

Planning Justification Report

Zoning By-law Amendment and Draft Plan of Subdivision

53814 Zion Road, Wainfleet, ON

April, 2022

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1.0 - PREFACE

Upper Canada Consultants respectfully submits this Planning Justification Report in relation to application for a **Draft Plan of Subdivision and Site-Specific Zoning By-law Amendment**, for PART OF LOT 38 CONCESSION 5, CON 5 PT LOT 38 RP 59R-16928 Part 1, 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 as 53814 Zion Road.

The property was the subject of a consent application (B02/2021W) and minor variance application (A01/2021W) in 2021, to sever the Hamlet lands from the agricultural lands – both applications were approved and the consent was registered on April 21, 2021.

The purpose of the application is to create six lots for residential development and one block for environmental protection.

A pre-consultation meeting regarding this application was held on May 27, 2021. The Record of Pre-Consultation is included as **Appendix I** to this Report.

This Planning Justification Report was requested by the Township of Wainfleet to provide an analysis of the lot creation policies and conformity with Provincial, Regional and Township of Wainfleet land use planning policies.

2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

This subject property is located at 53814 Zion Road, in the Township of Wainfleet, within the Regional Municipality of Niagara. Please see **Figure 1**, below.

The subject land is legally described as PART OF LOT 38 CONCESSION 5, CON 5 PT LOT 38 RP 59R-16928 Part 1, Township of Wainfleet, in the Regional Municipality of Niagara. The lot is 4.63 hectares (11.44 acres) in size, with 136.06 m (446.5ft) of frontage on Highway 3 (Forks Road) and 187.08m (613.8ft) along Zion Road.

The subject land falls within the Hamlet of Hendershot Corners and the Township's Official Plan designates the subject lands as "Village Residential" and "Environmental Protection Area" and is currently zoned Development – D and Hazard – H under Zoning By-law 581-78.

The property is located on the west side Zion Road where it intersects with Highway 3. The land surrounding the property is primarily residential and agriculture.

The existing natural heritage features within the property include Significant woodlands and a portion of the Marshville Station Clay Plain Provincially Significant Wetland (PSW) Complex, located in the southwest corner.

The property has historically been used for agricultural purposes. The southern portion of the property has been left to naturalize, while the northern portion of the property (outside of the settlement area) remains active agricultural fields. Over the years the some of the surrounding landscape has developed from farmland into rural residential as a result of the Hendershot Corners Hamlet designation.

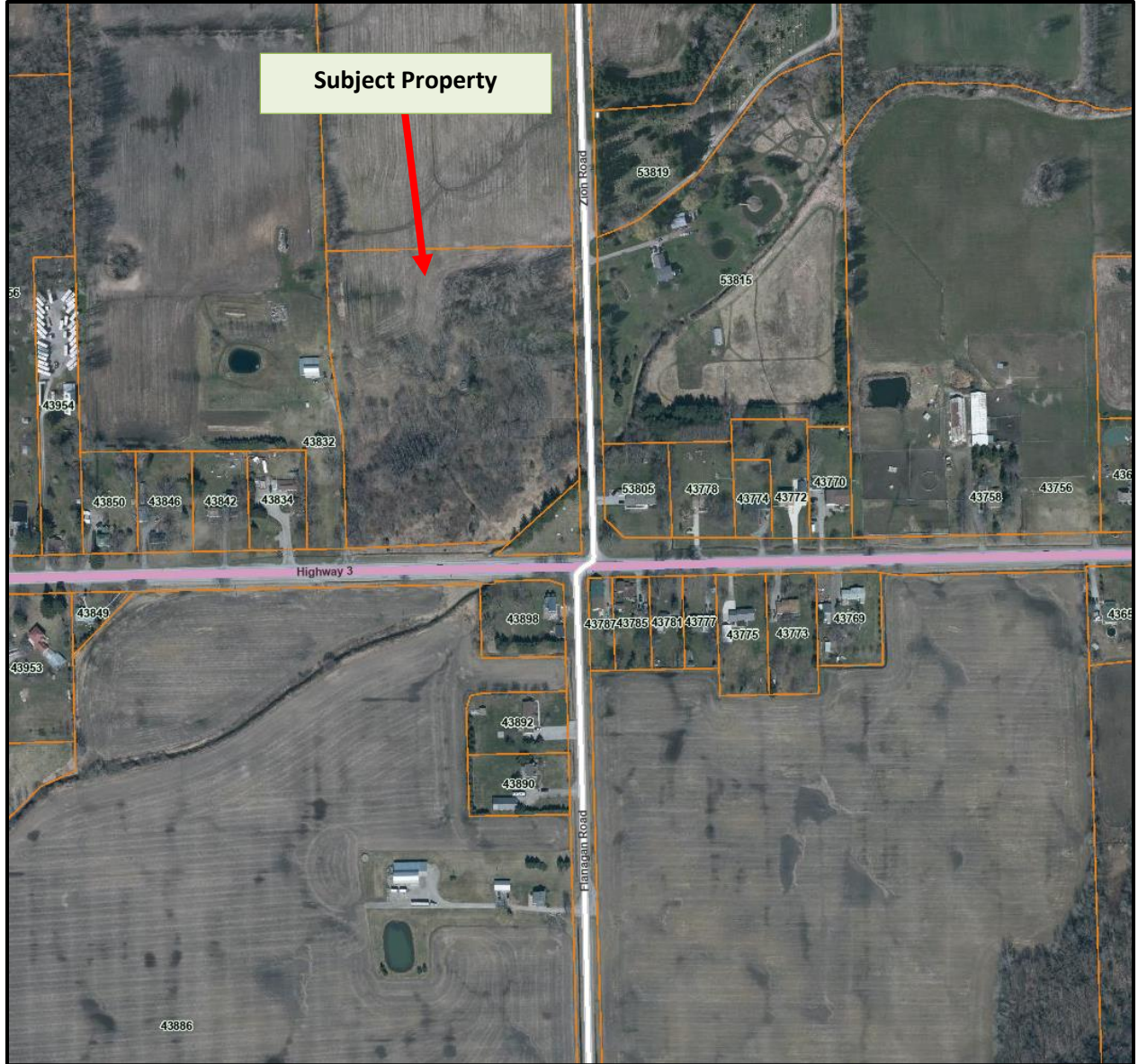


Figure 1 - Aerial View of Subject Lands

3.0 - THE PROPOSED DEVELOPMENT

The purpose of the application is to create six lots for residential development and one block for environmental protection. The subject property is designated as Village Residential and Environmental Protection Area in the Township Official Plan and is currently zoned Development – D and Hazard – H under Zoning Bylaw 581-78. The Development - D zone permits existing dwellings but in order to allow new dwellings or new lots, a zoning by-law amendment will be required to rezone the property to a Residential -R1 zone.

As outlined in **Figure 2** and **Appendix II** the applicant is proposing to construct single detached dwellings. The frontages range from 27.08m to 45.22m and are therefore less than the required 46m, as such the zoning amendment shall request site specific zoning to permit reduced frontages. The property is impacted by a flood hazard, a regulated watercourse, a provincially significant wetland and unelevated wetlands. As such, the project has created a block for environmental protection and the associated 30m buffer.

A Draft Zoning By-law Amendment is included as **Appendix III**.

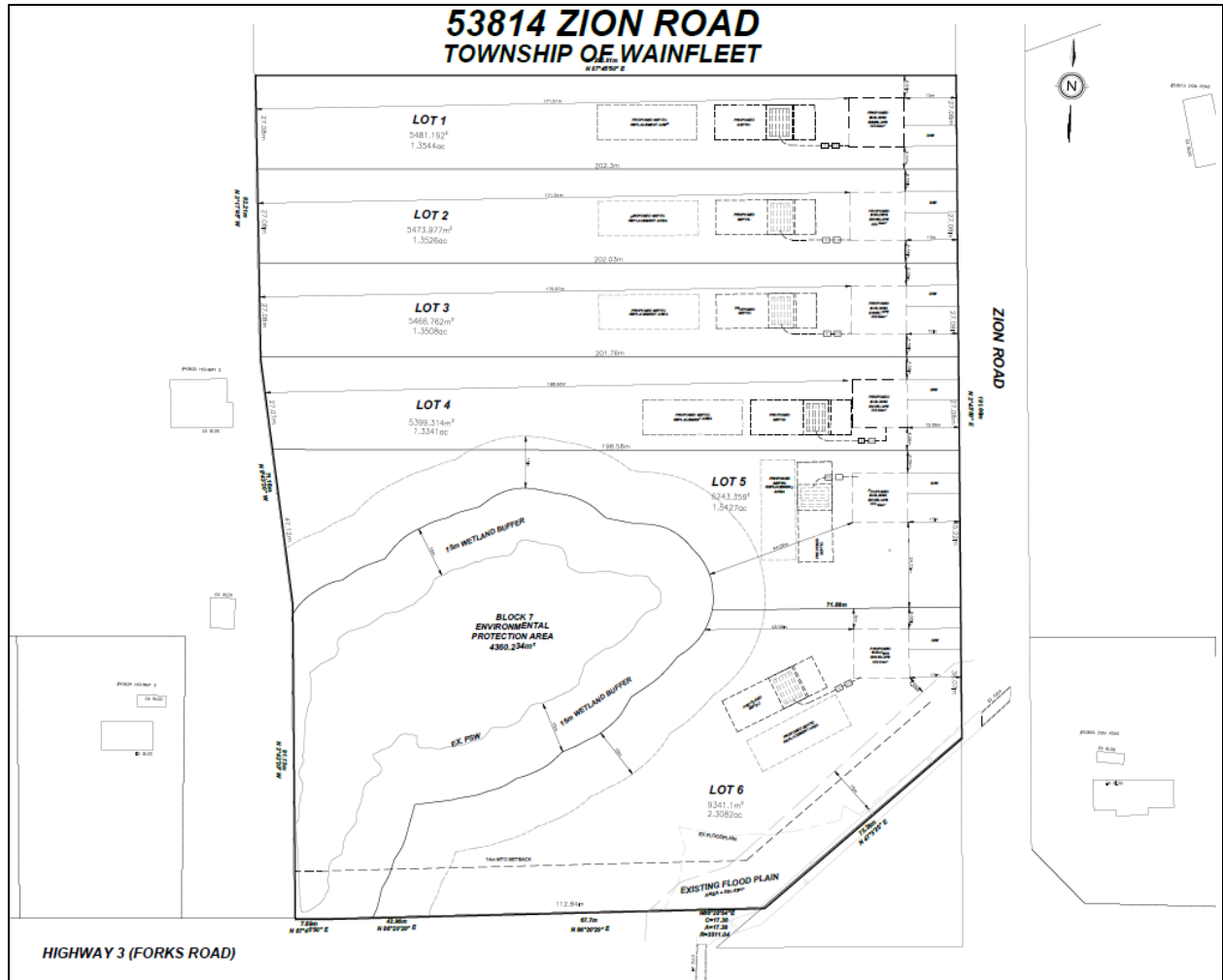


Figure 2 - Development Proposal

4.0 – SUPPORTING TECHNICAL REPORTS

4.1 - Environmental Impact Study:

LCA Environmental Consultants were retained to evaluate the natural heritage and ecological features on the property located at 53841 Zion Road, Wainfleet to identify any constraints to development on the property. An Environmental Impact Study (EIS) including a Constraints Analysis and Impact Assessment, was completed in accordance with the Regional Municipality of Niagara EIS Guidelines and with regard to the Provincial Policy Statement (2020), and the 2015 Consolidated Regional Official Plan.

