

Planning Justification Report

Part of Lot 39 Concession 5

Wainfleet, ON

November 27, 2020

Upper Canada Consultants

3-30 Hannover Drive

St. Catharines, ON L2W 1A3



**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

Table of Contents

1.0 INTRODUCTION.....	3
2.0 SITE CONTEXT.....	4
3.0 DESCRIPTION OF THE PROPOSAL.....	7
4.0 POLICY ANALYSIS.....	8
4.1 Provincial Legislation and Plans	8
4.1.1 Planning Act (R.S.O. 1990).....	8
4.1.2 Ministry of Environment, Conservation and Parks D-6 Compatibility between Industrial Facilities Guidelines.....	9
4.1.3 Provincial Policy Statement (2020).....	15
4.1.4 Growth Plan for the Greater Golden Horseshoe (2019)	18
4.2 NPCA Policy Document (2018)	21
4.3 Region of Niagara Official Plan (2015 Consolidation)	22
4.3 Municipal Legislation and Plans	24
4.3.1 Township of Wainfleet Official Plan (2016).....	24
4.3.2 ZONING BY-LAW (BY-LAW 034-2014).....	31
6.0 PLANNING POSITION.....	34

Appendices

Appendix 1: Record of Pre-consultation

Appendix 2: Concept Plan

1.0 INTRODUCTION

Upper Canada Consultants respectfully submits this Planning Justification Report in relation to application for a **Zoning By-law Amendment** for Part of Lot 39, Concession 5, Township of Wainfleet, within the Regional Municipality of Niagara. The subject property is located on the east side of Wellandport Road, immediately north of the property with the municipal address 54029 Wellandport Road.

The purpose of the application is to permit the construction of a single detached dwelling on private services on the subject property. The application seeks amend the Zoning By-law to change the zoning of the subject property from site specific A2-1 (which doe not include dwellings as a permitted use) to A2 (which permits dwellings as a principal use). The proposed zoning includes a site specific provision for southerly side yard setback to ensure adequate separation between the future dwelling and the light industrial uses to the south and the application of an Environmental Protection Overlay over natural heritage features and their prescribed buffers. A pre-consultation meeting regarding this application was held on May 14, 2020. The Preconsultation Agreement is included as **(Appendix 1)** to this report.

The purpose of this report is to illustrate how the application aligns with applicable Provincial, Regional and Township of Wainfleet land use planning policies and by-laws and how the proposal represents good land use planning.

2.0 SITE CONTEXT

This subject property is located north of 54029 Wellandport Road, in the Township of Wainfleet, within the Regional Municipality of Niagara, and currently has no municipal address. Please see **Figure 1**, below.

The subject lands are legally described as Part of Lot 39, Concession 5, Township of Wainfleet, in the Regional Municipality of Niagara. The lot is 4.25 hectares (10.5 acres) in size, with 110.6m (362.8ft) of frontage along Wellandport Road.



Figure 1 - Aerial View of Subject Lands (Cropped from Niagara Navigator)

The subject lands are located on Wellandport Road north of Highway 3, abutting, but outside of Henderson's Corners, a hamlet under the Region of Niagara Official Plan. Wellandport Road is a Regional Road and Highway 3 is a Provincial controlled access highway. The proximity to Highway 3 provides site good transportation linkages despite being in a rural area.

There are two separate industrial uses within proximity to the subject site, which Town staff have indicated are the reason for the site specific zoning provision that excludes dwellings as permitted uses on this property.

The property is currently being used for agricultural purposes and presently has no buildings. To the rear of the site is a Significant Woodland and Provincially significant Wetland (see **Figure 2**). Additionally, there are two watercourses located on the site that are regulated by the NPCA, but are not assessed to have Provincial Significance (see **Figure 3**). The proposed dwelling and associated private services are located a considerable distance away from these natural features and are not considered to pose any harm to them. The Region of Niagara and NPCA confirmed through the pre-consultation process that they were satisfied the proposed zoning would afford an adequate level of protection and did not require an Environmental Impact Study as a result.

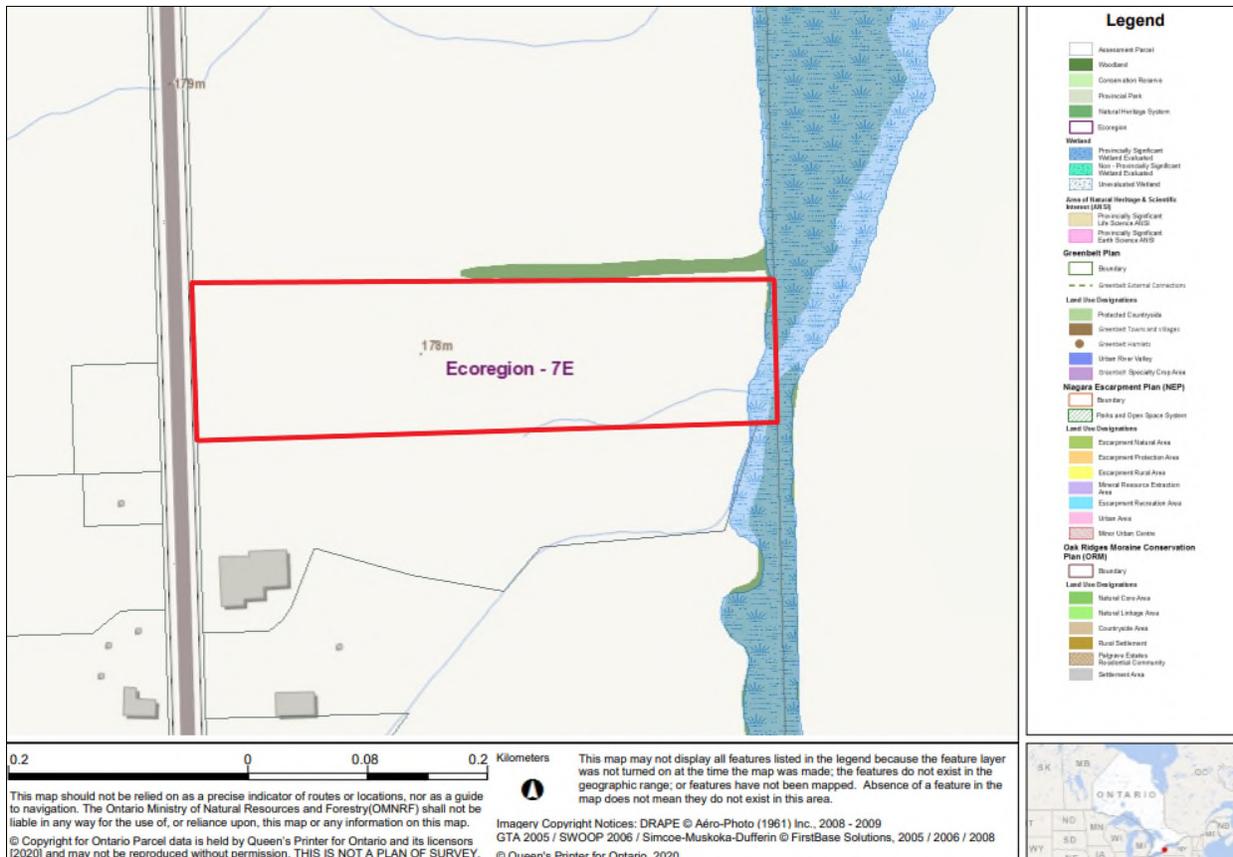


Figure 2 - Provincially Significant Natural Heritage Features

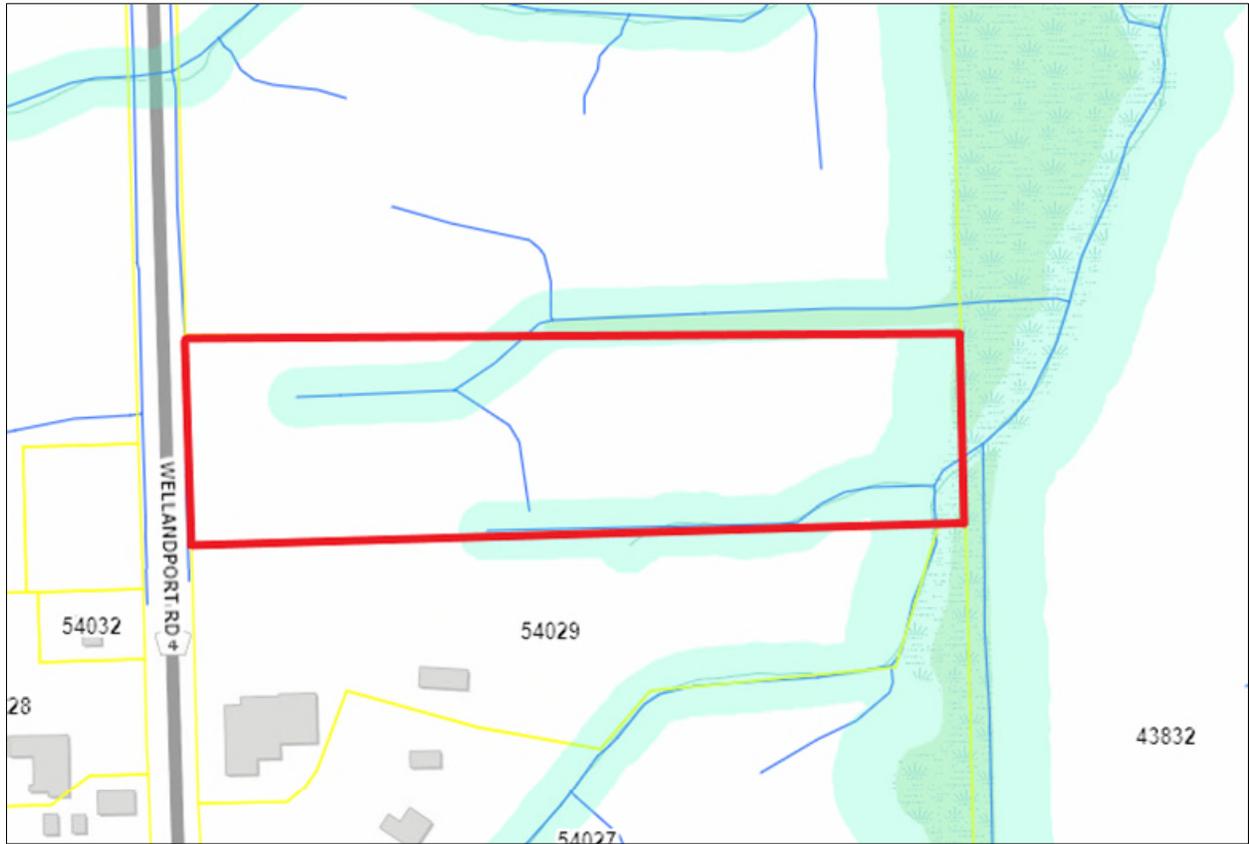


Figure 3 - NPCA Watershed Features

3.0 DESCRIPTION OF THE PROPOSAL

The purpose of the application is to permit the construction of a single detached dwelling on private services, and to ensure the protection of the environmental features on the subject property. Implementation of the proposal requires a Zoning By-law Amendment. The proposed amendment would change the zoning from A2-1 to a different site a specific A2 with site specific regulation for southerly side yard setback. Town Staff indicated that this site specific provision was put on the property due to the adjacent industrial uses. An assessment of conformity with the Ministry of Environment, Conservation and Parks (MECP; formerly the Ministry of Environment and Energy) Guidelines for Land Use Compatibility is required to justify the proposed Zoning By-law Amendment. This requires demonstration of the class of industrial use of the adjacent properties and any mitigation measures that are taken. Further, a 15m area around the NPCA regulated watercourses and the area within 120m of the Provincially Significant Wetland is proposed to be zoned as Environmental Protection Overlay to ensure the protection of these features. The location of the proposed dwelling is greater than 15m from the watercourse on site, is greater than 120m from the Provincially Significant Wetland and greater than 50m from the Significant Woodland. The Region of Niagara Environmental Planning Staff is supportive of the proposed location of the dwelling.

