or modify the proposed Zoning By-law Amendment.

## **8. FINANCIAL IMPLICATIONS**

The applicant is responsible for all costs associated with the development. The Town will collect Development Charges at the time of issuance of building permits. The Town will also hold securities as part of a future Site Plan Agreement.

## **9. ENVIRONMENTAL IMPLICATIONS**

There are no anticipated environmental implications or impacts given that there are no natural environment features on the subject lands.

## **10. COMMUNICATIONS**

Once Council has made decisions on the Application, notice of the decision will be given as required under the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final. Changes to provincial legislation have been made through Bill 185 and third-party appeals are restricted.

## **11. CONCLUSION**

Community and Development Services Staff recommend approval of the Zoning By-law Amendment Application (ZBA-19-2024), as detailed in this report, as the Application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with the Greenbelt Plan, Niagara Official Plan and Town Official Plan.

## **12. PREVIOUS REPORTS**

- CDS-25-031 – Public Meeting – 747 and 795 East and West Line (Vineland Growers) Zoning By-law Amendment Application (ZBA-19-2024) Information Report

### 13. APPENDICES

- **Appendix I** – Site Plan Drawing
- **Appendix II** – Maps
- **Appendix III** – Planning Legislation and Policies
- **Appendix IV** – Draft Zoning By-law Amendment
- **Appendix V** – Agency Comments
- **Appendix VI** – Public Comments

Respectfully submitted:

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**Recommended by:**



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