



Planning Justification Report

**6910 Silver Street, (Bismark
Road), West Lincoln, ON**

Novemeber 2025

Prepared For: V & R Recycling

Prepared By:

A.D. Moote Consulting



Introduction

A.D. Moote Consulting (ADMC) has been retained by V & R Recycling, owner of the property located at 6910 Silver Street, (Bismark Road), West Lincoln, ON; legally known as Part of Lot 2, Concession 3, Geographic Township of Gainsborough, in the Township of West Lincoln, Regional Municipality of Niagara.

Historically the property has operated as a salvage yard, as permitted through site-specific permission, which is subject to a site plan agreement. A public complaint was lodged against the operation which prompted a site visit by Township staff and other government agencies where it was confirmed the property was non-compliant under its existing permissions, as it was receiving and storing rock and shale aggregate to be stored and processed on site to be sold as a wholesale product.

To permit the continued operations we are seeking to amend the property permissions to adjust the site-specific boundaries currently established. This would adjustment where operations and agricultural operations are to occur and identify natural heritage feature boundaries. Additionally, we are adding a site-specific permission to allow for the storing and stockpiling and processing of rock and shale aggregate shale raw material into a reusable product for sale. The use of a mobile aggregate crusher will be required to facilitate this.

This Planning Justification Report provides the justification of the planning merits for the Zoning By-Law Amendment.

Site Context and Description

The subject property is located at 6910 Silver Street, (Bismark Road), West Lincoln.

Surrounding land uses include:

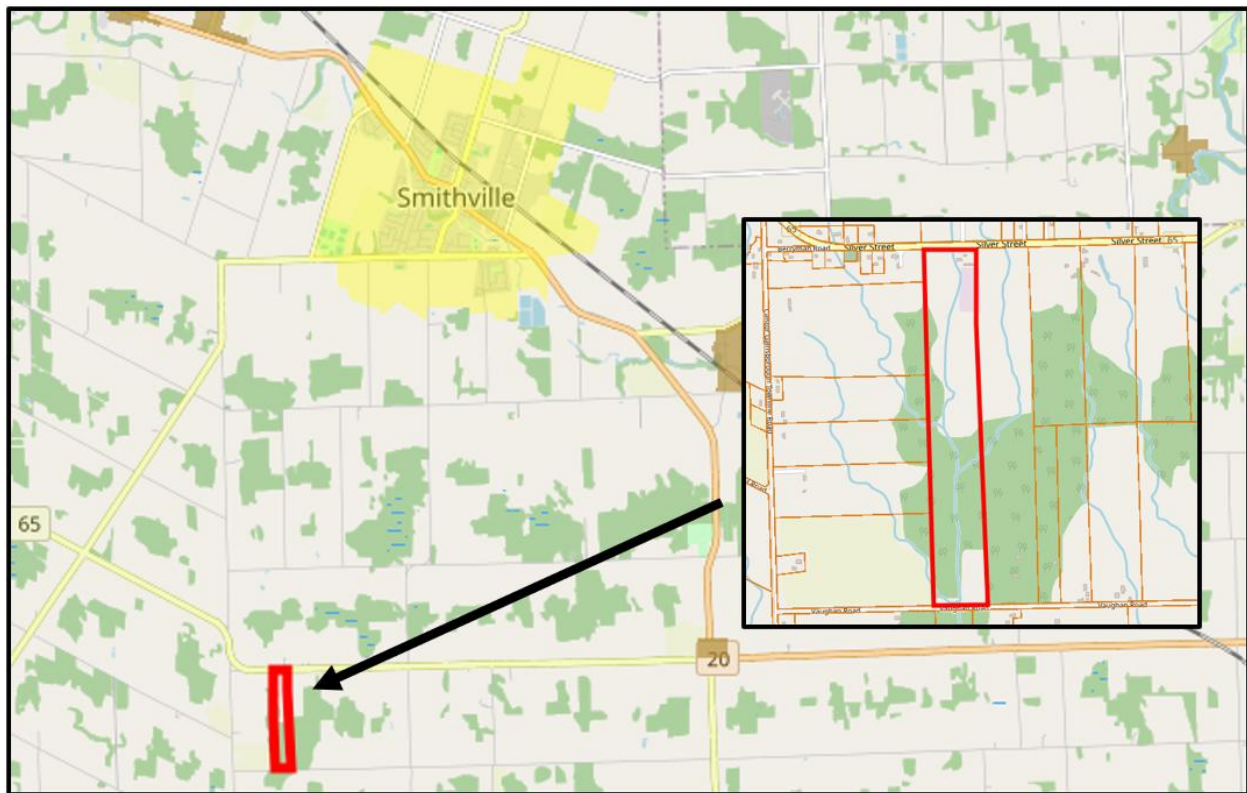
North: Agricultural | Rural Residential

South: Agricultural | Natural Vegetation/Forest

East: Agricultural | Rural Residential | Transportation Yard

West: Agricultural | Rural Residential

Figure 1 - Location of Property within the Township of West Lincoln



The entire property falls within the agricultural area of the Township, over 5 kilometres away from any urban or hamlet settlement area. It has frontage on Silver St. to the north and Vaughan Road to the south. The entire property is approximately 27 hectares with site-specific area being 1.83 hectares. Currently existing and permitted in the site-specific area is a salvage yard. These operations and the shale and rock processing have expanded outside of the site-specific area into the agriculturally and natural heritage featured areas.

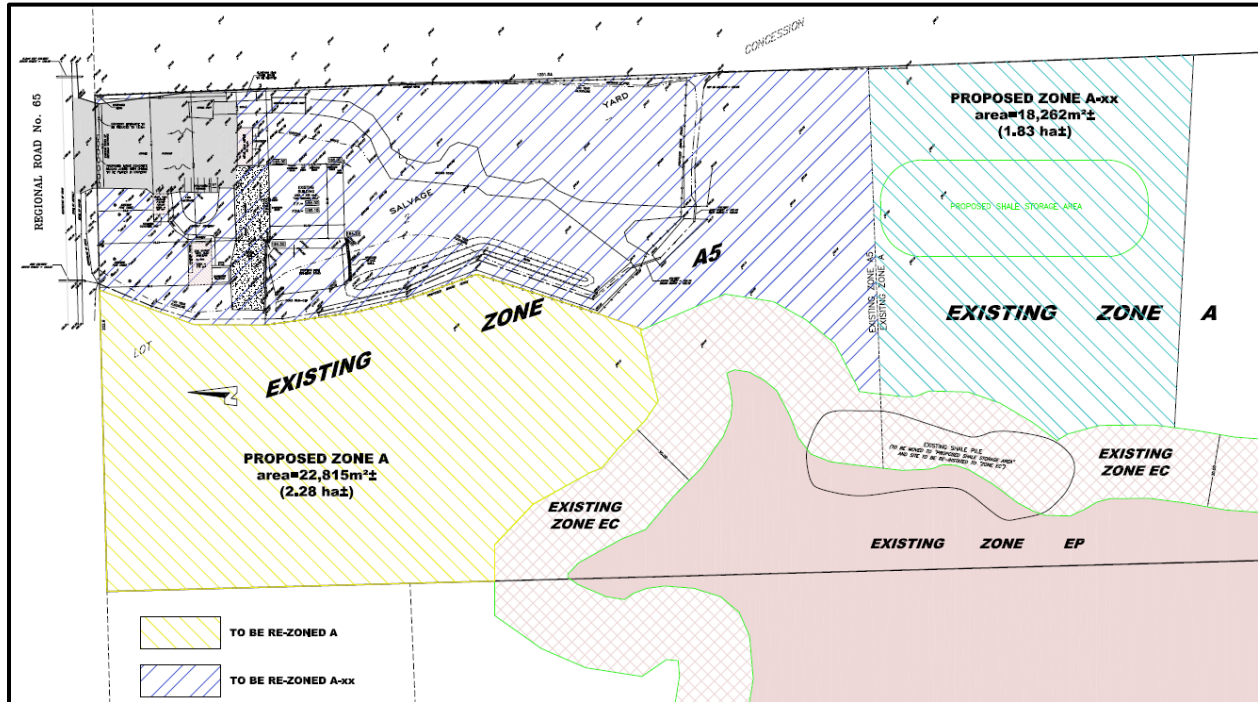
Description of Proposal

The application is to amend the zoning by-law to add an additional permitted uses to store, process and resell the rock and aggregate material. The amendment also seeks to amend the site-specific area that permits these uses. And to adjust the delineation boundaries for the site-specific uses between the agricultural and natural heritage feature lands.