As outlined in **Figure 2** and **(Appendix 2)**, the applicant is proposing to construct a single detached dwelling. The proposed setbacks make the proposal compatible with the existing conditions of the subject site as well as the adjacent sites. The home is proposed to be 15m from the front property line, and has a 20m setback from the side yard abutting existing agricultural use and 70m setback from the side yard abutting existing light industrial use. The dwelling shown exceeds the minimum side yard setback from the northerly side lot line however no site specific regulation for the northerly side yard setback is required or proposed.

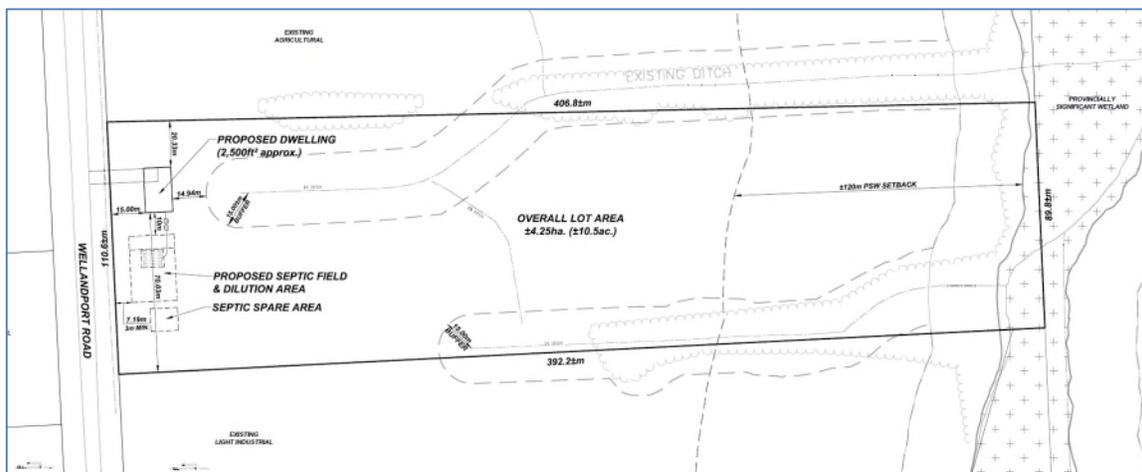


Figure 4 - Concept Plan

4.0 POLICY ANALYSIS

4.1 Provincial Legislation and Plans

All applications to change land use designation within the Township of Wainfleet are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and the 2019 Growth Plan for the Greater Golden Horseshoe. Due to the proximity to industrial uses, this proposal requires the application of the MECP D-6 Guidelines in order to demonstrate the class of adjacent industrial uses and to determine compatibility of the proposed use with the existing facilities. An assessment of how this proposal meets applicable Provincial legislation and policies is provided below.

4.1.1 Planning Act (R.S.O. 1990)

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest concerning land use planning and the necessary procedures to be followed when making applications for development.

Applications for Zoning By-law Amendment are subject to **Section 37** of the Planning Act.

Section 2 of the Planning Act outlines matters of Provincial interest that the Planning Authority must have regard for when considering applications for development. These matters include:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base;
- d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- i) (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- j) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- k) the adequate provision of a full range of housing, including affordable housing;
- l) the adequate provision of employment opportunities;
- m) the protection of the financial and economic well-being of the Province and its municipalities;
- n) the co-ordination of planning activities of public bodies;
- o) the resolution of planning conflicts involving public and private interests;

- p) the protection of public health and safety;
- q) the appropriate location of growth and development;
- r) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- s) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- t) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

The development proposal and associated application aligns with subsection a) the protection of ecological systems, including natural areas, features and functions b) the protection of the agricultural resources of the Province. The proposal will protect the natural heritage features on site and on adjacent lands through the application of restrictive zoning, and will not detract from the potential agricultural use of the subject lands or surrounding area.

4.1.2 Ministry of Environment, Conservation and Parks D-6 Compatibility between Industrial Facilities Guidelines

The Ministry of Environment, Conservation and Parks (MECP) D-6 Guidelines guide land use approval authorities on determining compatibility between land uses. Guideline D-1, Section 2.1, informs the application of D-6 Guidelines. Section 2.1 indicates the Guidelines are applicable when:

- a) a new sensitive land use is proposed within the influence area or potential influence area of an existing facility; and/or
- b) a new facility is proposed where an existing sensitive land use would be within the facility's influence area or potential influence area.

As a new sensitive land use (i.e. residential) is proposed adjacent to existing industrial use, an analysis is warranted.

Procedure D-1-1 Land Use Compatibility: Procedure for Implementation is a guide for land use planning authorities on how to protect people from nuisance impacts through land use planning tools. Section 1.3 Proponents requires the applicant of a proposal for development of sensitive land uses in close proximity to industrial land uses to investigate the presence and severity of impacts and to propose remedial measures to mitigate impacts as necessary. The following section addresses the requirements of Section 1.3.1 of Procedure D-1-1.

Part 1 - Evaluation of Impacts

The following evaluation of impacts is based on an assessment undertaken by the author of this report during November 2020. The assessment included internet research, a site visit and an interview with Township By-law Enforcement Staff.

Nature of Sensitive Land Use Proposed: In this instance, the sensitive land use is residential. In particular, it is a single detached dwelling and associated amenities.

All existing facilities in the study area: There are two facilities in the study area. A Transport company (Kam Trucking) located to the west and a construction trades establishment (CDS Water Services) is located to the south.

Operational Activities:

Transport Company

All activities associated with the transport company have a short duration and occur on an intermittent basis. Transport trucks are inspected, fueled, boarded, driven away from, and parked at the facility. Operators and office staff park personal vehicles and complete administrative duties within the buildings. The only activity that persists for long period of times is the parking of vehicles. There is no shipping or receiving associated with the operation other than the movement of transport vehicles to and from parking spaces. Noise and odour is limited to that associated with vehicle emissions. Limited dust impacts are associated with the movement of vehicles within the gravel parking area during dry periods. There are no vibration impacts associated with this use.

Construction Trades Establishment

All activities associated with the construction trades establishment have a short duration and occur on an intermittent basis. Commercial trades vehicles are loaded, unloaded, parked and driven away from the facility in preparation for construction work undertaken off site. Materials are stockpiled and vehicles are parked and stored in the open on an ongoing basis. Employees undertake preparation work and materials and vehicles are stored within the building located on site. There is no shipping or receiving associated with the operation. Noise and odour is limited to that associated with vehicle emissions that occur when vehicles arrive or leave the facility. Limited dust impacts are associated with the movement of vehicles within the gravel parking area during dry periods. There are no vibration impacts associated with this use.

Distance of sensitive land use from facilities

Transport Company

The nearest point between property lines of the subject property and the transport company located at 54028 Wellandport Road is approximately 62 m. However, the nearest point between the property line and the area where vehicles are stored is in excess of 135 m and the nearest point to where vehicles are fueled is in excess of 180m.

Construction Trades Establishment

The subject property abuts the property containing the construction trades establishment. Outdoor storage of vehicles occurs near the property boundary. The building located on the property containing the construction trades establishment is approximately 75m from the subject property.

Hours of operation/normal use periods for facilities and sensitive land use:

Sensitive Land Use (single detached dwelling):

As the sensitive land use is residential, the hours of operation are 24 hours per day and 7 days per week. Normal use periods for the dwelling and amenity areas are outside of weekday business hours in the evenings and on weekends.

Transport company:

The facility has limited use outside of regular business hours associated with the infrequent parking of trucks. Normal operating hours are Monday to Friday between the hours of 7:30 AM and 5:00 PM.

Construction Trades Establishment:

Normal operating hours for the construction trades establishment are between 7:30 AM and 5:00 PM. The company offers 24/7 emergency response services. Infrequent movement of vehicles from the site to the site of an emergency occur in association with this service.

Site plan details and building fenestration for sensitive land use:

The development plan and building fenestration for the proposed dwelling has not been determined at this time. It is anticipated that there will be some window openings on all

facades of the dwelling, including the south façade. Amenity areas associated with the dwelling are anticipated to be to the rear (east) of the dwelling. The existing and proposed zoning for the dwelling requires a minimum 15 m setback of the dwelling from the front property line. The proposed zoning includes a provision that requires the dwelling be located no closer than 70 m from the southerly property line as a means of mitigating the impacts from the construction trades establishment. This is discussed further under the “*Mitigation*” section below.

Wind patterns, topography and natural and man-made barriers/buffers:

The prevailing wind direction in this location is from the north-west. This puts the sensitive land use up wind from both facilities.

There is a row of mature trees along the north boundary of the property containing the transport facility that screens the parked vehicles from view at the site of the sensitive land use.

There is currently no buffer or barrier between the site where the sensitive land use is proposed and the property containing the construction trades establishment to the south.

Complaint history:

The Township of Wainfleet By-law Enforcement Officer was contacted by telephone on November 26, 2020 to determine complaint history associated with the two establishments near the subject property. The By-law Enforcement Officer provided verbal confirmation that there was no complaint history associated with these two establishments that would impact on the subject property. It is noted that there are two existing dwellings in closer proximity to the two facilities than the proposed dwelling on the subject property. The lack of complaints from residents of these dwellings is telling of the anticipated off site impacts from these facilities.

Part 2: Proposed Mitigation

Based on the analysis of potential impacts summarized in the preceding section, the only mitigation measure required to address the anticipated impacts from the industrial land uses in proximity to the subject property is the incorporation of a minimum 70m southerly side yard setback into the proposed zoning for the property. The following summarizes why this is an appropriate and effective mitigative measure:

Construction Trades Establishment

The facility at 54029 Wellandport Road is characteristic of a Class II facility. Impacts of activities being undertaken at the property boundary with the sensitive land use are limited to visual impacts associated with the storage of vehicles. Limited and intermittent impacts associated with dust from vehicles travelling over the gravel parking area during dry periods (20 m + south of property boundary), and potential noise impacts associated with vehicle movement and loading (80 + m south of property boundary) can be mitigated through separation between land uses. Placing a dwelling a minimum of 70 m from the property boundary with 54029 Wellandport Road will ensure the dwelling has adequate separation from the facility and is beyond the area where impacts of this facility would be realised. Based on the lack of complaints associated with the facility and that, there is an existing dwelling downwind and closer than the proposed dwelling, this separation is anticipated to be adequate. The visual impact of vehicles parked at the property boundary can be mitigated, as desired through the erection of a fence and the planting of vegetation around the boundary of the amenity area or at the property boundary on the site containing the sensitive land use.



Figure 5 – Separation distances

This facility is characteristic of a Class II Facility. The visual impact of the parking of vehicles, which would occur approximately 135 m from the dwelling (if setback 70 m from the southerly side yard) is effectively mitigated by the existing vegetated buffer. Siting the dwelling in a location 70 m from the southerly side lot line would provide a separation of approximately 180 m between the dwelling and the location where trucks are fueled. This separation is considered adequate considering the infrequent nature of the activity and that the fueling of vehicles is characteristic of a commercial use, which is not subject to the Ministry D-6 Guidelines.



