

John Federici, MCIP, RPP

From: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>
Sent: January 27, 2025 12:10 PM
To: John Federici, MCIP, RPP
Subject: RE: New Application: ZBA-19-2024 - 747 and 795 East and West Line

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.

Good Afternoon,

CPC has no comments regarding this application.

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.

John Federici, MCIP, RPP

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: January 27, 2025 8:50 AM
To: John Federici, MCIP, RPP
Subject: RE: New Application: ZBA-19-2024 - 747 and 795 East and West Line

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

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

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

Regards,

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

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

John Federici, MCIP, RPP

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: March 13, 2025 1:47 PM
To: John Federici, MCIP, RPP
Subject: RE: Resubmission: ZBA-19-2024 - 747 and 795 East and West Line

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

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

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

Regards,

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

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

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 Only

April 1, 2025

Region File Number: PLZBA202500264

John Federici, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road, P.O. Box 100
Virgil, ON L0S 1T0

Dear Mr. Federici:

Re: Regional and Provincial Comments
Application Type: Zoning By-Law Amendment
Town File Number: ZBA-19-2024
Owner/Applicant: Vineland Growers Cooperative
Agent: NPG Planning Solutions Inc. (c/o Aaron Butler)
Location: 747 and 795 East and West Line, Niagara-on-the-Lake

Regional Public Works Growth Management and Planning Division staff have reviewed the Zoning By-law Amendment application for the lands located currently known as 747 and 795 East and West Line in the Town of Niagara-on-the-Lake ("subject lands"). Staff is of the understanding that these two properties will be merged in title prior to rezoning.

The applicant is proposing to extend the site-specific zoning of 796 East and West Line (By-law 500WS-15) onto the adjacent property (747 East and West Line), and to delete provision 3(i) of the site-specific by-law, to facilitate a 2,818 m² expansion to an existing farm produce storage building. The Owners have acquired the abutting lands (747 East and West Line) and will utilize the property for the building addition, related parking and new stormwater management pond. The existing dwelling on 747 East and West Line will be demolished.

Please be advised that, pursuant to the *Planning Act*, as of March 31, 2025, Niagara Region is an upper-tier municipality without planning responsibilities. Niagara Region will continue providing planning support to the Town of Niagara-on-the-Lake for certain matters. As such, the following Provincial and Regional policy and archaeological potential comments are provided from a for information purposes only to assist Town staff in their review of the applications. Under the

Memorandum of Understanding for Engineering Review between the Town and the Region, the comments related to private servicing and waste collection are considered Regional requirements. These issues should be addressed as part of the current application.

Provincial and Regional Policies

The subject lands are located within the Prime Agricultural Area under the *Provincial Planning Statement, 2024* (PPS), and more specifically within a Specialty Crop Area. The property is designated Protected Countryside – Niagara Peninsula Tender Fruit and Grape Area under the *Greenbelt Plan, 2017* (Greenbelt Plan) and Specialty Crop Area under the *Niagara Official Plan, 2022* (NOP).

Provincial and Regional policies specify that Prime Agricultural Areas, including Specialty Crop Areas, are to be protected for long-term agricultural use, recognizing that agricultural land is a valuable asset that must be managed and protected. Permitted uses in these designations include a full range of agricultural, agriculture-related, and on-farm diversified uses, which are to be considered based on the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (OMAFRA Guidelines).

NOP Policy 4.1.7.8 provides the following criteria to be considered when reviewing applications for agriculture-related uses:

- a. whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;
- b. whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c. the extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d. whether the scale of the activity is appropriate to the site and farming operation;
- e. whether the use is consistent with and maintains the character of the agricultural area;
- f. the use does not generate potentially conflicting off-site impacts;
- g. the activity does not include a new residential use;
- h. 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;
- i. the use does not require significant improvements to infrastructure; and
- j. the use complies with all other applicable provisions of this Plan.

In addition, the Greenbelt Plan and NOP state that all existing uses lawfully used for such purpose prior to December 16, 2004 (date that the Greenbelt Plan came into effect) are permitted in specialty crop areas. Policy 4.5(1) of the Greenbelt Plan states that expansion to existing buildings and structures, accessory structures and uses and/or conversions of legally existing uses which bring the use more into conformity with the Greenbelt Plan are permitted, provided new municipal services are not required

and the use does not expand into key natural heritage features or key hydrological features or their associated vegetation protection zones, unless there is no alternative, in which case any expansion shall be limited in scope and keep within close geographical proximity to the existing structure.

Regional staff have reviewed the *Planning Justification Report* prepared by NPG Planning Solutions (dated December 23, 2024). The PJR states that 795 East and West Line currently has site-specific zoning that permits the existing agriculture-related use (farm produce storage building), and that the proposal involves the expansion of an existing use onto the abutting parcel (747 East and West Line).