The purpose of the EIS was to address the effects of a proposed severance and creation of six rural residential lots on the natural heritage features identified on the site and adjacent lands. These features and their relative functions were assessed through a review of the existing data and current field investigations. The subject lands previously had a single dwelling which has since been removed and currently only a small shed remains on the property. The planning application proposes a severance of the subject property to create six new building lots for single family homes.

Lots 1 through 4 will be approximately 1.35 acres and lots 5 and 6 will be approximately 1.5 acres and 2.3 acres, respectively. The proposed lot lines of Lot 5 and 6 do not interfere with the PSW but follow the 15m buffer, excluding the PSW and the 15m setback from the residential properties.

As to residual effects the study concluded that:

- **Regionally Significant Woodlands** – A 10% reduction in size of ECA Significant Woodlands is expected.
- **Provincially Significant Wetlands** – Minimum 15m buffer retained outside of proposed lots. Hydroperiod maintained through site grading. No negative residual impacts expected.

- **Wildlife Habitat** - No significant negative impacts expected. Loss of woodland habitat limited to low quality edge habitat with potential to create an edge management plan where necessary to enhance the existing feature. Foraging habitat for Special Concern birds to be maintained.
- **Wildlife Corridor** – No corridor identified. No negative residual impacts expected.
- **Flora and Fauna** - No loss of significant species; no residual negative impacts expected.

The findings of the EIS and evaluation of compliance with current policies supports the proposed lot severance and development of six dwellings on the property located at 53814 Zion Road in the Township of Wainfleet. Development **can be completed with no negative impact to wildlife, the surrounding natural areas or the ecological function of the Significant Woodland and Provincially Significant Wetland.**

4.2 - Noise & Vibration Study

Valcoustics Canada Ltd. (VCL) was retained to prepare an Environmental Noise Feasibility Study to support the land use planning application submission to the Township of Wainfleet and the Regional Municipality of Niagara. The project consists of six single family residential units.

The main noise source with potential to impact the proposed development is road traffic on Highway 3. There are no stationary sources in the vicinity with the potential to significantly impact the subject site.

To meet the applicable transportation noise source guideline limits the following recommendations are provided.

1. The residential unit on Lot 6 requires the provision for adding air-conditioning; and
2. For all residential units, exterior walls and windows meeting a minimum non-acoustical requirement of the Ontario Building Code (OBC) are sufficient to meet the indoor sound level criteria of the MECP noise guidelines.

With the incorporation of the recommended noise mitigation measures, the indoor and outdoor transportation noise guidelines **can be met**. Future occupants will be made aware of potential noise situation through warning clauses, as per MECP guidelines.

4.3 - Hydrogeological Study

Terra-Dynamics Consulting Inc. was retained to complete a Hydrogeological Assessment to assess sewage impacts for six proposed 0.40 - 0.94 hectare severance from 53814 Zion Road, located in the Township of Wainfleet.

The proposed lots, **can be safely serviced by private sewage systems** with the implementation of the following recommendations:

1. All lots be equipped with sewage systems that provide at least 50% nitrogen reduction of septic sewage effluent Level IV/tertiary treatment;
2. Future sewage disposal systems observe the required Ontario Building Code set-backs from water supplies and surface water;
3. A development agreement should be completed with the Township indicating water supply will be by cistern(s); and
4. Recommend sewage disposal bed mantles should be sloped to the west.

4.4 - Archaeological Assessment

Based on the Ontario checklist the Regional Municipality of Niagara requested a Stage 1 and 2 Archaeologist assessment based on screening questions 6 (cemetery adjacent to project area), 9 (proximity to a watercourse, 300m) and 10 (early historic transportation routes, Hwy 3). Details of the Ministry of Tourism, Culture and Sport Criteria for Evaluating Archaeological Potential (A Checklist for the Non-Specialist) is found in **Appendix IV**.

The subject property that requires the Stage 1 and 2 Assessment is shown in Exhibit 3 below.

Detritus Consulting was retained to conduct the Archaeology assessment.

Stage 1-2 test pit assessment of the study area was conducted on June 29, 2021 under the direction of Mathew Gibson (R1160) and the Detritus Hamilton field crew. This consisted of test pit assessment of the wooded portion of the study area at 5m intervals. One artifact was found: a single piece of Onondaga chipping detritus (a leftover from stone tool making activities during the Pre-contact Aboriginal period). Secondary test pits spaced at 2.5m around the initial findspot resulted in no additional finds. As per the 2011 Standards and Guidelines for Consulting Archaeologists, a single 1m x 1m test square was excavated on top of the findspot. No additional artifacts were found. As such, no more work was recommended for the findspot.

The balance of the study area was an agricultural field, which at the time of assessment was under crop and could not be assessed through pedestrian survey as would normally be done due to a lack of visibility of the surface.



Exhibit 3 – Archaeological assessment area

4.5 - Storm Water Management/Functional Servicing Report

The purpose of the report was to address the servicing needs for the proposed six residential lot subdivision located at #53814 Zion Road in the Township of Wainfleet in support of the application for Draft Plan of Subdivision Approval.

The site is situated north of Highway 3 (Forks Road), south of Willford Road, east of Wellandport Road, and west of Smith Road. The site is approximately 4.63 hectares and comprises 6 residential lots and one Environmental Protection Area block (Block 7).

The objectives of the report:

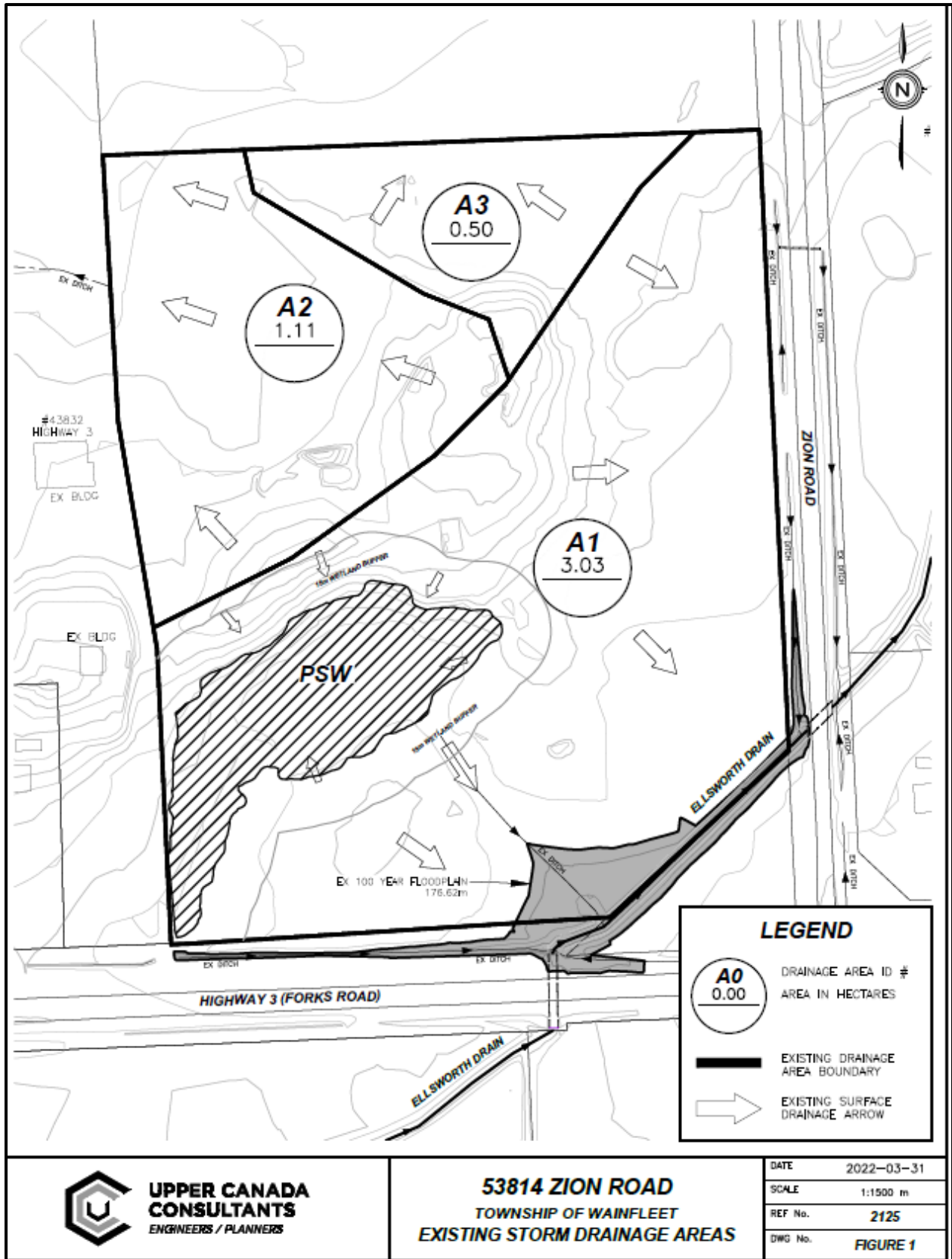
1. Identify the domestic water service needs for the site;
2. Identify the sanitary servicing needs for the site; and,
3. Identify the stormwater management needs for the site.