Figure 6 – View of 54028 Wellandport Road from Dwelling Location



Figure 7 – View of 54029 Wellandport Road from Dwelling Location

MOE D-6 Guideline Conclusions

The D-6 Analysis was undertaken in accordance with the Ministry of the Environment and Climate Change Protocol D-1-1 to assess the potential impacts of existing “industrial” facilities on the proposed sensitive land use (i.e. single detached dwelling). The analysis has concluded that the proposed zoning that includes a minimum southerly side yard setback of 70 m and the existing vegetated buffer along the northerly property boundary of 54028 Wellandport road will effectively mitigate impacts of the existing facilities located at 54028 and 54029 Wellandport Road on the proposed residential use. The proposed zoning by-law amendment is therefore consistent with MOE Guideline D-6.

4.1.3 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) sets the policy foundation for regulating development and use of land in Ontario. Below is a demonstration of how the proposed development is consistent with the applicable policies found in the Provincial Policy Statement.

Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)

The subject property is located outside of the Urban Area and the Settlement boundary, and is therefore subject to the policies for Rural Areas and Lands found in **Section 1.1.4** and **1.1.5** of the PPS. The purpose of this application is not to facilitate large-scale residential of lands, but to allow for one single detached dwelling to be constructed on a vacant agricultural lot. The Province’s goals in directing land use in rural areas is to promote agricultural and agricultural-related uses and to permit limited development that is compatible with the rural landscape and that can be sustained on private services. The proposed single detached dwelling is compatible with the rural landscape and can be sustained on private services.

This proposal supports the broader agricultural area in which it is situated. It accommodates appropriate housing, allows for the continuation of economic uses and employment on the surrounding properties and ensures the protection of environmentally sensitive lands.

The proposed use of the land is consistent with the Province’s strategies regarding Rural land use patterns. The proposed dwelling is a permitted use for agricultural lands in the local zoning by-law, and the development does not impede future agricultural uses on the rest of the lot.

Coordination (PPS 1.2)

A pre-consultation meeting regarding the proposed development was held with the municipality on May 14, 2020. The purpose of the meeting was for appropriate stakeholders to discuss the proposed development in order to identify key issues and the approvals with supporting materials that are required for a complete application. Town Staff indicated that

land use compatibility had to be determined between the existing industrial uses and the proposed sensitive (residential) use through application of the MECP D-6 regulations. This test is consistent with **Section 1.2.6** of the PPS which seeks to mitigate and minimize potential adverse effects between facilities and sensitive land uses. These regulations have been applied to this proposal and it has been determined that there are no adverse effects between the adjacent industrial uses and the proposed residential use.

Housing (PPS 1.4)

The subject site is outside of the Built Boundary and the Settlement Area, and is proposed to have private services, so policies related to intensification and infrastructure efficiency do not apply. Nonetheless, the proposal is consistent with housing policies related to provision of housing that is compatible with its surroundings. The proposed dwelling is consistent with the character of dwellings located within the surrounding rural area in terms of massing and setbacks.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)

Consistent with PPS **Section 1.5.1(d)**, the proposal ensures the protection of significant features.

Energy Conservation, Air Quality and Climate Change (PPS 1.8)

The protection of the property's Natural Heritage features contributes to the mitigation of impacts caused by climate change, by protecting the ecological functions of these features.

Natural Heritage (PPS 2.1)

There is a Provincially Significant Wetland and a Significant Woodlot located, as well as two NPCA regulated watercourses on the subject site. This application seeks to rezone all areas on the subject site impacted by these features and their required buffers (30m from the Provincially Significant Woodland, 15 m from the watercourse, 120m from the Provincially Significant Wetland) as Environmental Protection Overlay, meaning that no development will be permitted within these areas. This will ensure the long term protection of these features, and is therefore consistent with the Province's goals in protecting Ontario's Natural Heritage.

Water (PPS 2.2)

Protection of on-site water courses is ensured by the proposed Environment Protection designation. Despite being located on a Significant Groundwater Recharge Area as well as an Area of High Aquifer Vulnerability, it has been determined that hydrological studies are not required due to the limited scale of the proposal and the large lot area.

Agricultural (PPS 2.3)

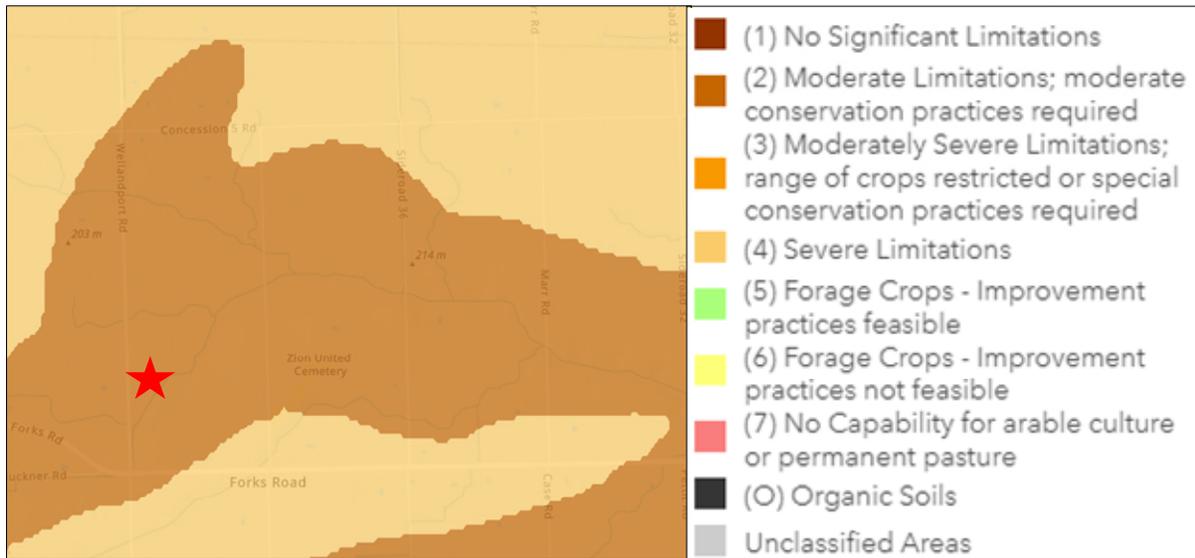


Figure 8 - Canadian Land Inventory Soil Classification (Data from Government of Canada. Image Cropped from ArcGIS Online Viewer)

The goal of the Province is to protect agricultural lands for long term agricultural use. **Figure 8** shows that the subject lands are determined to be Class 2 Lands under the Canada Land Inventory Land Capability for Agriculture. Class 2 soils have moderate limitations related to agricultural use. Under the PPS, Class 2 lands (along with Class 1 and 3 lands) are second in priority to *Specialty Crop Areas* in protection priority.

Section 2.3.3 sets out the permitted uses within the agricultural area. The single detached home with private services is considered to be an agricultural-related use and is a permitted use by the Provincial Policy Statement. The proposed dwelling will not interfere with the agricultural potential of the rest of the lands on the subject property, or any of the adjacent agricultural uses, so the current agricultural uses that occur on the site can continue.

No new residential lots are being created, and the proposal does not include the removal of land from Prime Agricultural Areas so policies found in **Sections 2.3.4** and **2.3.5** do not apply to this application.

Minerals and Petroleum (PPS 2.4)

The subject property is located within the Welland Gas Field. Consistent with these policies, the proposed development does not hinder or preclude the establishment of new operations or access to these resources.

Cultural Heritage and Archaeology (PPS 2.6)

There are no significant cultural heritage or archeological resources located on this site. The Region has confirmed this through the preconsultation process.

4.1.4 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (2019) contains policies to implement the vision found in the Provincial Policy Statement (2020) in achieving appropriate land use patterns in the Greater Golden Horseshoe. The intensification and infill targets contained in the Plan are not applicable as the subject site is outside of the delineated built-up area, and the settlement boundary.

Managing Growth (2.2.1)

Many of the policies in this section are related to the Province's growth and intensification strategy which is to be directed to existing settlement areas. The subject property is not located within the settlement area. This proposal is not considered as part of residential growth and development as only one dwelling unit is being proposed. The proposal is consistent with **Section 3(d)** in through protection of environmental and agricultural lands.

Housing (PTG 2.2.6)

The subject property is not within the settlement boundary or the existing built-up area, so it is not subject to the intensification and infill requirements set out by the province. Nonetheless, it is consistent with the Province's housing strategy in that it contributes to the provision of housing that is compatible with the surrounding area, and is sensitive to the agricultural use of the lands.

Rural Areas (PTG 2.2.9)

The proposal for the subject site conforms to the requirements for development within Rural Areas under Policy **2.2.9.3(c)** as it is compatible with the rural landscape and surrounding local land uses, is sustained by private services and does not adversely affect the potential agricultural uses of the land. The provision of housing in rural areas allows for the continued use of the land for agricultural purposes and helps to promote local business in these areas. The proposal is therefore consistent with the policies for Rural Areas.

Integrated Planning (PTG 3.2.1)

The dwelling will have private services, so coordinated infrastructure and land use planning is not necessary.

Water Resource Systems (PTG 4.2.1)

The subject site is located within a Significant Groundwater Recharge Area and an Area of High Aquifer Vulnerability. However, it has been determined through the pre-consultation process that due to the large lot size and small extent of the proposal, the development is expected to have any impact on the processes of these features, and a hydrological study is not warranted.

Natural Heritage System (PTG 4.2.2)

The Region of Niagara has not updated their Official Plan to bring it into conformity with the Growth Plan so the Region's Natural Heritage Mapping applies to the subject lands in accordance with Growth Plan Policy 4.2.2.4. Development is not proposed within or adjacent to any Natural Heritage features and restrictive zoning is proposed for areas where the features and their buffers are mapped. The proposed rezoning therefore conforms to Growth Plan Policy 4.2.2.

Key Hydrologic Features, Key Hydrological Areas and Key Natural Heritage Features (PTG 4.2.3)

Consistent with the policies in this section of the Growth Plan, the on site features that are in the Province's Natural Heritage System (**Figure 2**), including Provincially Significant Wetlands and Woodlands, and NPCA regulated features including fish habitat are proposed to be designated as Environmental Protection Overlay. This designation protects these features and their key functions by preventing any future development or site alteration, but still allows for the continuation of agricultural uses of the lands. The proposed area of the Environmental Protection designation meets or exceeds the buffers for these features as determined by their regulating body, and the proposal therefore conforms to **Policy 4.2.3**.

Lands Adjacent to Key Hydrologic Features and Key Natural Heritage Features (PTG 4.2.4)

Protection of the Key Hydrological and Natural Heritage Features is ensured through the proposed zoning, which includes appropriate buffers around these features. The proposed dwelling will occur entirely inside of the proposed A2 zone, and will be further than 120m from the Provincially Significant Wetland, and more than 15m from the other Hydrological and Natural Heritage Features.

Public Open Space (PTG 4.2.5)

The subject site is outside of the settlement area, and is not near any public parks or open space.

Agricultural System (PTG 4.2.6)

The subject site is located with the prime agricultural area. Land use in prime agricultural areas are intended to support and encourage the continued agricultural use. The proposal will not prevent the ongoing agricultural use of the land, so it is consistent with **Policy 4.2.6**.

Cultural Heritage Resources (PTG 4.2.7)

This site does not contain any Cultural Heritage Resources, and therefore these Provincial Policies do not apply.

Mineral Aggregate Resources (PTG 4.2.8)

The subject lands are not located in an area containing mineral aggregate resources. Further, this development is not within proximity to an active mineral aggregate operation or petroleum operation where it would encumber the ability for those uses to function or expand.