Table 1 - Proposed Property Dimensions

	Existing	Proposed
A-5 area	5.28 ha	4.83
Lot Area	27.16 ha	27.16 ha

Figure 2 – Conceptual Site Plan



Policy and Analysis

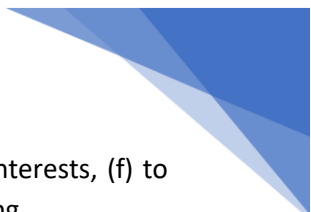
The following documents were reviewed and analyzed to demonstrate good planning with respect to this application.

1. Planning Act, R.S.O 1990;
2. Provincial Planning Statement, 2024;
3. Niagara Peninsula Conservation Authority
4. Niagara Region Official Plan, 2022;
5. Town of West Lincoln Official Plan;
6. Town of West Lincoln Zoning By-law.

Planning Act

The Planning Act is the provincial legislation that provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use change occurs. The Act is designed to recognize the decision-making authority and accountability of municipal councils in planning.

The purposes of the Act as outlined in Section 1.1 are (a) to promote sustainable economic development in a healthy natural environment, (b) to provide for a land use planning system led by provincial policy, (c) to integrate matters of provincial interest in provincial and municipal decisions, (d) to provide for planning



processes that are fair, (e) to encourage co-operation and coordination among various interests, (f) to recognize the decision-making authority and accountability of municipal councils in planning.

The matters of Provincial Interest are outlined in Section 2 of the Act. This application has regard to the following matters: a), b), g), and k).

This application has regard for the relevant sections of the Planning Act.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters relating to land use planning and development that are of provincial interest. The PPS set the policy foundation for regulating the development and use of land province-wide, to help achieve the provincial goal of meeting the needs of Ontarians while enhancing their quality of life.

Applicable to this application, the PPS provides supporting policies in Chapter 2: Building Homes, Sustaining Strong and Competitive Communities. Sections 2.5, and 2.8, 4.1, and 4.3.5 support the proposal. Applicable policies are noted and reviewed below.

2.5 Rural Areas in Municipalities

- 1) Healthy, integrated and viable rural areas should be supported by:
 - a) building upon rural character, and leveraging rural amenities and assets;
 - b) promoting regeneration, including the redevelopment of brownfield sites;
 - c) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - h) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 4.3.

Comment: The above policies support the proposal. The proposal seeks to leverage the existing rural amenity and asset of the property, specifically the location and size of the property to be able to process materials without creating noise and dust nuisances to neighbours. The proposal also seeks a regeneration and redevelopment of an underdeveloped property, where the site will be fully utilized for its site-specific purposes upon approval of the zoning by-law amendment. Lastly, it provides for the diversification of local economy and employment opportunities through goods and services. Where the proposed use will permit the establishment of a new line of business for the property that would permit the storage, processing, and resale of aggregate material, providing a sustainable management of aggregate resources. It also provides an economic opportunity within the prime agricultural area, in accordance with PPS 4.3.

2.8 Employment

2.8.1 Supporting a Modern Economy

1. Planning authorities shall promote economic development and competitiveness by:
 - a. providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

Comment: By approving the proposed zoning by-law amendment, the municipality will provide for a mix and range of employment uses. It also will provide for diversification of the economic base, whereby the utilization of the existing operation, albeit within the agricultural area, will facilitate the needs of an existing business.

4.1 Natural Heritage

1. Natural features and areas shall be protected for the long term.
4. *Development and site alteration* shall not be permitted in:
 - a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
5. *Development and site alteration* shall not be permitted in:
 - b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

Comment: The site visit conducted by the applicable government agencies identified that the property had Provincially Significant Wetlands, Watercourses, possible unevaluated wetlands, and floodplain hazards. It was also noted that the location of the rock and shale operation was nearby the woodland and wetland features. The standard buffer between the Provincially Significant Wetlands and the operations is 30 metres. The Restoration Plan completed by the environmental consultant recommendation restoring the buffer area to 30 metres, except for a small area where there is a laneway, this buffer is to be 5 metres.