The site is bound to the south by MTO Highway 3. Drainage areas A20 and A30 discharge to lands that do not impact MTO controlled lands and area A10 conveys stormwater flows to the Ellsworth Drain, which conveys flows northerly to Zion Road, downstream of Highway 3. Figure 4 shows the existing drainage patterns for the subject lands. The future drainage areas are shown in Figure 5.

The review determined that:

1. Stormwater quantity controls are not considered necessary for the subject lands.
2. Stormwater quality controls are not considered necessary for the subject lands.
3. There will be no negative impact to the stormwater drainage on MTO controlled lands (Highway 3).

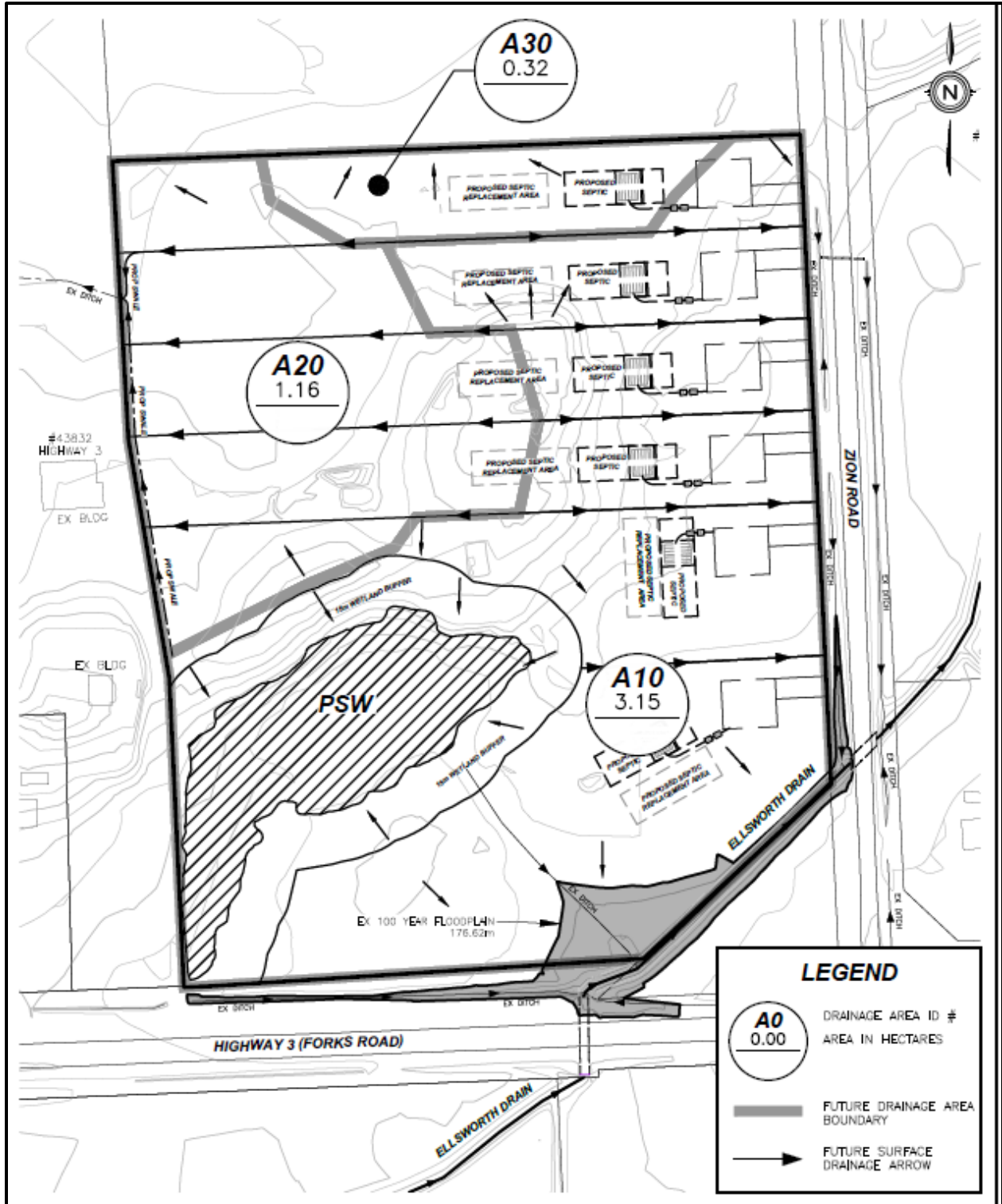
Exhibit 4



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53814 ZION ROAD
TOWNSHIP OF WAINFLEET
EXISTING STORM DRAINAGE AREAS

Exhibit 5



**UPPER CANADA
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53814 ZION ROAD
TOWNSHIP OF WAINFLEET
FUTURE STORM DRAINAGE AREAS

DATE	2022-03-31
SCALE	1:1500 m
REF No.	2125
DWG No.	FIGURE 2

DRAWING FILE: F:\2125\53814\2125_SDMBAC.dwg PLOTTED: Mar 31, 2022 - 11:47am PLOTTED BY: brandis

5.0 - REQUIRED APPLICATIONS

In order to permit the development as proposed, two types of planning approvals are required:

Zoning By-law Amendment

A Zoning By-law Amendment Application has been submitted to:

1. Re-zone the property from Development - D to Site-Specific Residential – R1 for Part 1
2. Re-zone the property from Development – D to Environmental Protection for Part 2

As shown in **Appendix III**.

Draft Plan of Subdivision

An Application for Subdivision Approval has been submitted to:

1. Create six residential lots
2. Create one block environmental protection

6.0 – POLICY ANALYSIS

In preparing this Report, the following documents were reviewed:

1. 2020 Provincial Policy Statement
2. 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe
3. Niagara Region Official Plan (2015 Consolidated)
4. Niagara Peninsula Conservation Authority
5. Township of Wainfleet Official Plan
6. Township of Wainfleet Zoning By-law

6.1 - PLANNING ACT

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.

PART 1 PROVINCIAL ADMINISTRATION - Section 2 - Provincial Interest

The Planning Act (R.S.O.1990) prescribes the regulations for land use planning in Ontario. 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. The proposal will protect the natural heritage features on site.

PART V LAND USE CONTROLS AND RELATED ADMINISTRATION - Section 34 – Zoning By-laws

Section 34 of the Planning Act grants municipal council the authority to pass Zoning By-laws to regulate the use of the land within a municipality. Amendments to such By-laws are permitted pursuant to Section 34(10) of the Planning Act.

PART VI – SUBDIVISION OF LAND – Section 50

Section 50 of the Planning Act grants municipal council the authority to consent to the division of land.

6.2 - 2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) (2020) provides policy direction on the matters of Provincial interest delineated under Section 2 of the Planning Act (R.S.O. 1990), and sets the policy framework for regulating the development and use of land. An overview of consistency to the applicable policies is provided below.

The Provincial Policy Statement provides policy direction on matters of provincial interest for all land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The three fundamental principles as set out in the PPS include: 1. Building Strong Healthy Communities; 2. Wise Use and Management of Resources and 3. Protecting Public Health and Safety.

Building Strong Healthy Communities – Managing and Direction Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)

The subject lands are designated as Village Residential and Environmental Protection Area. The following key PPS policies that support this application. Under the first principle, **Sections 1.1.3 Settlement Areas** and **1.1.3.2 Land use patterns**, applies to the six proposed residential lots.

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;

Wise Use and Management of Resources

The proposal includes a separate block to be created to address the protection of the wetlands, as noted in principle two, **2.1 Natural Heritage**. As well as **Section 2.3.4.1 Lot Creation and Lot Adjustments**.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;

c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and

d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way. 2

The proposed development is consistent with the PPS.

6.3 - 2019 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe through specific policies based on a 25-year planning horizon. The goal of the policies under the Growth Plan is to enable environmental, social and economic prosperity on a regional level.

A Place to Grow; Growth Plan for the Greater Golden Horseshoe provides a provincial policy framework for managing growth in the Greater Golden Horseshoe (GGH). The Township of Wainfleet is part of the GGH.

A Place to Grow is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

Policies for Where and How to Grow – Managing Growth (PTG 2.2.1)

The subject lands are supported under **Section 2.2.9 .6**

1. New multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

Policies for Protecting What is Valuable – Natural Heritage System (PTG 4.2.2)

Further, the subject lands conform to the principles outlined in **Section 4.2.2 Natural Heritage System** and specifically to new development.

3. Within the Natural Heritage System for the Growth Plan:
 - a) new development or site alteration will demonstrate that:
 - i. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;

The proposal recognizes this by creating a separate block to preserve the natural area.

6.4 – NIAGARA OFFICIAL PLAN (2015 Consolidated)

The Niagara Region Official Plan (ROP) is the long-range, community planning document used to guide the physical, economic and social development of Niagara.

It contains objectives, policies and mapping that implement the Region's approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

The subject property is classified as Rural Settlement Area, with the ROP designation – Hamlet.

Figure 5 is an excerpt from Schedule A of the Niagara Official Plan that shows the subject property within the Hamlet of Hendershot Corners. As Rural Settlement Areas, Hamlets are to be a focus of growth and development, and their regeneration is promoted by the Regional Official Plan as well as the PPS.

Chapter 5 – Rural and Agriculture

Policy 5.C.6.4, Rural Residential Development in the Rural Area must meet the following criteria:

- d) Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of portable water and the installation and long-term operation of an adequate means of waste disposal

The proposal addresses this by using cisterns only.

All other matters raised in the Pre-Consultation meeting notes have been addressed in the technical reports that form part of this report.