4.2 NPCA Policy Document (2018)

The NPCA Policy document contains the principles, objectives and policies for the administration of the NPCA's mandate to conserve the environment and support sustainable development practices across the Niagara Peninsula watershed. **Figure 3** shows the property features and their buffer areas that are regulated by the NPCA. These features include a portion of a Provincially Significant Wetland (PSW), watercourses, as well as a small portion of a municipal drain at the rear of the property. The watercourses and municipal drain contain important fish habitat.

Wetland policies are found in **Chapter 8** of the NPCA Policy Document. In accordance with **Policy 8.1.3.2**, a 120m buffer area from the PSW has been designated as EP Overlay. The proposed dwelling is located outside of this buffer (**Policy 8.2.2.1**) and so no EIS (**8.1.4**) related to the wetland is required, as confirmed by the NPCA through the pre-consultation process.

Watercourse policies are found in Chapter 9 of the NPCA Policy Document. The proposed EP Overlay area includes a 15 m buffer around the NPCA regulated watercourses, which is greater than the 15m buffer around watercourses, including those with important fish habitat, required under **Policy 9.2.5.1**.

The municipal drain located on the subject property falls within the 120m buffer from the PSW. All of the policies and objectives found in **Chapter 11** of the NPCA Policy Document are satisfied through the EP Overlay designation.



Figure 9 – NPCA Regulated Features

4.3 Region of Niagara Official Plan (2015 Consolidation)

The Region of Niagara Official Plan contains objectives, policies and mapping to manage the physical, economic and social growth in Niagara, in addition to implementing provincial policies and plans including the Provincial Policy Statement and the Growth Plan.

The subject property is located in the Good General Agricultural Area as shown in Schedule A of the Regional Official Plan (ROP) (**Figure 10**).

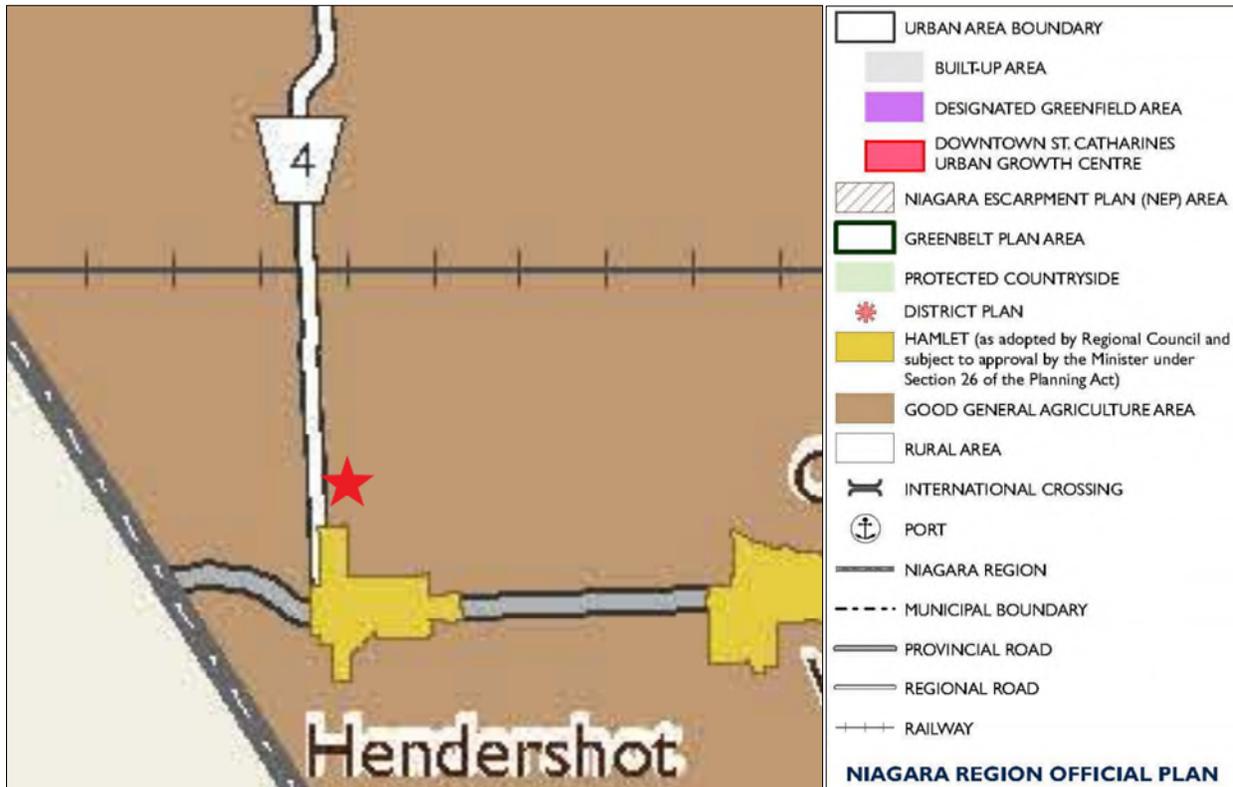


Figure 10 - Schedule A of the Regional Official Plan

Chapter 5 - Rural and Agricultural Policies

Specific objectives and policies related to land use in Niagara's rural and agricultural areas are found in Chapter 5 of the ROP. The subject site is considered to be in an agricultural area (**Figure 9**), and is therefore subject to the objectives and policies found in sections 5.A and 5.B of this chapter.

Central to the rural and agricultural policies in the ROP is the conservation and protection of agricultural lands, and natural resources (**Objective 5.A.5**). Non-agricultural uses are permitted in agricultural areas subject to the requirements under **Policy 5.B.7**. The proposed single-detached dwelling is considered a limited non-agricultural use, and is consistent with the policies under this Chapter of the Regional Official Plan as it does not interfere with the use of

the property or the surrounding properties for agricultural purposes, and ensures the protection of environmental resources.

Chapter 7 - Natural Environment

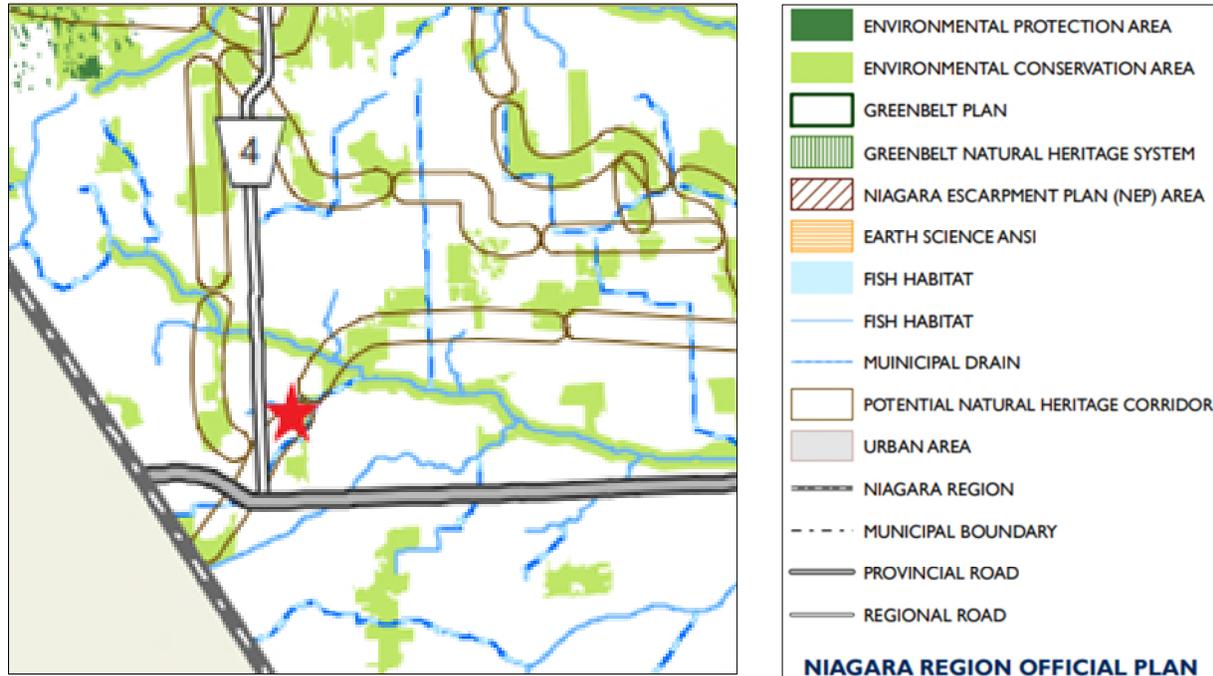


Figure 11 - Schedule C - Regional Official Plan

The subject property is within a Potential Natural Heritage Corridor area, and contains part of an Environmental Conservation area (**Figure 11**) that contains a number of natural environment features including the buffer of a Provincially Significant Wetlands and Provincially Significant Woodlands, a municipal drain and NPCA regulated watercourses that contain important fish habitat.

Chapter 7.A contains objectives and policies aimed at implementing the Region's healthy landscape approach.

In general, protection of natural heritage resources is a priority (**7.A.1**). The proposed rezoning of the environmental features to Environmental Protection Overlay is consistent with the Region's objectives in this section of the ROP as it ensures natural heritage conservation, while still allowing for continued agricultural use.

Section 7.A.2 contains objectives and policies directed towards water resources. As indicated, the subject property contains a number of important water resources. Protection of these resources is a Regional Priority. This section also contains policies regarding development and site alteration, which are applicable to this proposal. As per **7.A.2.1**, development and site

alteration is only permitted if it is determined that it will have no negative impacts on the hydrological processes of the water resources. In some cases, studies are required for development and site alterations to ensure that there will be no negative impacts on the water resources. It has been determined through pre-consultation that this proposal does not require additional hydrological studies as it is small in scale and due to the existing lot size in excess of four ha, it is not likely to have any measureable impact on hydrologic processes and water resources.

Chapter 7.B contains objectives and policies specific to the Core Natural Heritage System.

Much like in **Chapter 7.A**, protection of Core Natural Heritage Features is a priority for the Region of Niagara. The proposal is consistent with **Objective 7.B.1** in that it promotes and enhances the Natural Heritage System and contributes to a healthy landscape. Table 2 outlines the EIS requirements for development on lands adjacent to natural heritage features. Because the proposed Environmental Protection Overlay area includes the natural heritage feature, as well as the required buffer, the Region has waived the requirement for an EIS with accordance with these policies. The proposed dwelling is located outside of the 120m buffer from Provincially Significant Wetlands, 50m from the Significant Woodland, and 15m from the important fish habitat (see **Figure 4**). In accordance with **Policy 7.B.1.15**, agricultural cultivation is permitted within the buffer areas, and farmers are encouraged to use practices that help support natural heritage features. Further, as per **Policy 7.B.1.16**, protection of the municipal drain has been ensured in order to support agricultural use of the lands. Under this policy, a 15m buffer is required around a municipal drain, while a 15 m buffer around the drain is proposed (see **Figure 4**).

Based on the above, the proposal is considered to conform to the policies contained in **Section 7** of the Region of Niagara Official Plan.