4.3 Agriculture

4.3.5 Non-Agricultural Uses in Prime Agricultural Areas

- a. Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:
- b) limited non-residential uses, provided that all of the following are demonstrated:
1. the land does not comprise a *specialty crop area*;
 2. the proposed use complies with the *minimum distance separation formulae*;
 3. there is an identified need within the planning horizon identified in the official plan as provided for in policy 2.1.3 for additional land to accommodate the proposed use; and
 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.
- b. Impacts from any new or expanding non-agricultural uses on the *agricultural system* are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance.

Comment: The municipality may permit non-agricultural uses in the prime agricultural areas for the above identified reasons. Specific to the policies above:

- It is a limited use on the property, specific to 4.83 ha of the property
- The proposal does not comprise a specialty crop area,
- There does not appear to be any livestock or anaerobic digesters within a 500 m radius of the centre of the A-5 area
- No additional land is being required to facilitate the proposed use as the lands are already sited for salvage yard, however an adjustment of the A-5 boundary will occur, but this represents an increase in agricultural lands
- There are no alternative locations that would facilitate the proposed use for the property owner
- Although the use is new, the property is already permitted for non-agricultural uses through it's A-5 site specific provision. The adjustment to the A-5 site-specific area serves to minimize and mitigate concerns with adjacent agricultural, and natural heritage lands

The above policies and the commentary provide indicates the justification for the are applicable to policies for this property. The

The application is consistent with the Provincial Planning Statement.

Niagara Peninsula Conservation Authority

The NPCA is responsible for the review of planning applications that are affected by natural environmental hazards; working in partnership with municipalities for the conservation of natural resources. The property is regulated by the NPCA, which is guided by its the NPCA Planning and Permitting Procedure Manual and PLANNING and Ontario Regulation 155/06.

Representatives from the NPCA were in attendance at the May 9, 2024 site visit, and further provided comments at the June 20, 2024 pre-consultation meeting. The NPCA offered that should the applicant comply with the proposed fill placement on the site then they would have no concerns with the proposal and will not require a review fee or studies to be completed. However, it does require to be formally circulated on the complete Site Plan to ensure that the works are to the NPCAs satisfaction and in compliance with the Conservation Authorities Act.

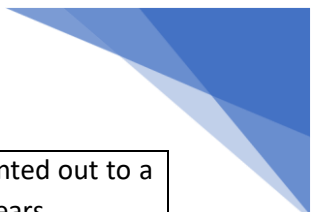
Niagara Region Official Plan

The Niagara Official Plan is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the Plan guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The Niagara Official Plan (NOP) identifies what to protect; how and where to grow; and policy tools to manage the same. It identifies resources such as the natural environment system, agricultural system, source water, aggregates and petroleum, and cultural heritage and archaeology that are to be protected for specific reasons whether it be ecological, economic, cultural heritage or community health.

Niagara Region Official Plan		
Policy No.	Policy Text	Comment
4.1.10.1	This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.	<p>The industrial use (salvage yard) is a permitted use of the site and was legally established.</p> <p>However, storing and stockpiling and processing of rock and shale aggregate shale raw material into a reusable product for sale is not currently permitted. Further, although zoned appropriately, the operations have encroached outside of their permitted footprint. The zoning by-law</p>

		amendment seeks to remedy both compliance issues.
4.1.10.2	<p>Expansions to existing buildings and structures, accessory structures and <i>existing uses</i>, as well as conversions or <i>redevelopment</i> of legally <i>existing uses</i> that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:</p> <ul style="list-style-type: none"> a. new municipal services are not required; b. the proposal does not expand into <i>key natural heritage features</i> and <i>key hydrologic features</i>, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure; c. if applicable, the proposed new use complies with the <i>Specialty Crop Guidelines</i>, as amended from time to time; d. for conversions or <i>redevelopments</i> only, the completion of an <i>agricultural impact assessment</i> by a qualified professional; e. the proposal does not result in the intrusion of new incompatible uses; and f. the proposed use is in accordance with the <i>minimum distance separation formulae</i>. 	<p>This is an expansion to a legally existing industrial operation. The zoning by-law amendment would bring the property into conformity with the NOP.</p> <p>In response to the subject demonstrations:</p> <ul style="list-style-type: none"> a. no municipal services are required for the expansion b. the proposal will move the operations away from encroaching onto these features by way of amending the site-specific boundary c. these are not speciality crop lands d. proof of agricultural viability was requested rather than an agricultural impact assessment. the owner has confirmed the area to be rezoned back to agriculture has been farmed by a tenant farm for 10-11 years. e. The proposal represents will move existing intrusions into non-sensitive areas f. MDS is not required
4.1.3.3	Applications for non-agricultural uses shall require completion of an <i>agricultural impact assessment</i> .	The requirement for an agricultural impact assessment has been waived under the condition that the owner can demonstrate the agricultural viability of the area to be rezoned back to agriculture. The owner has advised