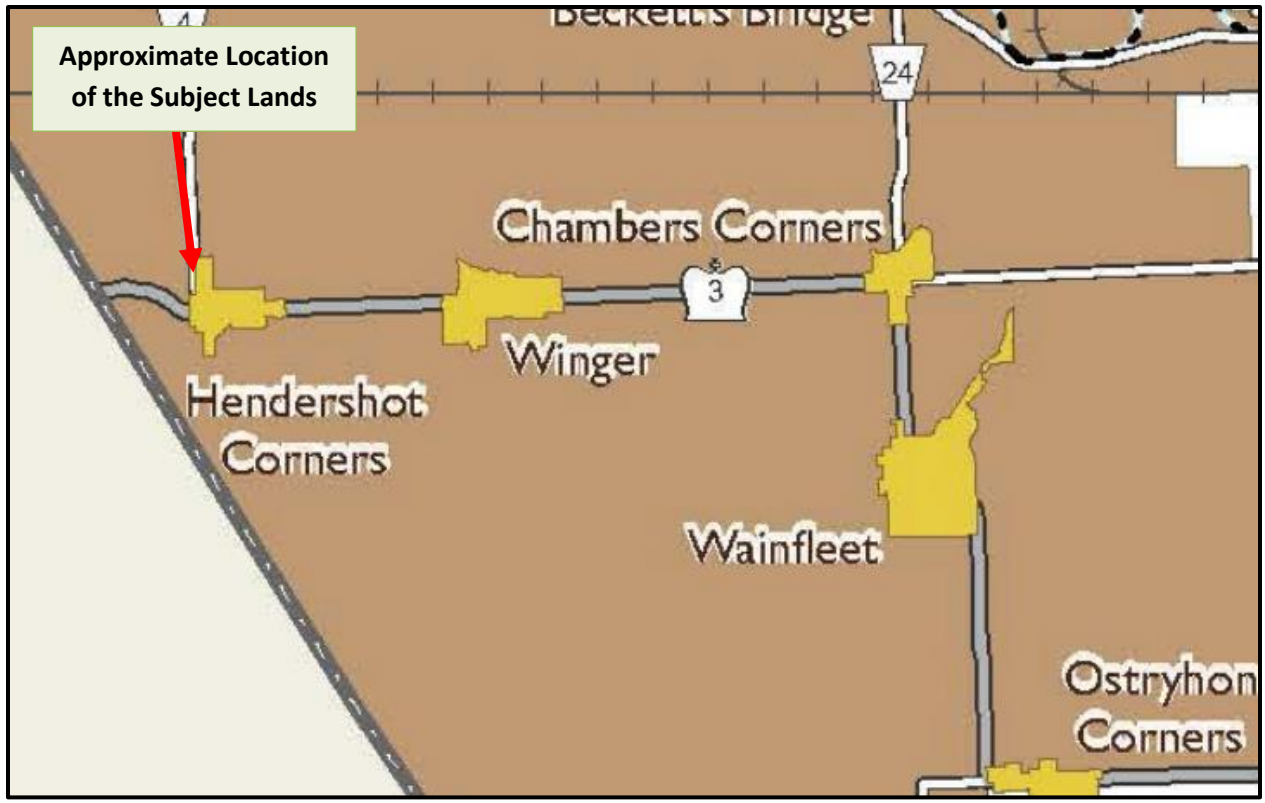


Figure 6 - Excerpt from Schedule A of the Niagara Official Plan

6.5– NIAGARA PENNINSULA CONSERVATION AUTHORITY

The Niagara Peninsula Conservation Authority (NPCA) fulfills a broad range of functions towards promoting the ultimate goal of conserving the environment and supporting sustainable development practices across the watershed. Governed by “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act.”

As stated in the EIS, Pursuant to NPCA Policy 8.2.3.4, lot creation may be permitted between 15m and 30m of the wetland if there will be no negative impact on the hydrological or ecological function of the wetland as required in Policy 8.2.3.3.

The EIS study confirmed that there will be no negative impact therefore the 15m buffer satisfies the principle of Section 8.2.2 and relevant policies.

Further, Policy 8.2.3.3 j) refers to septic systems and refers to Policy 8.2.3.5, the proposed development addresses this concern by using only cisterns as recommended.

6.6 – TOWNSHIP OF WAINFLEET OFFICAL PLAN

The Township of Wainfleet official Plan is the guiding document that outlines the goals, objectives and policies of the community to manage and affect change related to the economy and natural environment of the municipality; including policies managing land use and residential development.

The subject land falls within the Hamlet of Hendershot Corners and the Township’s Official Plan designates the subject lands as “Village Residential” and “Environmental Protection Area” and is currently zoned Development – and Hazard – H under Zoning By-law 581-78.

Figure 6 show the subject property on the Town of Wainfleet Official Plan, Schedule B5 – Hendershot Corners Hamlet Land Use Plan. The application is covered principally in Section 2.4 The Hamlets, Section 3.1 Rural and Agricultural Areas and 3.2 Natural Environment.

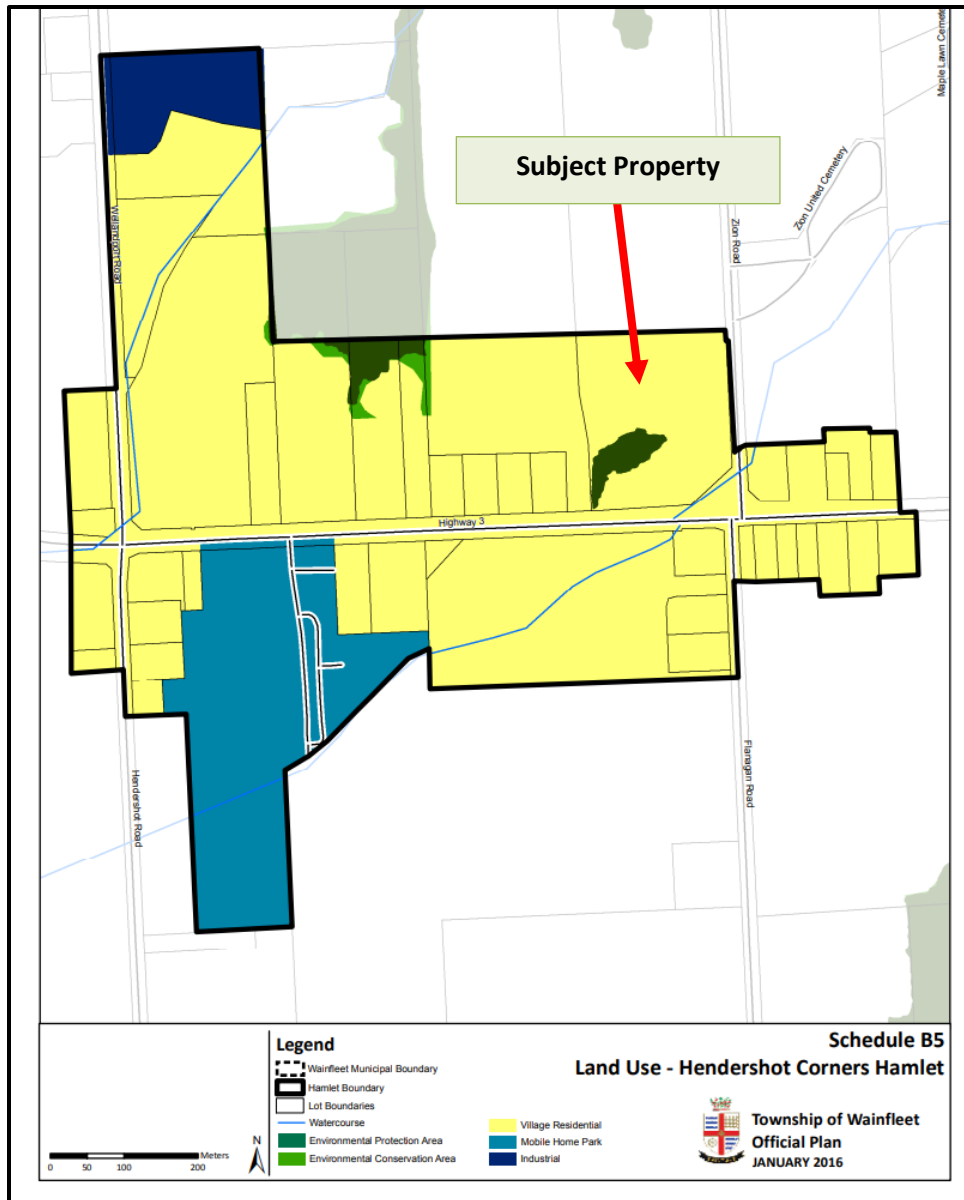


Figure 7 - Hendershot Corners Hamlet Land Use Plan
(Schedule B5 Town of Wainfleet Official Plan)

Section 2.4 The Hamlets

In Section 2.4 The Hamlets, the application addresses the following policies:

2.4.1 Hamlets shall primarily be comprised of single detached dwellings on private services along with small scale, local-serving commercial uses, places of worship, schools and other local institutional uses, and parks and recreational uses.

2.4.2 The majority of the population growth and the non-agricultural and non-resource-based employment growth shall be directed to the existing Hamlets.

2.4.9 The minimum lot size for new lots within the Hamlets shall be 1 hectare unless it is demonstrated through a hydrogeological study that a smaller lot size can adequately support a private sustainable water and sewage disposal system, and protect surface and ground water features. In such case, the minimum lot size shall consider the matters set out in 3.3.2.8 and Section 4.2. Lot sizes shall be no less than 0.4 hectares.

Policies:

2.6.1 The Natural Heritage System, as illustrated on Schedule A, is schematic and shall be refined if and when land use changes are proposed. The spatial extent and functional requirements of the Natural Heritage System shall be determined through watershed plans, Secondary Plans and / or Environmental Impact Studies (EIS) and the boundaries of the Natural Heritage System shall be refined using the following principles:

- a) Incorporate Environmental Protection and Environmental Conservation designated features among which functional linkages can be established. The boundaries of such features shall be established based on the policy direction set out in Sections 3.2.1 and 3.2.2;
- b) Preserve, and where possible improve, functional connections among natural heritage features;
- c) Maintain connections between open water features (e.g., ponds and small lakes) and upland woods;
- d) Wherever possible, include cold water streams, headwater wetlands and associated woodlands;
- e) Provide for linkages that extend outside of the Township boundaries as generally delineated on Schedule A; Township of Wainfleet Official Plan Municipal Structure 14
- f) Link woodlands that occur along watercourses; and g) Evaluate the role of smaller woodlands and meadows, and the linkages among them and other Natural Environmental Area features, and incorporate them into the Natural Heritage System where appropriate.

Section 3.1 Rural and Agricultural Areas and Section 3.2 Natural Environment

Further, Section 3.1 Rural and Agricultural Areas and Section 3.2 Natural Environment are addressed in the following subsections:

3.1.1.8 Landowners shall be encouraged to respect and protect natural features including woodlots and stream corridors through the use of recognized conservation and land stewardship techniques and farm practices.

3.2.1.6 Development and site alteration may be permitted without an amendment to this Plan on adjacent lands, subject to the following:

a) It has been demonstrated through an EIS in accordance with Section 8.9 that there will be no negative impact on the feature or its ecological function; and,

b) The proposed development or site alteration is not prohibited by other Policies in this Plan.