4.3 Municipal Legislation and Plans

4.3.1 Township of Wainfleet Official Plan (2016)

The Township of Wainfleet Official Plan contains a framework to guide land use planning in The Township by implementing policies found in Provincial and Regional Plans. The goal of the Plan is to attain a balance between future growth and the traditional character of Wainfleet through the promotion of its small village character and protection of its agricultural resources. The Official Plan (OP) is built around 7 key assumptions (**Section 1.3**)

- 1. Agriculture will continue to be the most significant economic activity and land use, within the Township*

2. The majority of the residential development in the Township will continue to consist of low rise housing on private services.
3. The Township will achieve a population of approximately 8,200 and employment of approximately 1,910 jobs by 2031
4. Population growth will be directed to both the Hamlets and generally throughout the Countryside on existing lots of record.
5. Employment growth will largely be agricultural related employment that will occur in the rural countryside but will also, where possible, be directed to the Hamlets.
6. There are a number of areas in the Township that contain significant natural features where development should be restricted
7. Implementation of the Official Plan shall be considered in the context of other municipal plans, policies and procedures

Assumptions 1, 2 and 6 apply directly to this proposal as the proposal is for a single-detached dwelling on private services in an agricultural area with natural features on the property.

Chapter 2 – Municipal Structure

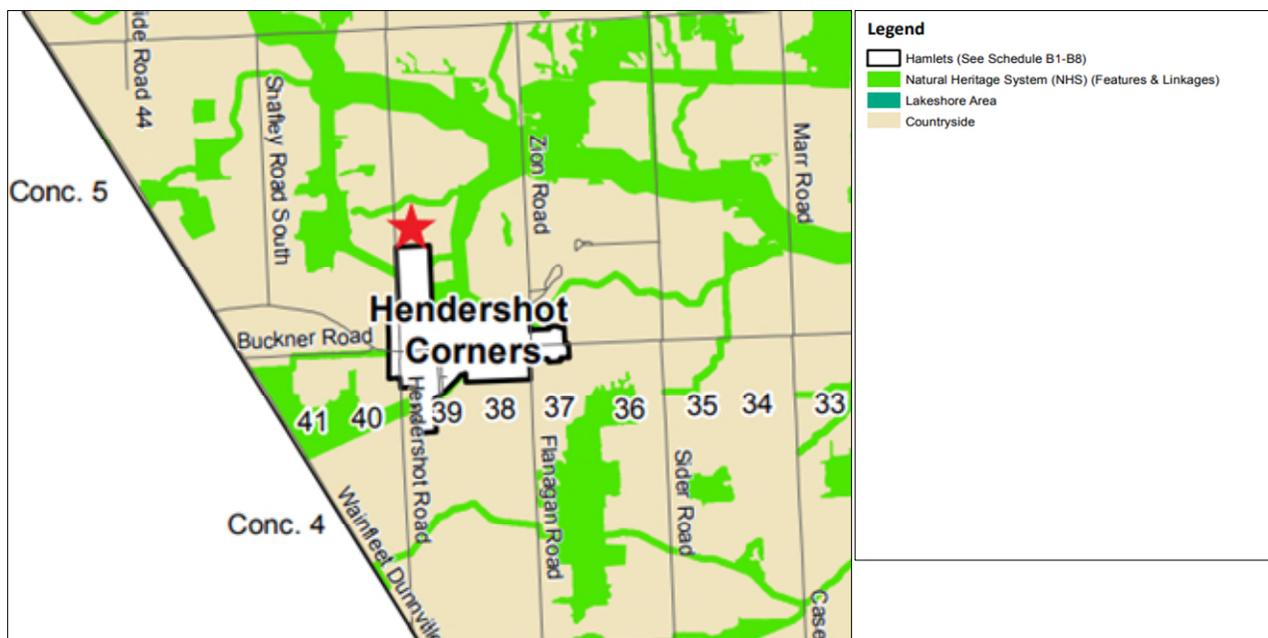


Figure 12 - Municipal Structure

The subject property is considered to be Countryside (**Figure 11**), and is subject to the policies found under **Section 2.3** of the Official Plan. There are two goals under this section of the OP. They are

1. To preserve the rural farm character within the countryside
2. To preserve Prime Agricultural Areas for a wide variety of agricultural uses

The proposal is consistent with these goals. The single-detached dwelling on the large agricultural lot is consistent with the character of the area and will not detract from the agricultural use of the land. Below is a demonstration of how the proposal is consistent with all applicable Official Plan policies.

In accordance with **Policies 2.3.2** and **2.3.4**, the proposed residence is a permitted use by the Official Plan. Agricultural uses, including the cultivation of the land can continue, and the provision of a dwelling on the site encourages this use.

Figure 12, below shows that there are Natural Heritage Features on the site including Environmental Protection Area and Fish Habitat. The Environmental Protection Area consists of a Provincially Significant Wetland (**Figure 2**). Natural Heritage System policies are found in **Section 2.6** of the OP.

In direct conformity to **Policy 2.6.1**, the proposal seeks to preserve and expand the Natural Heritage System by incorporating and linking the various water and woodland features on the site. **Policy 2.6.2** ensures that natural heritage protection does not prohibit continued agricultural uses of the lands.

Chapter 3 - Land Use Policies

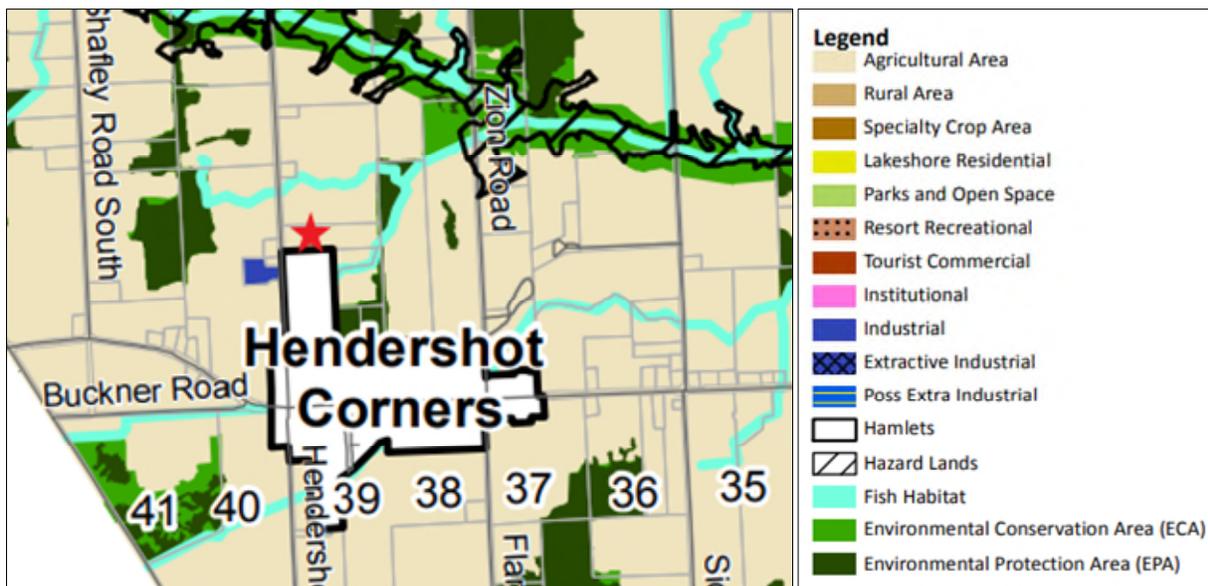


Figure 13 - Land Use

Figure 12 shows the Land Use designation of the subject site in the Official Plan. The property is mainly located in the Agricultural Area, but there are Environmental Protection Areas and Fish Habitat located to the rear of the site.

Section 3.1 sets out the policies that apply to Rural and Agricultural Areas. There are three goals that guide the Rural and Agricultural land use policies in the Official Plan:

1. *To preserve prime agricultural land for a wide variety of agricultural uses*
2. *To promote, protect and maintain the farming industry for future generations.*
3. *To avoid land use conflicts between agricultural and non-agricultural uses.*

The proposal promotes and protects the agricultural use of the lands, and the scale of the proposal mitigates any potential conflicts between the residential dwelling and the agricultural use of the lands. No livestock facilities are in proximity to the proposed residence, so the minimum distance separation formulae does not need to be applied. However, the MECP D-6 regulations concerning compatibility between industrial facilities and sensitive land uses apply to this proposal because of the adjacent industrial land uses. An assessment of the proposal in conformity with Protocol D-1-1 has confirmed that this proposal is consistent with the D-6 Guidelines.

Policy **3.1.1.8** promotes the protection of natural features including woodlots and stream corridors. The proposed Environmental Protection area on the property contains both woodlots and streams in addition to a portion of an Environmentally Significant Wetland. Consistent with policy, this designation will ensure the long-term protection of these features.

Policies specific to Agricultural Areas are found in **Section 3.1.3** of the OP. A single-detached dwelling, is a permitted use under **Policy 3.1.3.1**, and the associated private services are deemed to be feasible in accordance with **Policy 3.1.3.13**, and do not require any technical

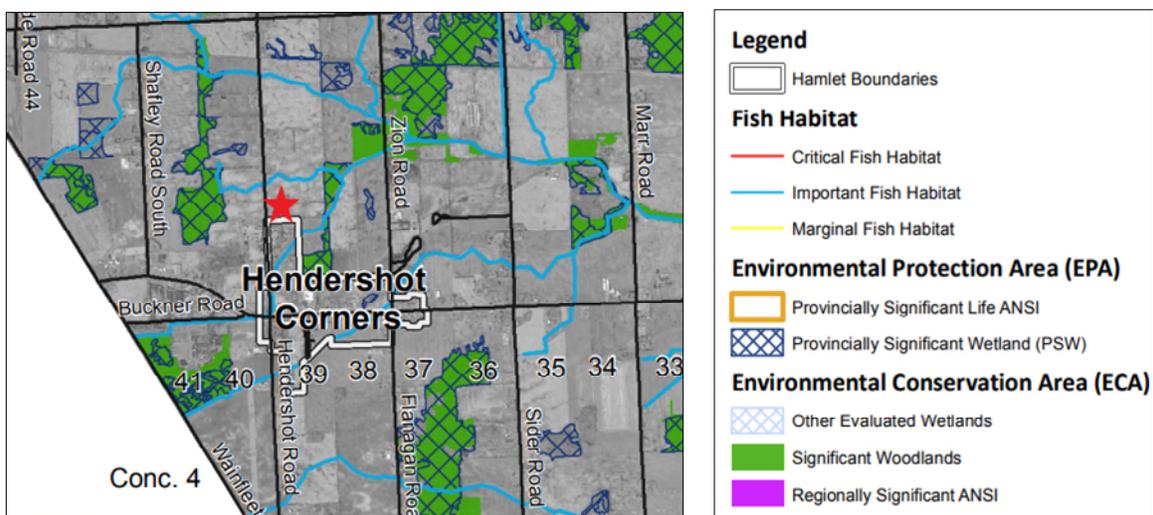


Figure 14 - Natural Environment Features

studies. No consents are being sought, and the property is an existing lot of record, so lot creation policies under **3.1.3.4** do not apply.

As shown in **Figure 13**, there are a number of Natural Environment features located on the property. Natural Environment policies are found in **Section 3.2** of the Official Plan. The goals of these policies are:

1. *To protect and enhance the natural environment of the Township.*
2. *To preserve and improve biological diversity and ecological function within the Township of Wainfleet.*

Section 3.2.1 sets out the policies that apply to Environmental Protection Areas. The proposal conforms to the policies regarding development adjacent to Environmental Protection Areas under **Policy 3.2.1.6**. As previously demonstrated, and in accordance with the requirements found in **Table 2**, the proposed Environmental Protection Area contains the natural feature as well as the appropriate buffers. The proposed dwelling is located entirely outside of the proposed Environmental Protection Area, and is therefore not subject to an EIS. Further to **Policy 3.2.1.6**, the proposed Environmental Protection Area enhances the Natural Heritage System by providing the natural system linkages shown in **Schedule C** of the ROP (**Figure 10**). The current agricultural use of the lands to be designated as Environmental Protection Area will continue, as is permitted under **Policy 3.2.1.4**.