		that the area has been rented out to a tenant farmer for 10-11 years.
3.1.5.7.1	<p>A proposal for new <i>development</i> or <i>site alteration</i> within 120 metres of any <i>key natural heritage feature</i> within a <i>Provincial natural heritage system</i> or any <i>key hydrologic feature</i> outside of <i>settlement areas</i> will require an <i>environmental impact study</i> and/or <i>hydrological evaluation</i> that identifies a <i>vegetation protection zone</i>, which:</p> <ul style="list-style-type: none"> a. protects the <i>key natural heritage feature</i> or <i>key hydrologic feature</i> and its functions from the impacts of the proposed change; b. is established to achieve and be maintained as <i>natural self-sustaining vegetation</i>; and c. for <i>wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, inland lakes and significant woodlands</i>, is no less than 30 metres measured from the outside boundary of the feature. 	<p>The property and subject area was visited by staff members of the Ministry of Natural Resources, Ministry of Environment, the NPCA, the Region, and the Township.</p> <p>It is understood that a Restoration Plan be acceptable by the stakeholders for site alteration. The site alteration will permit the A-5 site specific zone to be consistent with legislated requirements and will restore setbacks to the acceptable standards. That being 30 m, with a small section being 5 m due to the existing laneway needed for operations. See Restoration Plan Section 3.2 for full details.</p>
3.1.9.5	<p><i>Mineral aggregate operations</i> and <i>wayside pits and quarries</i> are permitted in the <i>vegetation protection zone</i> described in Policy 3.1.9.2 except in accordance with Provincial policy and Section 4.3 of this Plan.</p>	<p>The intent of the proposal is to adjust the zone boundary to facilitate moving the operations out of the natural heritage areas</p>

The application conforms with the Niagara Region Official Plan.


Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan (WLOP) outlines development policies for the Township, aiming to enhance long-term social, economic, and environmental stability. It offers guidance for


decision-making to Council, government agencies, landowners, and the public regarding development proposals.

The WLOP designates the property in Schedule B-1 as Good General Agricultural and Natural Heritage System. As such, applicable sections of the TWOP that apply to this proposal are found in Section 4.2.1, Section 4.4 and Section 10 apply.


Township of West Lincoln Official Plan		
Policy No.	Policy Text	Comment
4.1	Agricultural Lands within the Township are comprised of Unique Agricultural Lands, Good General Agricultural Lands and Rural Lands. The Agricultural Lands shall be protected in accordance with their level of agricultural viability with the Unique Agricultural Lands receiving the highest level of protection and the Rural Lands receiving the lowest level of protection.	The adjustment to the boundary of the A-5 will in effect enhance agricultural protections as it will protect an area that is used for agricultural purposes but is zoned for the A-5 industrial use. By amending the A-5 boundary it will ensure that this area will be protected in the future for agricultural purposes.
4.2.1	a) i. All types of Agricultural uses, new or otherwise, including, but not limited to, livestock operations, cash cropping, food production, forestry and natural heritage uses with a strong focus on specialty crop production.	Amending the area zoned for A-5, will protect the agricultural uses of the property in the appropriate places.
	g) New Non-Agricultural Uses shall not be permitted within the Agricultural Areas. These uses shall be encouraged to locate within existing Settlement Areas to minimize the impact on existing and future agricultural operations.	The proposed permitted use is an industrial operation. The storing, storing, processing, and resale of aggregate materials is not unlike the uses consistent with a salvage yard, however the materials used in the operations are different. Thus, the use is not new, just the materials being processed has been added.