3.2.1.11 The transfer of Environmental Protection Area lands to the Township, the Conservation Authority or where appropriate the Province or another appropriate public or private conservation organization shall be encouraged. However, these lands will generally not be accepted as parkland dedication. Where it is not possible to secure such a transfer, the Township shall encourage additional methods of protecting and enhancing these natural features and their ecological functions such as conservation easements.

Section 8.6 Severances

And, finally severances are permitted as stated in **Section 8.6.3**

Multiple lot severance proposals generally shall not be permitted except where the proposed development raises few, if any, planning issues including having frontage only onto an existing public road, the availability of sustainable private services, adequate drainage, the protection of water resources or natural heritage features and functions, compatibility with adjacent uses and no physical limitations affecting the site.

The proposal meets all of the relevant Wainfleet Official Plan policies as presented above.

7.0 – TOWNSHIP OF WAINFLEET ZONING BY-LAW

The currently zoning of the property is Development – D under Zoning By-law 581-78 which governs Hamlets. The Township is in the process of updating ZBL 034-2014. The application is to rezone the property under the existing ZBL581-78 to a Residential – R1 zone.

The Development – D zone permits existing dwellings but in order to allow new dwellings on new lots, a zoning by-law amendment will be required to rezone the property to a Residential – R1 zone. Since the lot frontages are less than the 46m required for R1, as such the zoning amendment shall request site specific zoning to permit reduced frontages.

The application is requesting a zoning amendment to request site specific zoning to permit reduced frontages.

As shown in Figure 3 the lot size frontages are less than the required minimum however the lot size exceeds the minimum lot requirement in Zoning By-law 6.2.1 due to the depth of the property.

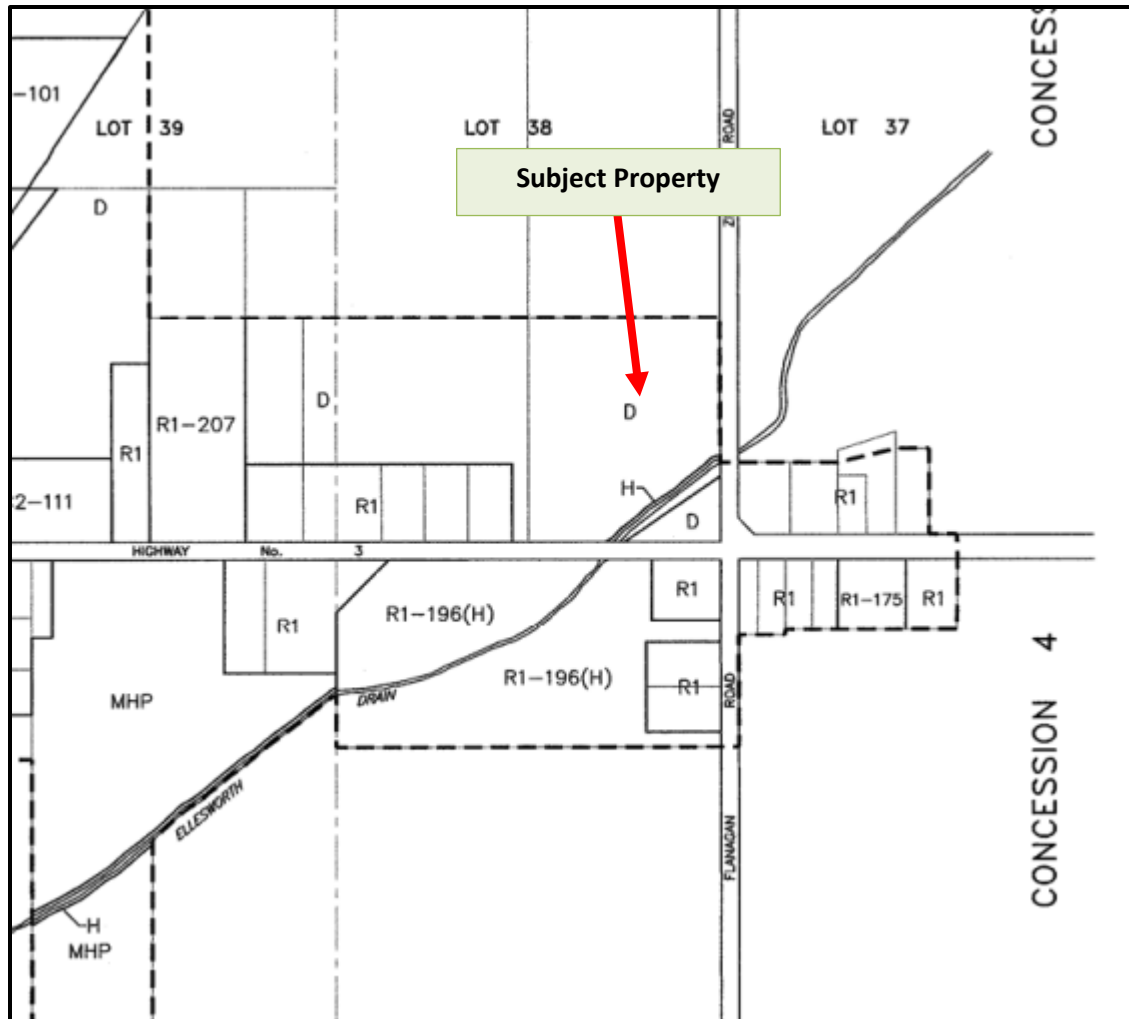


Figure 8 - Hendershot Corners Zoning Map

Table 1 – Zoning By-law

Zoning By-law 581-78			
Section 12 Residential 1 Zone (R1) Regulations			
Provision	Required	Proposed	Note
12.1			
Permitted Uses	(a) One single detached dwelling on one lot. (b) Cottages existing at the date of passing of the By-law but excluding enlargements or conversions to a single detached dwelling. (c) Uses, buildings and structures accessory to the uses permitted in clauses (a) and (b) hereof.	No Change	Confirm that their will be only one dwelling per lot
12.2 – Regulations for Dwellings- Conforming Los			
a) Minimum Lot Frontage	46 meters	27.0 meters	Site specific zoning requested
b) Minimum Lot Area	4000 square meters	No Change	
c) Maximum Lot Coverage	7%	No Change	
d) Minimum Front Yard	6 meters	6 meters	
e) Minimum Side Yard	An attached garage or attached carport with no rooms above may be erected at a distance of not less than 3 metres from a side lot line which does not abut a public street.	No Change	
	On an interior lot where no attached carport is provided, the minimum side yard on one side shall be 7.5 metres.		
	On a corner lot, the minimum side yard abutting a public street shall be 15 metres plus any applicable distance as specified in Schedule "C".		
f) Minimum Rear Yard	15 meters	No Change	
g) Minimum Floor Area for a Dwelling	90 square meters	No Change	

Minimum Lot Frontage

The applicant is proposing 6 residential lots that front on Zion Road. The lots sizes are shown in Table 2.

Table 2 – Lot Sizes

Lot No	Frontage	Depth	Acre
1	27.08m	202.30m	1.354
2	27.08m	202.03m	1.352
3	27.08m	201.76m	1.3508
4	27.08m	195.55m	1.3341
5	45.22m	71.88m	1.5427
6	38.07m	67.70m	2.3082

All of the proposed lots are larger than the minimum one acre.

9.0 - PLANNING POSITION

This Planning Justification Report has been prepared on behalf of the owner of 53814 Zion Road in the Township of Wainfleet to provide a planning rationale for the proposed development of the land - to create six residential lots and one block environmental protection.

As requested by the Township of Wainfleet this Planning Justification Report reviewed all relevant Provincial, Regional and Township of Wainfleet land use planning policies. As well as provided supporting technical reports that all confirmed that this proposal meets good planning.

The applications are considered to represent good planning for the following reasons:

1. The proposed residential development is proposed within the Hamlet of Hendershot Corners as Rural Settlement Areas, Hamlets are to be a focus of growth and development, and their vitality and regeneration is promoted by both the Provincial Policy Statement and the Regional Official Plan.
2. The proposed environmental protection block respects the natural environment and does not negatively impact the environment as supported in the EIS.
3. All other issues raised in the Pre-Consultation meeting notes have been addressed through the review and supported by technical studies.
4. The proposed zoning amendment is appropriate as it will facilitate the efficient use of the land in accordance with Provincial, Regional and local planning directives, and does not result in negative impacts on adjacent and surrounding properties.

Based on the above-analysis, the submitted application for Site Specific Zoning By-law Amendment is considered to represent good planning, and should be supported.

Prepared by:



Milica Kovacevich, BES, MA
Planner
Upper Canada Consultants

Reviewed by:



William Heikoop, MCIP, RPP
Senior Planner
Upper Canada Consultants

Appendix I
Pre-Consultation Agreement

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.

Pre-Consultation Meeting Date: *Thursday, May 27, 2021*

PROPERTY INFORMATION

Property Address: 53814 Zion Road	Roll Number: 271400001210100	Legal Description: CON 5 PT LOT 38 RP 59R-16928 Part 1	Lot Area: 4.63 ha
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PROPERTY OWNER/AGENT INFORMATION

Name of Registered Owner: Pols Enterprises Ltd. (c/o Ron Pols)	
Mailing Address: 52009 Regional Road 24, Wainfleet ON L0S 1V0	
Phone Number: 905-899-3621	Email Address: ron@polsltd.ca
Name of Authorized Agent: William Heikoop, Upper Canada Consultants	
Mailing Address: 3-30 Hannover Drive, St. Catharines ON L2W 1A3	
Phone Number: 905-688-9400	Email Address: wheikoop@ucc.com

DESCRIPTION OF PROPOSED DEVELOPMENT

- Proposed draft plan of subdivision application to create six lots for residential development and one block for environmental protection
- Property was the subject of a consent application (B02/2021W) and minor variance application (A01/2021W) earlier this year, to sever the Hamlet lands from the agricultural lands – both applications were approved and the consent was registered on April 21st, 2021

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 checked="" type="checkbox"/> Draft Plan of Subdivision/Condo | <input type="checkbox"/> Holding Zone | <input type="checkbox"/> Other |

PLANNING INFORMATION

Regional Official Plan Designation	Hamlet
Township Official Plan Designation	Village Residential, Environmental Protection Area
Township Zoning	Development – D, Hazard – H