The woodlot located to the rear of the site is an Environmental Conservation Area with policies found in **Section 3.2.2** of the OP. Consistent with these policies, the Environmental Protection Overlay ensures the long-term protection of this feature.

Fish Habitat is governed under **Section 3.2.3** of the OP. The NPCA regulated watercourse on the property contains Important Fish Habitat (**Figure 13**). The 15 m buffer proposed around the Important Fish Habitat is more than the 15m buffer required in **Policy 3.2.3.3**, and the buffer does not preclude agricultural activities. The proposal is therefore consistent with these policies.

Policies related to Industrial Areas are found in **Section 3.5**. Application of the D-6 regulations is consistent with **Policy 3.5.1.7** of the Official Plan which states that compatibility between industrial uses and adjacent uses such as residential uses must be ensured. The proposal includes a substantial setback from the adjacent industrial use in order to ensure compatibility.

4.0 - Environmental Management

The property is located on a Significant Groundwater Recharge Area (**Figure 15**) and an area of high aquifer vulnerability (**Figure 16**), and contains a municipal drain toward the rear property line (**Figure 17**). The environmental management policies found in **Section 4** of the Official Plan apply to these features.

The proposal is consistent with general Healthy Landscape Policies in **Section 4.1** as the protection of important environmental features is ensured, through the application of the Environmental Protection zoning.

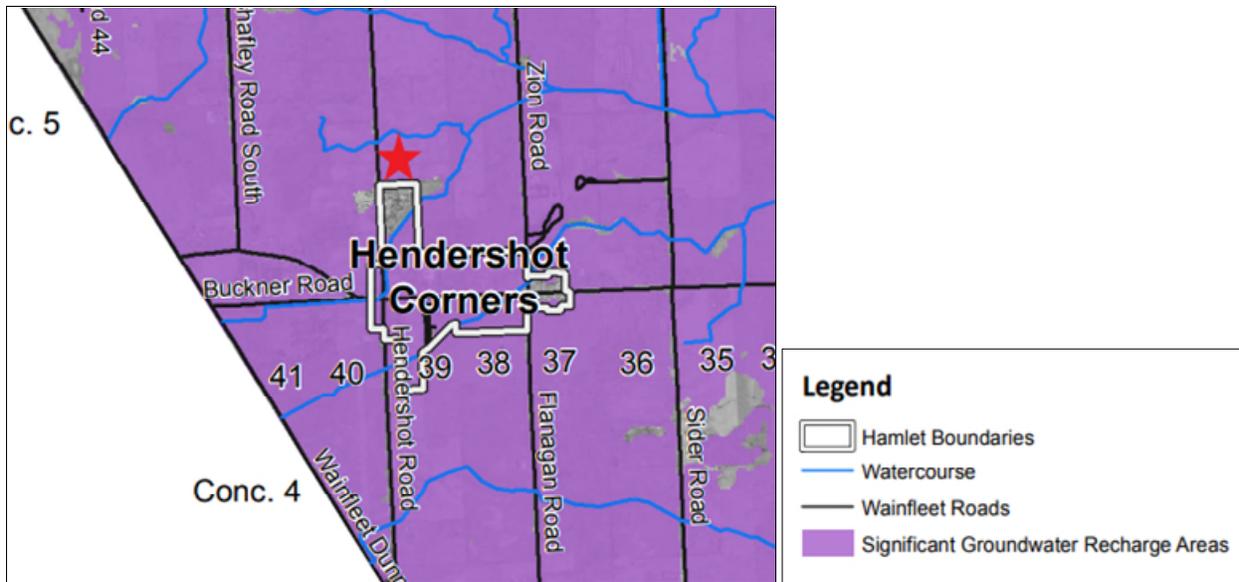


Figure 15 - Significant Groundwater Recharge Areas

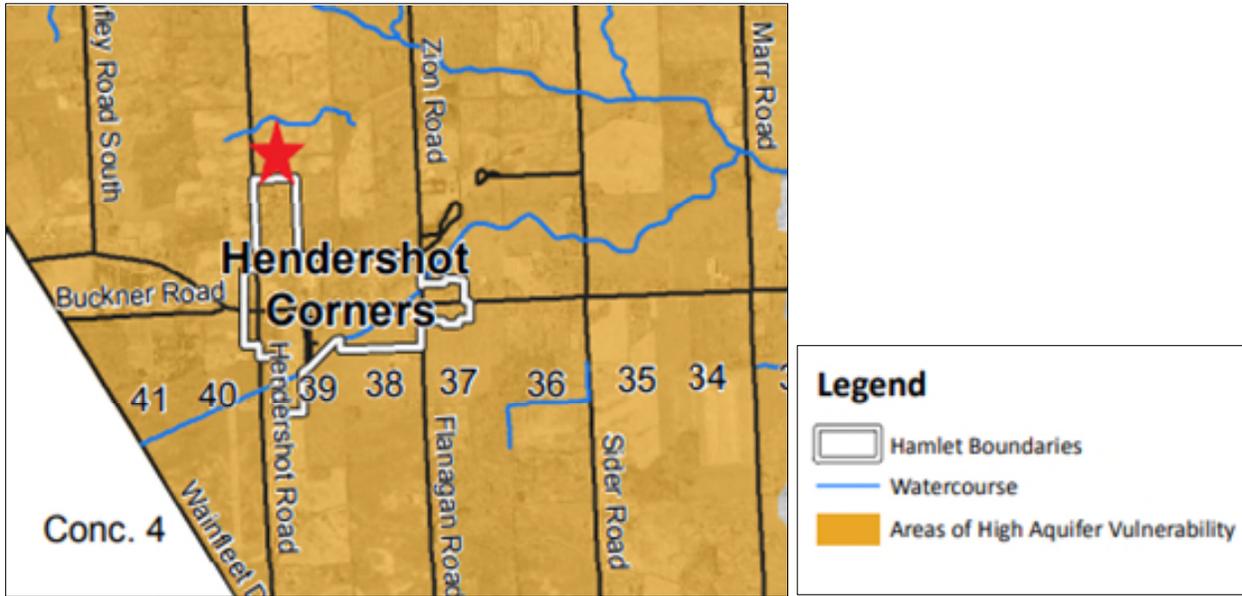


Figure 16 - Areas of High Aquifer Vulnerability

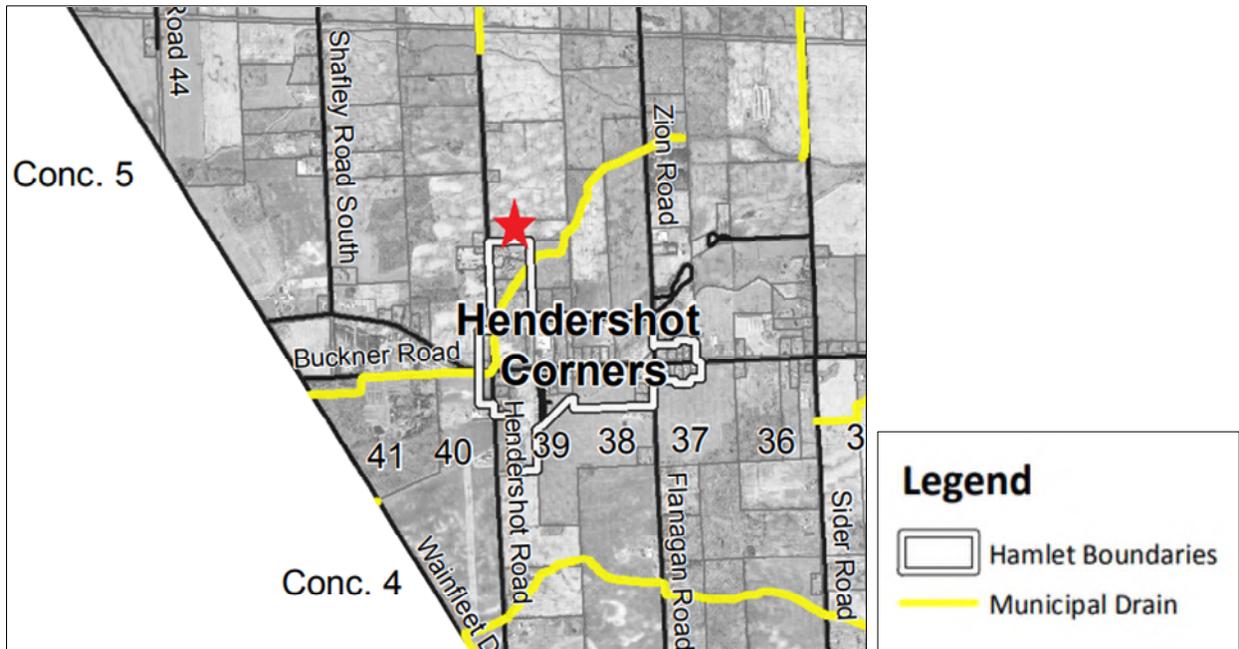


Figure 17 - Municipal Drains

Section 4.2 outlines the policies related to water resources. According to **Policy 4.2.1**, development in the vicinity of significant groundwater recharge and areas of high aquifer vulnerability should be restricted to protect the quantity and quality of groundwater. Policy **4.2.5** states that development or site alteration shall only be permitted if it can be demonstrated that there will be no negative impacts on any water resources. It was determined through pre-consultation that the lot size was large enough to accommodate a

septic system and that a hydrological study was not required. The buffers around the important fish habitat conform to **Policy 4.4.3**.

8.0 – Implementation

This section of the Official Plan sets out the requirements for the proper and orderly implementation of the Official Plan. According to **Policy 8.2.5**, a Zoning By-law amendment is required to permit uses other than those prescribed in the By-law. As such, an amendment is required for this application as the proposed residential dwelling is not permitted under the current site-specific zoning. In pursuit to this application and in conformity with **Policy 8.7.1**, a pre-consultation meeting with the municipality was held on May 14, 2020, in which the requirements for a complete application as per **Section 8.8** were set out.

4.3.2 ZONING BY-LAW (BY-LAW 034-2014)

Map 6 (**Figure 17**) shows that the property is zoned as A2-1 under the Township of Wainfleet Comprehensive Zoning By-law 034-2014.