4.4.2.g)	Within the Agricultural Designation there exist a number of legally established non-agricultural related uses, building and structures that have been recognized through the Township's Zoning By-law. These uses can continue to exist as legally established, any changes to these uses, buildings and structures shall be in accordance with the applicable policies of the Township's Official Plan and may require further approval through zoning by	The use of the property, specifically the site-specific zoned area know as A-5 has been legally established and is permitted to operate.
10.2.2.b)	Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.	One of the purposes of this application is to amend the A-5 permitted use boundary to ensure that operations are not impacting the natural environmental. The result of approval would permit the use to be placed elsewhere on site to ensure protection of the sites ecosystem. This will also permit the area that has been impacted to be restored to its intended natural function.
10.2.2.c)	New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.	The application will also permit new material to be processed on site. The application, and subsequent site plan are designed to maintain, or enhance the natural features and functions of the site.
10.3.2.	<p>a) The Township shall encourage efforts to achieve the following targets through the development and implementation of watershed and environmental planning studies and through voluntary landowner stewardship and restoration:</p> <p>ii) A 30 metre wide naturally vegetated buffer along 70% of the length of the first to third order streams in the Township. Agricultural uses may</p>	The proposed site plan and supporting restoration plan are designed to ensure that operations have minimal impact on the sensitive features of the site with the restoration plan proposing a 30 metre wide buffer between most of the abutting industrial operations and the sensitive features except for in one area, where



	continue within this buffer and are encouraged to employ best management practices to protect water resources and natural heritage.	there is a laneway. This buffer is approximately 5 metres and is deemed to appropriate by the environmental consultant. See Figure 3, of the Restoration Plan for visual and Section 3.2 for details.
10.4.2	<p>a) Development and site alteration shall only be permitted where there will be minimal negative impacts, including cross-jurisdictional and cross-watershed impacts, on:</p> <ul style="list-style-type: none"> i. The quality and quantity of surface and ground water; ii. The functions of ground water recharge and discharge areas, aquifers and headwaters; iii. The natural hydrologic characteristics of watercourses such as base flow; iv. Natural features or ecological functions of the Core Natural Heritage System or its components as a result of impacts on the surface or groundwater resources; v. Flooding or erosion. 	<p>The restoration plan proposed by Colville Consulting aims to restore and rehabilitate the wetland buffer area on site through site alteration. The effect is that the site alteration will not only minimize negative impacts but the proposed restoration plan will restore an appropriate buffer between operations and the features and will add new vegetable to enhance the area thereby adding protections to the natural heritage features.</p> <p>Approval of the proposed area will be subject to satisfaction of the NPCA.</p>
10.7.2	Core Natural Heritage System	<p>The Restoration Plan by Colville Consulting identifies Provincially Significant and Non-Provincially Significant wetlands, an intermittent watercourse, and both significant and other woodlands.</p> <p>The purpose of the zoning by-law amendment and the restoration plan are to alter the site back to conform Natural Heritage provisions of this section of the Official Plan and Conservation Authorities Act.</p>



10.8	Environmental Impact Studies	A Restoration Plan is a requirement of submission and is provided as part of the application submission.
11	Watershed Planning	The restoration plan maps the natural features on the property. Final site plan approval will be coordinated with the Niagara Peninsula Conservation Authority to ensure conformity with the Conservation Authorities Act and Official Plan policies.

The application conforms with the Town's Official Plan.

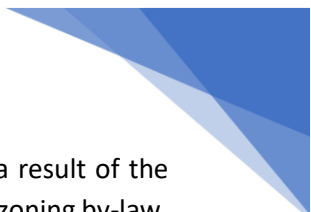
Township of West Lincoln Zoning By-law

The Town of West Lincoln Zoning By-law is used to manage land use compatibility and regulate the character, and appearance of communities; and to implement the policies of the Official Plan.

The subject property is zoned Agriculture, Environmental Protection, and Environmental Conservation. It also has a site-specific zoning known as A-5 which permits the salvage yard. The application is to amend the zoning by-law to add another industrial use, being the storing and stockpiling and processing of rock and shale aggregate shale raw material into a reusable product for sale. The amendment also will adjust the boundary of the A-5 site-specific area away from the environmental features. It will also adjust the area A-5 swapping the area where operations have encroached onto the agricultural area, for lands zoned A-5 but are used for active agricultural uses.