AGENCY COMMENTS	
Agency	Comments
Niagara Peninsula Conservation Authority (NPCA)	<ul style="list-style-type: none"> - The NPCA notes that the subject property is impacted by a Flood Hazard, a Regulated Watercourse, a Provincially Significant Wetland (PSW) and Unevaluated Wetlands - The NPCA previously reviewed and approved a floodplain analysis report submitted for the subject property - It should be noted that the full extent of the generated floodplain mapping is not shown on the concept plan – the full floodplain extent as indicated in the floodplain analysis report should be shown on the final plan of subdivision - Currently, it does not appear that new lot lines, or any development or site alteration is proposed within the floodplain - Please note that the NPCA cannot support lot creation within a flood hazard and that the NPCA generally does not support development or site alteration within a flood hazard - The NPCA will also require confirmation of the location for proposed access to each of the proposed lots on the final site plan – any proposed access within the flood hazard shall comply with Section 4.2.7 of the NPCA Policy Document - The concept plan proposes new septic systems within 30m of a PSW and lot lines which bisect the 30m PSW buffer - Please note that the NPCA cannot support new septic systems within 30m of a wetland – as per NPCA Policy 8.2.3.4, lot creation may be supported within 15m-30m of a wetland where NPCA policies in section 8.2.3.3 are addresses to the satisfaction of the NPCA - The NPCA has received the Environmental Impact Study (EIS) Terms of Reference (TOR) dated April 12, 2021 completed by LCA Environmental Consultants – the NPCA is currently reviewing the TOR in conjunction with the provided concept plan - Please note that the extent of the regulated wetlands (including Unevaluated Wetlands) and the associated 30m buffer on site may change subject to the NPCA's review and approval of the EIS
Niagara Region – Planning & Development Services	<ul style="list-style-type: none"> - As Rural Settlement Areas, Hamlets are to be a focus of growth and development, and their vitality and regeneration is promoted by both the Provincial Policy Statement (PPS) and the Regional Official Plan (ROP) provided consideration is given to rural character and the scale of development relative to the provision of private servicing - The ROP states that the minimum lot size for new lots in Hamlets should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long term operation - In all cases, the minimum lot size for any new lot in a Hamlet is 1 acre - The subject property is also within a Highly Vulnerable Aquifer - Therefore, a hydrogeological study will be required to support the proposed lot sizes and lot fabric – a scope for the hydrogeological study is to be sent to the Region to confirm the scope of work prior to the report being completed - The subject lands are adjacent to Highway 3 – the PPS requires that major facilities (including transportation infrastructure and corridors) and sensitive land uses be planned to “ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...” - Therefore a noise study prepared in accordance with the Ministry of Environment, Conservation and Parks (MECP) Noise guidelines (NPC-300), should be submitted with the application to evaluate the impact of the road noise on the proposed lots and to prevent or minimize future land use problems - Regional staff could also potentially support the implementation of standard

<p>Niagara Region – Planning & Development Services (cont'd)</p>	<p>mitigation measures (i.e. noise barriers around the rear yard amenity areas, upgraded building facades of brick veneer/window glazing and air conditioning so that windows and doors can remain closed, standard warning clauses) provided these can be supported by a recent (i.e. within the past 5 years) noise study completed in support of a similar proposal in close proximity (typically 1km) of the subject property – Regional staff would welcome the opportunity to review the study and inform whether it would be satisfactory for the purposes of this development, or whether an update/amendment would be required</p> <ul style="list-style-type: none"> - The PPS and ROP both state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved - Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHTSCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300m) to a watercourse, as well as being located adjacent to a cemetery and on a historical transportation route (Highway #3) - Therefore a Stage 1 and 2 Archaeological Assessment will be required with the application (at minimum) - Due to the property's proximity to the agricultural area, a standard agricultural warning clause in the Subdivision Agreement will be recommended <p><u>Environmental Comments</u></p> <ul style="list-style-type: none"> - The subject property is impacted by portions of the Region's Core Natural Heritage System (CNHS), consisting of the Provincially Significant Marshville Station Clay Plain Wetland Complex (PSW) and Type 2 (Important) Fish Habitat - Consistent with Regional Official Plan (ROP) Policy 7.B.1.11 and 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or development proposed within 120m of PSW and within 15m of Type 2 Fish Habitat – the EIS must demonstrate that there will be no significant negative impact on the features or their ecological function - The proposed development is within the above noted setbacks and as such an EIS is required - Regional staff approved a Terms of Reference for the property in April 2021, however the \$405 review fee is outstanding <p><u>Stormwater</u></p> <ul style="list-style-type: none"> - Due to the scope, nature and location of the proposed development, Regional staff have no comments with respect to stormwater management
<p>Township of Wainfleet – Planning Department</p>	<ul style="list-style-type: none"> - The subject property is designated as Village Residential and Environmental Protection Area in the Township Official Plan and is currently zoned Development – D and Hazard – H under Zoning Bylaw 581-78 - The hamlet shall be the focus of development for the Township provided consideration is given to the rural character and the provision of private servicing - The minimum lot size required under the Official Plan is 1 hectare with the ability to have a smaller lot size (no smaller than 0.4 hectares) provided the smaller lot size can be supported by a hydrogeological study - The subject property is impacted by a Highly Vulnerable Aquifer (HVA) and as such any lot creation (regardless of size of the proposed lots) will require a hydrogeological study to assess servicing and impact to the aquifer - The Development – D zone permits existing dwellings but in order to allow new dwellings on new lots, a zoning by-law amendment will be required to rezone the property to a Residential – R1 zone - In addition to the minimum lot size discussed above, the new lot must comply with the Residential – R1 zoning requirement for lot frontage (minimum of 46m) and the building envelope is determined by the following requirements:

<p>Township of Wainfleet – Planning Department (cont'd)</p>	<ul style="list-style-type: none"> ○ Maximum Lot Coverage: 7% ○ Minimum Front Yard: 15m ○ Minimum Interior Side Yard: 6m (3m for an attached garage/carport) ○ Minimum Exterior Side Yard: 15m ○ Minimum Rear Yard: 15m <ul style="list-style-type: none"> - Township is trying to get Hamlet zoning done by the end of the year (to be governed by Zoning Bylaw 034-2014) – draft zoning shows a Residential Hamlet – RH zone with a (H) for consent or plan of subdivision and an Environmental Protection Overlay for the PSW - The concept plan provided for the pre-consultation meeting shows that the proposed lot frontages will be less than 46m (ranges from 23.25 to 43.69m) – as such the zoning amendment shall request site specific zoning to permit reduced frontages - The current concept plan will have to be reconfigured to address the setback requirements identified from MTO (minimum of 14m from MTO property) – the MTO owns the triangular property at the southwest corner of Zion Road and Highway #3 - Zoning could be a condition of draft approval and the Township may be able to accommodate the site specific zoning in the Township initiated update - Parkland dedication required (or cash in lieu of) - Stormwater management plan required (see Operations comments) - A planning justification report prepared by a professional planner is required to provide an analysis of the lot creation policies and conformity with Provincial, Regional and Township planning policies <p><u>Environmental Comments</u></p> <ul style="list-style-type: none"> - The municipal drain that is located immediately south of the subject property contains Important (Type 2) Fish Habitat – no development or site alteration is permitted within 15m from top of bank - The proposed building envelope for Lot 6 does not comply with the 15m setback and as such Township staff would request that design be altered to give additional room for Lot 6 – otherwise development within the 15m requires an Environmental Impact Study (see Regional comments) - A portion of the subject property is also designated as Environmental Protection Area under the Official Plan as it contains a Provincially Significant Wetland - Official Plan policies state that development and site alteration within an EPA is not permitted but may be permitted on adjacent lands (within 120m of an EPA) if it can be demonstrated, through an Environmental Impact Study (EIS), that there will be no negative impacts on the natural feature or its ecological functions - As such, an EIS will be required in support of the application - As indicated by the Region and NPCA, preference is for the block containing the PSW and required buffer, should be retained in public ownership - Township Official Plan policies do encourage public ownership of these lands however, these lands will not be accepted as parkland dedication
<p>Township of Wainfleet – Building/Septic Department</p>	<ul style="list-style-type: none"> - No comments received
<p>Township of Wainfleet – Drainage Department</p>	<ul style="list-style-type: none"> - As discussed in B02/2021W, the property is assessed to the Ellsworth Drain - Any boundary/parcel changes have to be captured under the Drainage Act - The Ellsworth Drain is undergoing a Section 78 Engineer’s report update - If timing allows, potential changes could be captured in that report or will be completed separately under Section 65 apportionments agreements which will need to be completed by a 3rd party engineer at the cost of the proponent - The zoning by-law setbacks apply to the Ellsworth Drain (11m) and so no structures or essential facilities (eg. septic bed) can be located within this setback to ensure there is appropriate space for future maintenance activities

Township of Wainfleet – Drainage Department (cont'd)	<ul style="list-style-type: none"> - Any potential improvements to the Ellsworth Drain need to be completed under the Drainage Act – no physical work can occur on the municipal drain unless in accordance with the Drainage Act
Township of Wainfleet – Operations/Roads Department	<ul style="list-style-type: none"> - Details regarding the entrances to Zion Road from each proposed lot will be required – entrance permits will be required as part of the future subdivision agreement - Operations will require a stormwater management report that indicates, in detail, how stormwater will be managed (pre and post development flows) - Operations will also require detailed grading, storm servicing, stormwater management and constructions sediment control drawings for review and approval
Township of Wainfleet – Fire & Emergency Services	<ul style="list-style-type: none"> - The Fire Department has reviewed the proposed separation distances between the proposed dwellings on the concept plan and notes that the separation distances exceed the minimum setbacks - As such, there are no concerns with the proposal
Ministry of Transportation of Ontario (MTO)	<ul style="list-style-type: none"> - In principle, the MTO has no objection to the proposed development - The subject lands are located within the Ministry's permit control limits; hence MTO permits will be required (e.g. grading/servicing, building and land use etc.) – the permits will need to be secured prior to the commencement of any on-site works - At this time, setbacks will be a minimum of 14.0m from all Ministry lands - No features which are essential to the overall viability of the site are permitted within the MTO 14m setback area - Essential features include, but are not limited to, buildings/structures (above or below grade), required parking spaces (required per the municipal zoning by-law), retaining walls, utilities (includes parking lot lighting), stormwater management features, snow storage, loading spaces, fire routes, essential landscaping etc. - Non-essential parking may be located within the MTO 14m setback area and must be set back a minimum of 3m from the MTO property line - Having said the above, currently Lot 6 is showing a proposed building envelope within the 14m setback area – this lot will have to be reconfigured to meet Ministry standards - In addition to setbacks, the applicant is reminded to ensure all accesses adhere to the Ministry's Highway Access Management Guidelines - Information regarding the MTO's application process, permits, forms and the policy can be found at http://www.mto.gov.on.ca/english/highway-bridges/highway-corridor-management/index.shtml - As part of the future formal subdivision application, MTO will most likely impose draft plan conditions for (i) Engineering/internal road construction plans, (ii) Lighting, (iii) Drainage and (iv) Traffic – please be aware that any required highway improvements, as a result of the subject development, will require the proponent to enter into a legal agreement with the MYO and the proponent will be 100% responsible for all associated costs (design/construction, etc.) - The following materials will most likely need to be submitted by the proponent to support MTO's draft plan conditions: <ul style="list-style-type: none"> - One (1) digital copy of the subdivision - One (1) digital copy of the civil engineering plans, stamped and signed by a Professional Engineer of Ontario - One (1) digital copy of a Stormwater Management Report, stamped and signed by a Professional Engineer of Ontario - One (1) digital copy of the Traffic Impact Study, prepared by a RAQS qualified consultant, stamped and signed by a Professional Engineer of Ontario - One (1) digital copy of the Landscape Plans - One (1) digital copy of the Illumination Plan and associated materials –