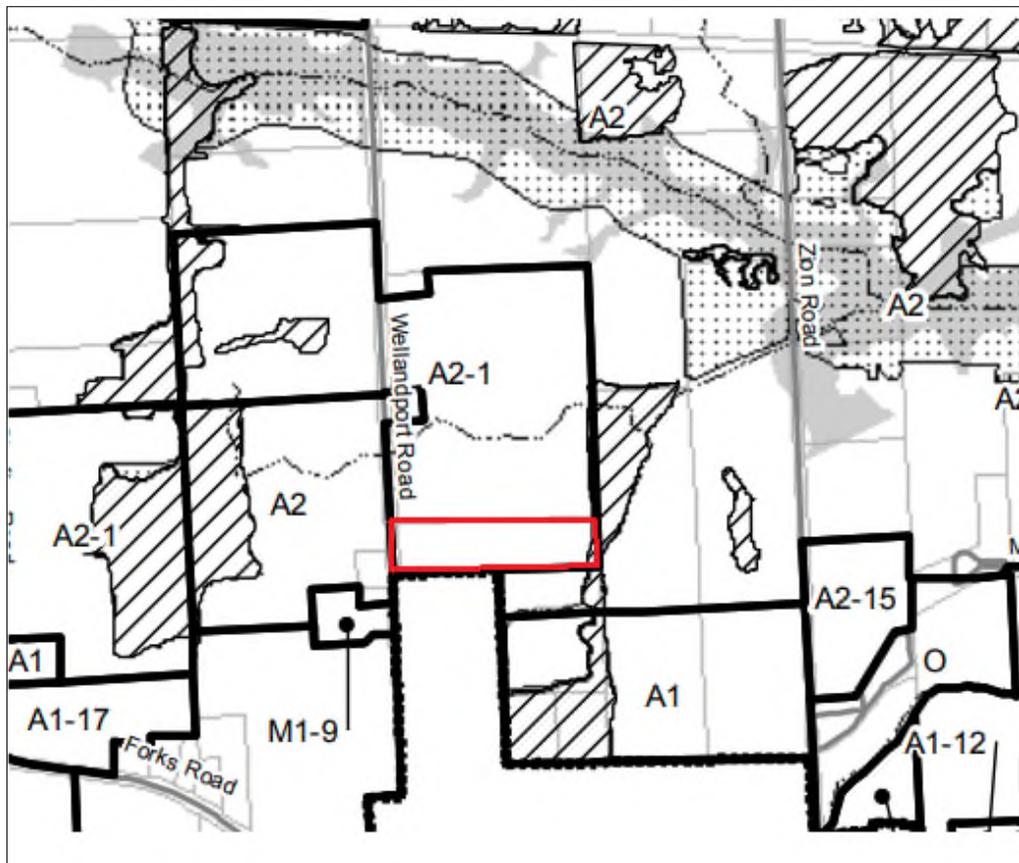


Figure 18 - Zoning Designation

This designation is a site specific Agricultural (A2) zoning which excludes dwellings as a permitted use. This exclusion is due to the perceived incompatibility between residential uses and the adjacent industrial use (**Figure 18**).

Zone	#	By-Law #	Address	Additional Uses Permitted	Sole Permitted Uses	Excluded Uses
A2						
A2	1		Lot 33, Con. 4 Lot 18, Con. 4 Lot 21, Con. 2 Lot 4&5, Con. 4 Pt. Lot 40, Con. 5 Pt. Lot 32, Con. 3 Pt. Lot 45, Con. 6 Pt. Lots 26 & 27, Con. 3 Pt. Lot 26, Con. 4 Pt. Lot 25, Cons. 6 & 7 Pt. Lot 20, Con. 5 Pt. Lot 21, Con. 3 Pt. Lot 33, Con. 2 Pt. Lot 8, Con. 6 Pt. Lot 33, Con. 5 Pt. Lot 3, Con. 2 Pt. Lot 33, Con. 3 Pt. Lot 12, Con. 3			Dwellings

Figure 19 - A2-1 Site Specific Provisions

Proposed Zoning

Agricultural (A2) Zone

The proposal to change the zoning to a non-site specific A2 zoning requires demonstration of conformity to the MECP D-6 regulations. The proposed zoning would permit the construction of a single detached dwelling on this property with a minimum southerly side yard setback of 70 m to ensure adequate separation of the dwelling from uses to the south. **Table 3**, below, shows zoning conformity between the proposal and the A2 requirements under Zoning By-law 034-2014.

Environmental Protection Overlay

The Environmental Protection (EP) Overlay acts as an additional zoning layer to the primary property zoning. The Overlay outlines the general extent of natural heritage features and the appropriate buffers as mapped by the NPCA, and the Ministry of Natural Resources and Forestry. The application proposes to incorporate the identified natural heritage features into the Township’s Environmental Protection Overlay.

Table 1 - Zoning Conformity Chart

Provision (6.2.1)	A2 Requirement	Proposed	Change	Explanation
Use	Single detached dwelling as a principal use on a lot	Same	None	The proposed single detached home is a permitted use
Min Lot Area	1ha; or 4ha (if a hydrological study is not completed)	4.25ha	None	The proposal exceeds the minimum lot area requirement. No hydrological study undertaken
Max Lot Coverage	7%	.5%	None	The proposed dwelling is 232m ² (2,500 ft ²) and does not exceed the maximum lot coverage
Min Lot Frontage	46m	110.6m	None	The proposal exceeds the minimum lot frontage requirement
Min Front Yard	15m	15m	None	A 15m front yard setback is proposed
Min Exterior Side Yard	15m	N/A	None	N/A
Min Interior Side Yard	3.5 with no attached garage 3.0 with attached garage	20 m+/- (northerly) 70m (southerly)	70m (south side only), no change to northerly side yard setback proposed.	The 70m southerly side yard is due to the application of the MECP D-6 regulations
Min Rear Yard	15m	+300m	None	The lot is 406.8m deep. Rear yard includes a minimum 15 m buffer from NPCA regulated water feature
Max Height	9m	N/A	None	Height is not yet determined but is not expected to exceed the requirement
Provision	EP Overlay	Proposed	Change	Explanation
Use (13.1.1)	Existing Agricultural Use	Agricultural Use	None	The current agricultural uses of the lands will continue

6.0 PLANNING POSITION

Approval of the proposed Zoning By-law Amendment is justified based on the following planning considerations:

- The proposed single-detached dwelling represents a permitted use within the agricultural area in accordance with Provincial policies and plans, the Region of Niagara Official Plan and Township of Wainfleet Official Plans.
- The proposed site-specific A2 zoning is consistent with the MECP D-6 regulations regarding separation between industrial and residential uses. The 70m southerly side yard setback will ensure that the impacts of the two industrial facilities in the area are effectively mitigated.
- The proposal respects and supports the long-term agricultural uses of the land.
- The long-term protection of natural features is ensured through the expansion of the Environmental Protection Overlay, and the proposed dwelling is situated entirely outside of the EP Overlay.
- The rezoning is consistent with the appropriate Provincial plans including Provincial Policy Statement and conforms to Regional and Township policies for agricultural lands
- The proposed private services are not anticipated to have any negative impact on water resources.
- The proposed development conforms to applicable Township of Wainfleet Official Plan Objectives and policies, including those related to agricultural areas and the natural environment.

It is my professional opinion that the application is appropriate for the responsible use of these lands. The proposal is consistent with the Provincial Policy Statement and conforms to applicable Provincial Plans and policies of the Niagara Peninsula Conservation Authority Policy Document and the Region of Niagara and Township of Wainfleet Official Plans. The application proposes compatible and appropriate development for the subject lands, represents good planning and should be supported.

Respectfully submitted,



Matt Kernahan, MCIP, RPP, CNU-A
Senior Planner
Upper Canada Consultants

Record of Pre-Consultation

Township of Wainfleet
Planning Department
31940 Highway #3
Wainfleet, ON L0S 1V0
Tel: 905-899-3463 Fax: 905-899-2340



A pre-consultation meeting is required prior to the acceptance of an application for Official Plan Amendment, Zoning Bylaw Amendment, Draft Plan of Subdivision or Condominium, Site Plan Control, Severance or Easement. The pre-consultation meetings are hosted by the Planning Department and may include representatives from various Township Departments or external agencies as required.

The pre-consultation meeting allows the applicant and/or their representatives to present and discuss the development proposal with relevant staff and also provides staff the opportunity to clarify the application process, provide preliminary comments on the development proposal, identify key issues and the approvals that will be required and confirm the supporting information/materials that must be submitted with the application in order to be considered a complete application under the Planning Act.

Please note that this record of pre-consultation was compiled based on written comments received by the Planning Department.

Pre-Consultation Meeting Date: *Thursday, May 14, 2020*

PROPERTY INFORMATION

Property Address: Vacant Lot Wellandport Road	Roll Number: 271400001211500	Legal Description: CON 5 PT LOT 39	Lot Area: 4.25 ha
--	---------------------------------	---------------------------------------	----------------------

PROPERTY OWNER/AGENT INFORMATION

Name of Registered Owner: Gerald S. Zavitz 2 nd	
Mailing Address: 2986 Faywell Road, RR#1, Fonthill ON L0S 1E0	
Phone Number: 905-321-2022	Email Address: timzhome@gzavitz.com
Name of Authorized Agent: Matt Kernahan, MCIP, RPP (Upper Canada Consulting)	
Mailing Address: 3-30 Hannover Drive, St. Catharines ON L2W 1A3	
Phone Number: 905-329-4914	Email Address: matt@ucc.com

DESCRIPTION OF PROPOSED DEVELOPMENT

Proposed zoning amendment application to permit the construction of a single detached dwelling on private services and to rezone the area within 30m of the watercourse to Environmental Protection Overlay to ensure protection of the feature.

Application Type:

- | | | |
|--|--|--|
| <input type="checkbox"/> Reg Official Plan Amendment | <input type="checkbox"/> Minor Variance | <input checked="" type="checkbox"/> Zoning Amendment |
| <input type="checkbox"/> Local Official Plan Amendment | <input type="checkbox"/> Consent (Severance) | <input type="checkbox"/> Site Plan Approval |
| <input type="checkbox"/> Draft Plan of Subdivision/Condo | <input type="checkbox"/> Holding Zone | <input type="checkbox"/> Other |

PLANNING INFORMATION

Regional Official Plan Designation	Good General Agriculture
Township Official Plan Designation	Agricultural Area with Environmental Protection Area, Environmental Conservation Area and Fish Habitat along the rear property line
Township Zoning	Agricultural – A2-1 with Environmental Protection, Environmental Conservation and Fish Habitat Overlays along the rear property line. Exception 1 prohibits dwellings.

AGENCY COMMENTS	
Agency	Comments
Niagara Peninsula Conservation Authority (NPCA)	<ul style="list-style-type: none"> - The subject property is impacted by NPCA regulated features, including several watercourses that have a 15m buffer area and a Provincially Significant Wetland towards the back portion of the lot that has a 30m buffer area - The NPCA has no objections to the proposed zoning amendment as the proposed house is outside of the NPCA regulated features - Request that erosion and sediment control details be added to the lot grading plan when the applicant reaches the building permit stage
Niagara Region – Planning & Development Services	<ul style="list-style-type: none"> - The subject property is designated as Good General Agriculture Area and both Provincial and Regional policies state that the predominant use of land will be for agriculture of all types - Staff note that the subject property is an existing lot of record where a single detached dwelling would typically be permitted - Given the site specific zoning on the subject property, the applicant will have to demonstrate: <ul style="list-style-type: none"> 1. The class of the adjacent industrial activities with information on the operations of such businesses; and 2. An evaluation of how the proposed dwelling meets the Ministry's D-6 Guidelines for land use compatibility including any mitigation measures that are to be incorporated in order to support and justify the zoning amendment - The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System (CNHS), specifically the Marshville Station Clay Plain Provincially significant Wetland (PSW) Complex, Significant Woodland and Type 2 (important) Fish Habitat - There are two additional watercourses that are not mapped for Fish Habitat but flow directly to Type 2 Fish Habitat downstream - Since the location of the proposed dwellings is located greater than 120m from the PSW, greater than 50m from the Significant Woodland and greater than 15m from Type 2 Fish Habitat, an Environmental Impact Study (EIS) is not required - Environmental Planning Staff are supportive of zoning the feature and lands within 30m as an Environmental Protection Overlay, as proposed - Wellandport Road is a Regional Road and as such a Regional Construction Encroachment and Entrance Permit will be required prior to construction works within the Regional Road allowance - Property is eligible for curbside waste collection - Township is responsible for the review of private septic services
Township of Wainfleet – Planning Department	<ul style="list-style-type: none"> - The subject property is designated as Agricultural Area with Environmental Protection Area, Environmental Conservation Area and Fish Habitat along the rear of the property - The predominant use of land within the Agricultural Area designation shall be for agricultural purposes, however one single detached dwelling is permitted - The subject property has site specific zoning (A2-1) that prohibits dwellings and upon research of the origins of the site specific zoning, it was determined that the zoning was put in place due to land compatibility issues with adjacent industrial uses (54029 Wellandport Road and 54028 Wellandport Road) - In order to support the proposed zoning amendment, the applicant will be required to demonstrate the class of the adjacent industrial facilities and evaluate land use compatibility in accordance with the Ministry of Environment, Conservation and Parks (MECP) D-6 guideline - This evaluation may be done through a planning justification report - Recommendation is that the property be placed in a new site specific A2 zone that addresses minimum yard setbacks from adjacent industrial