Based on staff's understanding, the two parcels (747 and 795 East and West Line) will be merged in title prior to rezoning, ensuring that the agriculture-related use is contained within one property. There are no key natural heritage features or key hydrologic features on the subject lands, and therefore, the proposed expansion will not result in any fragmentation of these types of features. Based on this, and the assumption that the two parcels will be merged, staff is of the opinion that the proposal conforms to the existing use policies of the Greenbelt Plan and NOP, subject to the private servicing comments below, and satisfaction of the Town.

Archaeological Potential

The subject lands are within the Region's mapped area of archaeological potential, as identified on Schedule 'K' of the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Regional staff have reviewed the *Stage 1-2 Archaeological Assessment* prepared by Detritus Consulting Ltd. (dated July 10, 2024). Based on the Stage 2 test pit surveys, the licensed archaeologist has determined that no further archaeological assessment of the study area (747 East and West Line) is recommended. Staff recommend that additional archaeological assessment works be completed for the lands at 795 East and West Line where the building expansion is proposed, as these were not included in the study area of the submitted Stage 1-2 Archaeological Assessment. The Town also has an interest in archaeological resources under their Official Plan and Archaeological Management Plan. Therefore, Town staff should assess whether additional archaeological studies are required before any site alteration takes place on the subject lands.

All archaeological assessment reports for the subject lands are to be submitted to the Ministry of Citizenship and Multiculturalism for review, and an acknowledgement letter is to be circulated to the Town, prior to any site alteration occurring on the subject lands..

Recognizing that no archaeological survey, regardless of its intensity, can entirely

negate the possibility of deeply buried archaeological materials, staff request that the following archaeological advisory clause be included in the future site 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>)."

Private Servicing

Regional Private Sewage System staff note that the conceptual site plan will result in increased flows based on the increase in water closets and loading bays, which will require a new system for the proposed changes. A new Type 'A' dispersal bed is proposed and could be subject to change depending on the soil conditions; however, this can be addressed if a revised design is proposed at the site plan stage. Additionally, the existing systems currently on both properties will need to be properly decommissioned.

Given that there is limited room on the site for a replacement system, spare area was required to be shown on the conceptual site plan. Currently a replacement area is shown on the conceptual site plan and will need to remain unchanged in future submissions at the site plan stage. It should be made clear to all current and future owners/tenants that the parking may need to be fully removed if this replacement area is needed. This will be required to be addressed as a clause in the future site plan agreement.

Therefore, based on the information submitted, Regional staff offer no objections to the application from a private servicing perspective, provided that the applicant applies for a new Class 4 sewage system permit to accommodate the proposed expansion, and the proposed replacement area is shown and protected for future use as part of the future site plan application

Please note, if sewage flows exceed 10,000 L/day the Ministry of Environment Conservation and Parks would be the regulating authority and their approval would be required for any sewage systems on the property.

Regional Bicycle Network

The subject property has frontage along a road 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.

Waste Collection

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

- Green – 8 green carts (weekly)
- Waste – 8 bag/can limit (bi-weekly)
- Curbside collection only
- Collection to remain as existing

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

Conclusion

Regional Public Works Growth Management and Planning Division 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 for expansions to existing uses in Specialty Crop Areas, provided the two parcels (747 and 795 East and West Line) are merged in title prior to rezoning and that the applicant applies for a sewage system permit to accommodate the proposed expansion.

Additionally, staff recommend the completion of a Stage 1-2 Archaeological Assessment for the lands at 795 East and West Line, as the study area used in the submitted archaeological assessment report is limited to the lands at 747 East and West Line.

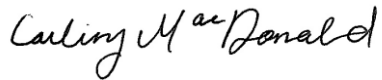
As previously noted, as of March 31st the Niagara Region no longer has planning authority under the *Planning Act*. As such, the planning comments (pertaining to Provincial and Regional policies and archaeological resources) and recommendations contained in this letter are provided for information purposes only. Niagara Region defers to the Town staff with respect to any outstanding planning requirements, if applicable.

Under the Memorandum of Understanding for Engineering Review between the Town and the Region, the comments related to private servicing and waste collection are considered Regional requirements. These issues should be addressed as part of the current application.

April 1, 2025

Please send copies of the staff report and notice of the Town's decision on these applications. If you have any questions related to the above comments, please contact me at carling.macdonald@niagararegion.ca.

Kind regards,

A handwritten signature in black ink that reads "Carling MacDonald". The signature is written in a cursive, flowing style.

Carling MacDonald
Development Planner, Niagara Region

cc: Amy Shanks, MCIP, RPP, Senior Development Planner, Niagara Region
Quintin Michlik, Private Sewage System Inspector, Niagara Region
Philippe Biba, Development Approvals Technician, Niagara Region