Ministry of Transportation of Ontario
(MTO) (cont'd)

the Illumination Plan is to include:

- To-scale plan showing the site location and the highway
- Lighting layout showing pole/luminaire locations and orientation
- Luminaire material information including catalog information and photometric data file
- Lighting calculation plan showing horizontal illuminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum
- Regarding light trespass onto the MTO right-of-way, the Ministry requires zero light trespass onto our right-of-way
- Please ensure that the MTO 14m setback line is clearly and accurately illustrated on all plans
- Non-essential parking within the 14m setback must be clearly identified with a note on all plans
- All plan/materials and/or technical submissions must adhere to MTO standards

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	MTO	Reports, Studies, Plans (See Notes for additional details)	Elect Digital	Paper	Notes
X	X			Planning Justification Report	1	3	
X	X	X	X	Draft Plan of Subdivision	1	5	
				Draft Local Official Plan Amendment			
				Land Use/Market Needs*			
	X			Archaeology Assessment	1	3	
				Cultural Heritage Impact Assessment*			
X	X	X		Environmental Impact Study	1	3	
				Environmental Planning Study/ Sub-Watershed Study			
				Tree Inventory Preservation Plan			
				Floodplain and Hazard Lands Boundary Plan			
				Environmental Site Assessment			
	X			Air Quality/Noise & Vibration Study*	1	3	
				Minimum Distance Separation I & II			
				Sensitive Land Use Report (D-series)			
				Slope Stability Report / Geotechnical Study			
X			X	Storm water Management/Lot Grading	1	3	
			X	Transportation Impact Study/Parking Impact Analysis	1	3	May be required as condition of draft approval
X	X			Hydro geological Study/Private Servicing Plans*	1	3	
				Soil report			
				Reference Plan/Concept Drawing			
				Other:			
			X	Illumination/Lighting Plans	1	3	May be required as condition of draft approval
			X	Landscape Plans	1	3	

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	\$1,315		If required
Temporary Use Bylaw				
Removal of Holding Symbol				
Plan of Subdivision/Condominium	\$5,725+	\$5,235+	\$570	See Notes 1 & 2
Development Agreement	\$2,170			See Note 3
Site Plan Approval				
Consent				
Minor Variance				
Township Septic Review Fee				
Floodplain Mapping Review				
Stormwater Management Review				
Environmental Impact Study (EIS) Review		\$1,140	\$2,205	See Notes 4 & 5
Hydrogeological Study Review		\$1,215		
Other:				

Notes:

1. Township Fee: \$5,725 (base fee) plus \$27 per lot, block or unit to a maximum of \$2,710.
2. Regional Fee: \$5,235 (base fee) plus \$1,160 per hectare to a maximum of \$22,840.
3. Township Development Agreement Fee is not required at the time of submission of the application. The fee will be required as part of the fulfillment of conditions of draft approval and is subject to change.
4. Regional EIS Review Fee: \$405 Terms of Reference Review Fee is required prior to the application submission and will be deducted from the EIS review fee (remainder of which is due upon submission of the application).
5. NPCA EIS Review Fee: \$350 Terms of Reference Review Fee is required prior to the application submission and will be deducted from the EIS review fee (remainder of which is due upon submission of the application).
6. Should the Township require any peer reviews, the applicant is responsible for the cost of such reviews.
7. NPCA Fees are under review and are expected to change within the coming weeks. Please contact the NPCA immediately prior to submitting the application to verify the required fees.

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.

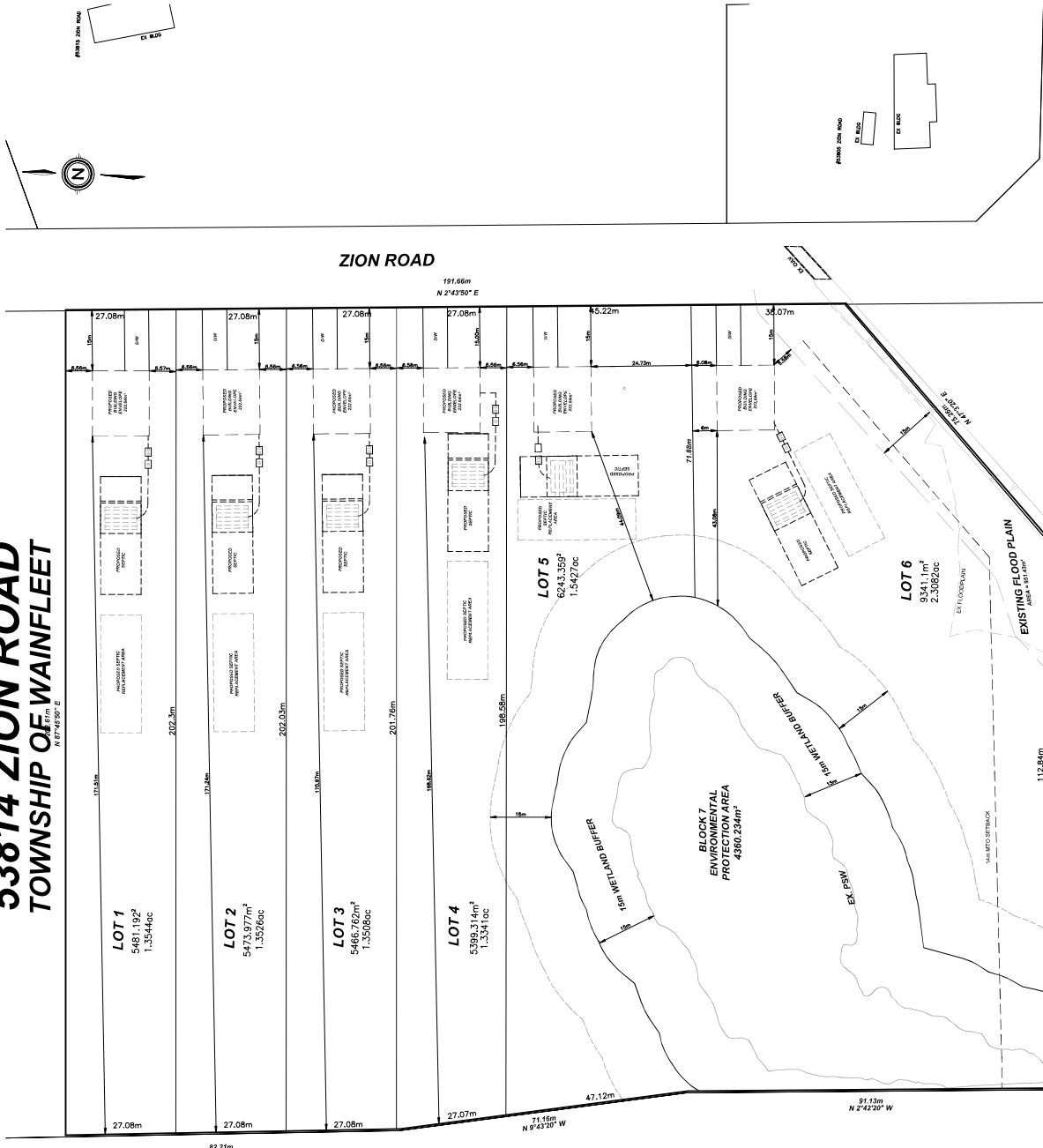
SIGNATURES

Sarah Ivins Township Planning Staff (Print Name)	_____ Township Planning Staff (Signature)	May 27, 2021 _____ Date
_____ Township Building Staff (Print Name)	_____ Township Building Staff (Signature)	_____ Date
Mark Jemison Township Drainage Staff (Print Name)	_____ Township Drainage Staff (Signature)	May 27, 2021 _____ Date
Richard Nan Township Operations Staff (Print Name)	_____ Township Operations Staff (Signature)	May 27, 2021 _____ Date
Morgan Alcock Township Fire Staff (Print Name)	_____ Township Fire Staff (Signature)	May 27, 2021 _____ Date
Amy Shanks Niagara Region Staff (Print Name)	_____ Niagara Region Staff (Signature)	May 27, 2021 _____ Date
Nikolas Wensing NPCA Staff (Print Name)	_____ NPCA Staff (Signature)	May 27, 2021 _____ Date
_____ Owner (Print Name)	_____ Owner (Signature)	_____ Date
Ron Pols Owner (Print Name)	_____ Owner (Signature)	May 27, 2021 _____ Date
William Heikoop (UCC) Agent (Print Name)	_____ Agent (Signature)	May 27, 2021 _____ Date
Ted Lagakos MTO Staff (Print Name)	_____ MTO (Signature)	May 27, 2021 _____ Date
_____ Other (Print Name)	_____ Other (Signature)	_____ Date

Appendix II
Draft Plan of Subdivision



53814 ZION ROAD TOWNSHIP OF WAINFLEET



KEY PLAN

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 36
SECTION 30
TOWNSHIP OF WAINFLEET
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE
BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE THE DRAFT PLAN OF SUBDIVISION
SUBMISSION TO THE TOWNSHIP OF WAINFLEET
FOR APPROVAL.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

Polina
CHAMBERS AND ASSOCIATES SURVEYING LTD.
2021.09.22
DATE

Polina
REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT

- SEE PLAN (A) SILTY SAND
- SEE PLAN (B) PULL SERVICE
- SEE PLAN (C) FULL SERVICE
- SEE PLAN (D) MUNICIPAL WATER
- SEE PLAN (E) SEE PLAN

PROVISION	ZONING (RH)	PROVIDED
MIN. LOT COVERAGE	R2	75%
MIN. FRONT YARD W.D.	40%	40%
MIN. SIDE/REAR YARD W.D.	15%	15%
MIN. FRONT W.D.	N/A	N/A
MIN. SIDE/REAR W.D.	30%	30%
MIN. FRONT W.D.	15%	15%
MIN. SIDE/REAR W.D.	4.00m	4.00m
MIN. FRONT W.D.	3m	3m

LAND USE SCHEDULE

LAND USE	LOT / BLOCK	# OF UNITS	AREA(m ²)	AREA(m ²)
SINGLE DWELLING RESIDENTIAL	LOT 1-6	6	57,246	B1
ENVIRONMENTAL PROTECTION	BLOCK 7	0	4,380.23	19
TOTAL		6	61,626.23	

DEVELOPABLE DENSITY - 1.64 units/Ha

#	REVISION	DATE	INIT
0	ISSUED FOR DRAFT PLAN APPLICATION	2021-11-5	

DRAWING TITLE
DRAFT PLAN OF SUBDIVISION

DRAWING NO.
2125_DP

REV
0

DATE
NOVEMBER 5, 2021

SCALE
1:500

DWC No.