Township of Wainfleet – Planning Department cont'd	<p>facilities, to limit future additions or encroachments into the required setbacks</p> <ul style="list-style-type: none"> - Given that the property is within the agricultural area, a review of MDS is required to support the proposed dwelling - Given that the proposed dwelling is located outside of the required setbacks to the EPA, ECA and Fish Habitat, an Environmental Impact Study (EIS) is not required - Staff are supportive of the proposed EP Overlay on the subject property - The subject property is also located within an Area of High Aquifer Vulnerability and Significant Groundwater Recharge Area and as such a hydrogeological study is required to address the impact of a new septic system on these features
Township of Wainfleet – Building/Septic Department	<ul style="list-style-type: none"> - No comments received
Township of Wainfleet – Drainage Department	<ul style="list-style-type: none"> - The subject property is assessed to the South Forks Drain, which is scheduled for maintenance this summer - Drainage staff have no concern with the proposed zoning amendment - Upon review of the South Forks Engineer's report (Todgham 1956), this property was originally a larger 35 acre parcel and it appears that there were no apportionment agreements done at the time - An apportionment agreement is required to alter the assessment schedule for the drain to reflect the current lot configuration
Township of Wainfleet – Operations/Roads Department	<ul style="list-style-type: none"> - No comments received
Township of Wainfleet – Fire & Emergency Services	<ul style="list-style-type: none"> - No comments received
Other	N/a

COMPLETE APPLICATION REQUIREMENTS

Required information and studies to be submitted with the application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

				No. of Copies		
Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	Elect Digital	Paper	Notes
X	X		Planning Justification Report	1	3	
			Draft Plan of Subdivision			
			Draft Local Official Plan Amendment			
			Land Use/Market Needs*			
			Archaeology Assessment			
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Tree Inventory Preservation Plan			
			Floodplain and Hazard Lands Boundary Plan			
			Environmental Site Assessment			
			Air Quality/Noise & Vibration Study*			
			Minimum Distance Separation I & II			
X	X		Sensitive Land Use Report (D-series)			Analysis may be done through the PJR
			Slope Stability Report / Geotechnical Study			
			Storm water Management/Lot Grading			
			Transportation Impact Study/Parking Impact Analysis			
X			Hydro geological Study/Private Servicing Plans*	1	3	
			Soil report			
			Reference Plan/Concept Drawing			
			Other:			

APPLICATION & REVIEW FEES

Below is the list of fees required at time of submission of the complete application. Please note that the fees listed are the current as of the date of the pre-consultation meeting and may change from time to time. The applicant should contact the appropriate agencies to confirm fees prior to submission of the application.

Application	Wainfleet	Niagara Region	NPCA	Comments
Regional Official Plan Amendment				
Local Official Plan Amendment				
Zoning Bylaw Amendment	\$3,799	\$1,300	\$570	
Temporary Use Bylaw				
Removal of Holding Symbol				
Plan of Subdivision/Condominium				
Development Agreement				
Site Plan Approval				
Consent				
Minor Variance				
Township Septic Review Fee				
Floodplain Mapping Review				
Stormwater Management Review				
Environmental Impact Study (EIS) Review				
Other:				
Other:				

Notes:

None.

RECORD OF PRE-CONSULTATION CLAUSES	
Mutual Agreement	The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on mutual agreement of the parties as shown by the signatures below.
No Decision Implied	Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
Adhering to Current Regulations	The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.
Incomplete Applications	Any application submitted without the information identified in this record of pre-consultation will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
Public Information	The applicant acknowledges that the Municipality and Region considers application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application without any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
Required Studies	It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant. Some studies may require NPCA review and clearance/approval – in this instance the NPCA review fee shall be paid by the applicant.

SIGNATURES

Sarah Ivins
Township Planning Staff (Print Name)

Township Planning Staff (Signature)

May 14, 2020
Date

Township Planning Staff (Print Name)

Township Building Staff (Signature)

Date

Township Drainage Staff (Print Name)

Township Drainage Staff (Signature)

Date

Township Operations Staff (Print Name)

Township Operations Staff (Signature)

Date

Township Fire Staff (Print Name)

Township Fire Staff (Signature)

Date

Lindsay Earl
Niagara Region Staff (Print Name)

Niagara Region Staff (Signature)

May 14, 2020
Date

Jessica Abrahamse
NPCA Staff (Print Name)

NPCA Staff (Signature)

May 14, 2020
Date

Owner (Print Name)

Owner (Signature)

Date

Owner (Print Name)

Owner (Signature)

Date

Agent (Print Name)

Agent (Signature)

Date

Other (Print Name)

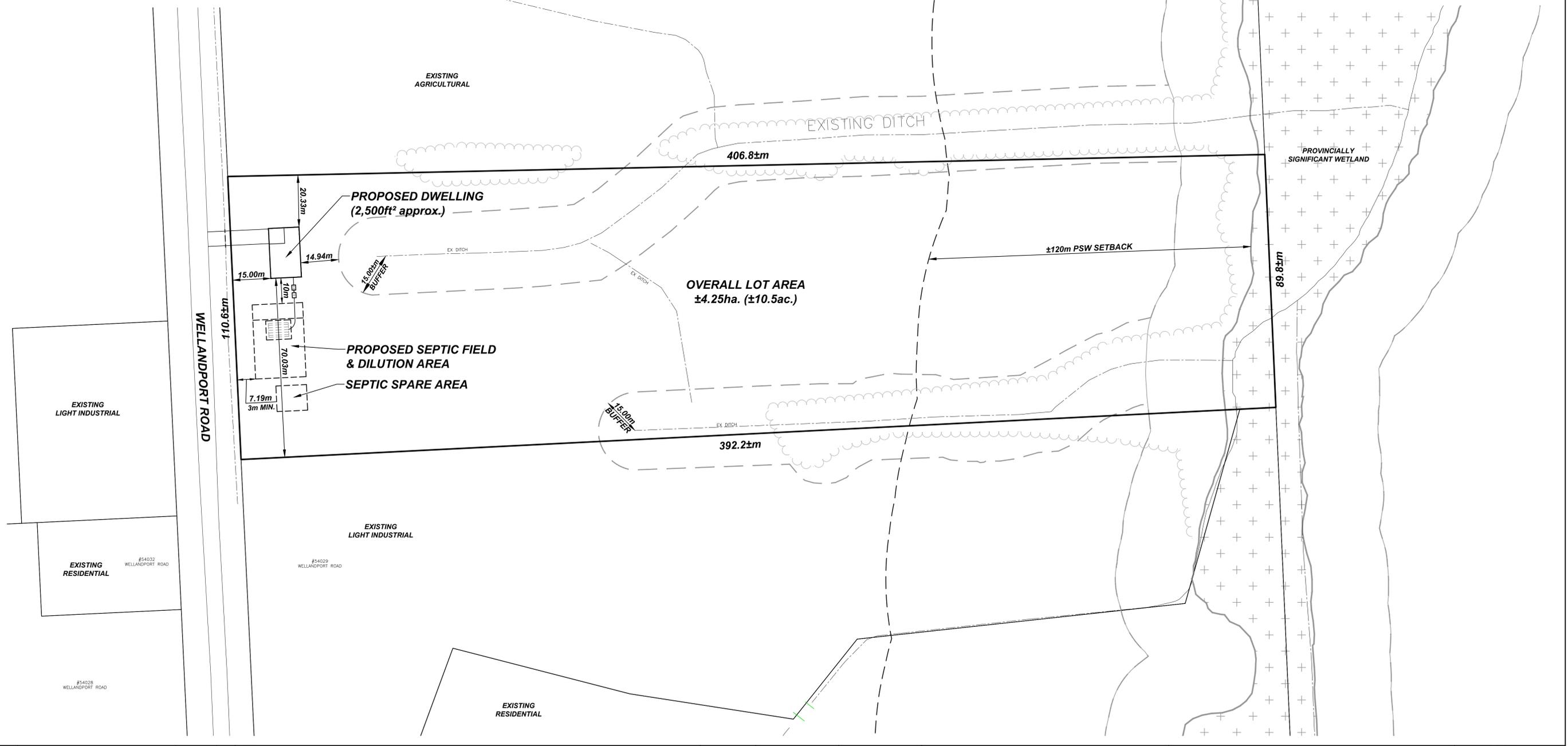
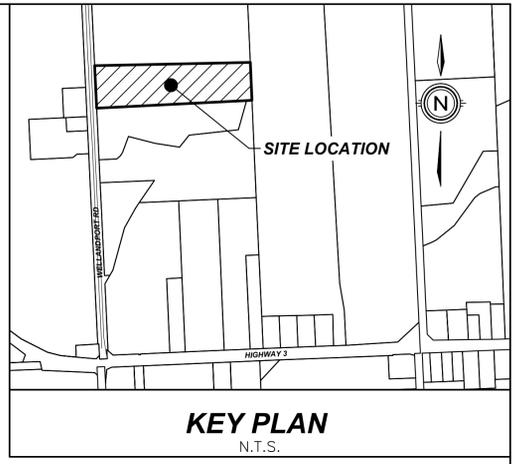
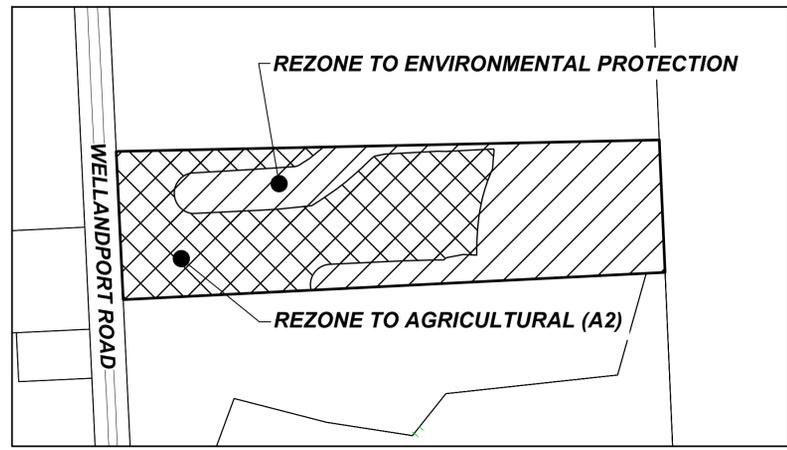
Other (Signature)

Date

Other (Print Name)

Other (Signature)

Date



#	REVISION	DATE	INIT

NOTES:

1. THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	R.A.D. / M.K.
DESIGN	M.K.
CHECKED BY	---
APPROVED BY	---

LEGEND	



ZAVITZ PROPERTY - WELLANDPORT RD
 TOWNSHIP OF WAINFLEET
CONCEPT PLAN

CONSULTANT FILE No.	2029
DATE	2020-11-27
PRINTED	2020-11-27
SCALE	1:750 m
REF No.	
DWG No.	2029-CP
REV	0