Site-specific Zone Provisions			
Zone Provision	Existing	Proposed	Comment
A-5 Area	5.28 ha±	4.83 ha±	The adjustment of the A-5 area represents a reduction in size of the area for the permitted industrial uses. It also represents an increase of

			agricultural, although nominal. It will also permit the storage of materials away from the Environmental Protection, and Conservation areas
Added Permitted Use	The A-5 permissions will also be amended to add the permitted uses to include: <i>the storing and stockpiling and processing of rock and shale aggregate shale raw material into a reusable product for sale</i>		
Agricultural Zone Provisions			
Zone Provision	Required	Existing	Comment
Minimum lot area	40 ha	27.16 ha	Existing lot area
Minimum Frontage	100 m	202.9 m	Complies
Minimum Front Yard	15m (dwelling) 20m (other main building)	36 m (dwelling) 22 m (garage)	Complies
Minimum Side Yard	5m (dwelling) 15m (other main building)	60 m (dwelling) 41 m (garage)	Complies
Minimum Rear Yard	15-20m	1,326 m	Complies
Max. Dwelling Height	15m	Unknown	Existing
Max. Lot Coverage	5% of lot area	Unknown	Existing



There are no new deficiencies from the zoning performance standards of the by-law as a result of the zoning by-law amendment. Subject to Township approval, the property will conform to the zoning by-law.

Required Studies

Restoration Plan

A Restoration Plan has been conducted by Colville Consulting. The purpose of the plan is to restore and rehabilitate the buffer area affected by the business operations. This plan is provided as part of the submission.

Noise Impact

The Township also requested information related to the compatibility of a non-agricultural use to sensitive uses, specifically the nearby residential uses. Using the Province's D-6 Guidelines to assess compatibility of industrial uses in relation to sensitive uses we can determine that the proposed use will meet the recommended minimum distance separation and would be appropriate in its location. Categorizing the new use as a Class II industrial use based on the Province's D-6-1 Industrial Categorization Criteria, the potential influence area is 300 metres, with the Guidelines recommending a 70-metre minimum separation distance between the sensitive land use and Class II industrial use. The relevance of this is that the area that will now be permitted is over 300 metres away from the nearest residential dwelling. This exceeds even the highest industrial Class III minimum distance recommendation, which is 300 metres.


The land adjustment will enhance protections of nearby residential uses since it moves the permitted operations area further away from the existing nearby residential.

Summary

The application seeks to amend the site-specific zoning of the property. The amendment would add additional permitted uses to the site-specific area of the property to include the storing, processing and resale of rock and aggregate material, utilizing a mobile crusher. The amendment also seeks to amend the site-specific by-law to adjust the site-specific boundary.

It has regard to the purposes of the *Planning Act* listed in Section 1.1. The application also has regard to the matters of provincial interest outlined in Section 2; specifically, a), b), g), and k).

The proposed zoning by-law amendment will have the effect of protecting and enhancing the natural heritage and environmental features of the site. By adjusting the site-specific boundary, the areas for operations will be clearly delineated by the Restoration Plan and site plan. In The operations will be moved away from the ecological systems and a buffer area will be implemented. The zoning by-law amendment meets the natural heritage and environmental policies found in the Provincial Planning



Statement, the NPCA Planning and Permitting Procedure Manual and Ontario Regulation 155/06, the NOP, and the Township's Official Plan.

The zoning by-law amendment will also have the effect of protecting and enhancing agricultural uses of the property. The adjusted site-specific area will permit agricultural operations to continue in an area that currently is zoned for the site-specific operations, and it will shift the site-specific boundary to an area that is not used for agricultural purposes. The effect of this will be that the area used for agricultural will now have agricultural protections through the established planning regime of the province and municipality.

Additionally, by adding the new permitted use, it will permit the utilization of an existing rural amenity and asset of the property. The use will also provide for the minimization of waste, as the aggregate product will be processed into a sellable product instead of being sent to a landfill for disposal. This will also provide for new employment opportunities for the operations and the community. The addition of the permitted use coincides with permissions established through the Planning Act, the PPS, and the municipal official plans, as the proposal offers a diversification of the rural area, employment opportunities, and the general use of an industrial operation is not new, just the materials being processed are.

The application meets the policy thresholds required to consider this good planning.

Conclusion

It is the opinion of the author that the zoning by-law amendment represents good planning and should be approved because of the following, it:

1. Has regard to the Planning Act;
2. Is consistent with the Provincial Planning Statement;
3. Conforms with the Niagara Region Official Plan;
4. Conforms with the Township of West Lincoln Official Plan;
5. Will conform with the Township of West Lincoln Zoning By-law upon Township approval.

Sincerely,



Adam Moote, MPlan, RPP, MCIP