Appendix III
Draft Zoning By-law Amendment

Appendix 3 – Draft Zoning By-law Amendment

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 0XX-YEAR**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 581-78 of the Corporation of the Township of Wainfleet with respect to those lands forming Lot 38 Concession 5 in the Township of Wainfleet.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 581-78 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 3 of Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of the subject property from Development - D to Site-Specific Residential – R1 for Part 1; Development – D to Environmental Protection – P for Part 2 as shown on Schedule “A” attached hereto.

THAT Section 31 entitled “Exceptions” is hereby further amended by adding the following text:

Legal Description, Bylaw No.	Exception	Provisions
Lot 38, Concession 5 By-law 0XX-2022	Part 1	(a) That the minimum lot frontage be amended to 27m.

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

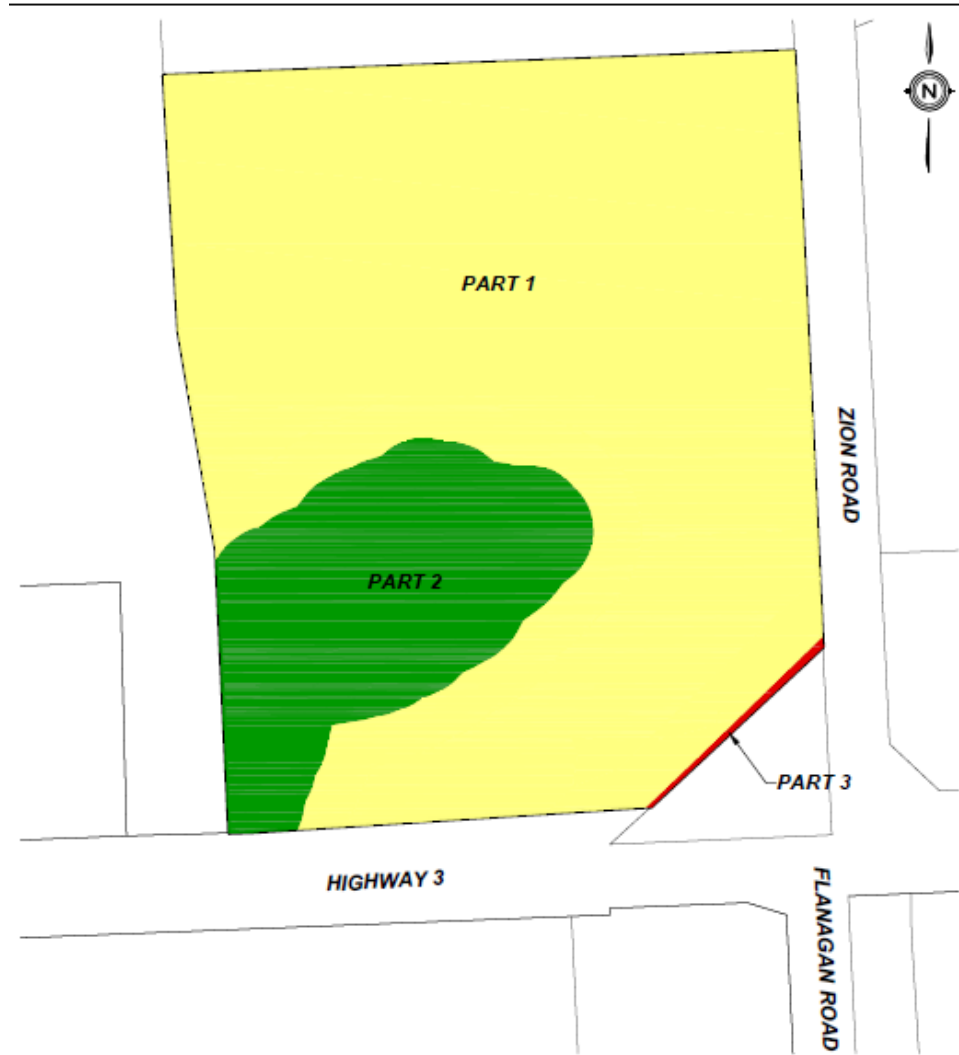
BY-LAW READ AND PASSED THIS XXTH DAY OF MONTH, YEAR.

K. Gibson, MAYOR

M. Ciuffetelli, DEPUTY CLERK

SCHEDULE "A" TO BY-LAW 0XX-2022

Zoning Map 3



LEGEND

- PART 1 - FROM DEVELOPMENT (D) TO RESIDENTIAL R1 SITE SPECIFIC (R1-XXX) ZONE
- PART 2 - FROM DEVELOPMENT (D) TO ENVIRONMENTAL PROTECTION (P) ZONE
- PART 3 - TO REMAIN HAZARD (H) ZONE

53814 ZION ROAD
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. ____

MAYOR: _____
CLERK: _____

**TOWNSHIP OF
WAINFLEET**

TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 0XX-2022:
This by-law affects lands described as Lot 38, Concession 5 in the Township of Wainfleet. This by-law has been enacted to amend the current Zoning Development – D to Site-Specific Zoning Residential – R1 Part 1 and Development – D to Environmental Protection – P for Part 2 .

THIS IS SCHEDULE "A" TO BY-LAW NO. 0XX-YEAR.
PASSED THIS XXTH DAY OF MONTH, YEAR.



File No. Z#/2022 (Name)

MAYOR

CLERK

Appendix IV
Ministry of Tourism, Culture and Sport, Criteria for
Evaluating Archaeological Potential, A checklist for the
Non-Specialist

Ministry of Tourism, Culture and Sport

Criteria for Evaluating Archaeological Potential

A Checklist for the Non-Specialist.

An archaeological assessment may be required for land development projects. The approval authority under the Planning Act is usually the municipality where the new subdivision is located. The municipality will include the requirement for an archaeological assessment as one of the conditions for development approval. The requesting municipality is the Regional Municipality of Niagara.

There are four Stages of an assessment:

Stage 1: background study and property inspection

The archaeologist determines whether there is potential for archaeological sites on the property.

They review geographic, land use and historical information for the property and the relevant surrounding area, visits the property to inspect its current condition and contacts this ministry to find out if there are any known archaeological sites on or near the property.

A Stage 2 assessment is required when the consultant archaeologist identifies areas of archaeological potential.

Stage 2: property assessment

The archaeologist surveys the land to identify any archaeological resources on the property.

For a ploughed field, they will walk back and forth over it looking for artifacts on the surface. In forests, overgrown pasture areas or any other places that cannot be ploughed, they will dig parallel rows of small holes, called test pits, down to sterile subsoil at regular intervals and sift the soil to look for artifacts.

They may use other strategies if properties are paved, covered in fill or have deeply buried former top soils (such as floodplains or former sand dunes).

The archaeologist will determine whether any archaeological resources found are of sufficient cultural heritage value or interest to require Stage 3 assessment.

Stage 3: site-specific assessment

The consultant archaeologist determines the dimensions of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies.

To this end, they conduct further background research and fieldwork that expands the information gathered in Stage 2.

They map the spatial limits of a site and acquires further information about the site's characteristics by excavating one-metre by one-metre square test units across the site.

Based on circumstances, some sites (for example, ones that have been paved or are deeply buried) may require specialized methods of assessment.

The archaeologist will determine whether any archaeological sites have sufficient cultural heritage value or interest to require Stage 4 mitigation of development impacts.

Stage 4: mitigation of development impacts

This stage involves implementing conservation strategies for archaeological sites.

Determining the best approach for conserving the site may include reviewing possible strategies with the development proponent, the municipality or other approval authority, Indigenous communities, and other heritage stakeholders.

Conserving archaeological sites does not mean stopping development.

Conservation can involve putting long-term protection measures in place around an archaeological site to protect it intact. The site is then avoided while development proceeds around it. This is called protection in situ and is always the preferred option for mitigation of development impacts to a site.

If protection is not viable, mitigation can involve documenting and completely excavating an archaeological site before development takes place.

Areas of archaeological potential are areas of a property that could contain archaeological resources. Non-specialist, such as approval authorities or development proponents, can use Ontario checklist for determining archaeological potential to help identify areas of archaeological potential on lands being developed.

The screening questions are:

1. Is there a pre-approved screening checklist, methodology or process in place?
2. Has an archaeological assessment been prepared for the property (or project area) and been accepted by MTCS?
3. Are there known archaeological sites on or within 300 metres of the property (or the project area)?
4. Is there Aboriginal or local knowledge of archaeological sites on or within 300 metres of the property (or project area)?
5. Is there Aboriginal knowledge or historically documented evidence of past Aboriginal use on or within 300 metres of the property (or project area)?
6. Is there a known burial site or cemetery on the property or adjacent to the property (or project area)?
7. Has the property (or project area) been recognized for its cultural heritage value?
8. Has the entire property (or project area) been subjected to recent, extensive and intensive disturbance?
9. Are there present or past water sources within 300 metres of the property (or project area)?
10. Is there evidence of two or more of the following on the property (or project area)?
 - elevated topography
 - pockets of well-drained sandy soil
 - distinctive land formations
 - resource extraction areas
 - early historic settlement
 - early historic transportation routes