



**TOWNSHIP OF WEST LINCOLN  
PLANNING/BUILDING/ENVIRONMENTAL  
COMMITTEE AGENDA**

**MEETING NO. SEVEN**

**Monday, September 13, 2021, 6:30 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

**\*\*\*NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Additionally, for your information, please be advised that we are Audio/Video Recording this meeting.

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**Pages**

**1. CHAIR**

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Chair Reilly will provide the following announcements:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee and Council meetings until further notice.
2. The public may submit comments for matters that are on the agenda to [jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca) before 4:30 p.m. on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. The meeting will be recorded and available on the Township's website within 48 hours of the meeting, unless otherwise noted.

**2. LAND ACKNOWLEDGEMENT STATEMENT**

On behalf of the Members of Council and staff, we wish to acknowledge this land on which the Township of West Lincoln operates. The land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg peoples and is still home to many indigenous people today. We are grateful to have the opportunity to work here today and to follow the Haudenosaunee system of blending laws and values and the Anishinaabe beliefs to strive to live in harmony and balance throughout the Municipality. We acknowledge that we are all treaty people and accept our responsibility to honour all our relations.

**3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST**

**4. PUBLIC MEETING(S)**

- 4.1. **Official Plan Amendment - Garden Suite Policy Amendment**  
Re: Official Plan Amendment application submitted by staff, to implement a change in section 18.4.1 of the Temporary Use Bylaw and Garden Suite Provisions, by changing the time limit from 10 years to 20 years (File No. 1701-003-21)
- 4.2. **Zoning By-law Amendment - Township of West Lincoln Housekeeping Amendments No. 5**  
Re: Zoning By-law Amendment application submitted by staff for the Township of West Lincoln House Keeping Amendments No. 5 (File No. 1601-0012-21).

5. **CHANGE IN ORDER OF ITEMS ON AGENDA**

6. **APPOINTMENTS**

- 6.1. **ITEM P83-21**  
Kevin Huinink, Executive Director (Cairn Christian School)  
Re: Upcoming Building Project for Cairn Christian School  
**POWERPOINT PRESENTATION**

8

**RECOMMENDATION:**

That, the correspondence received from Kevin Huinink regarding the Upcoming Building Project for Cairn Christian School dated September 13, 2021, be received and .....

- 6.2. **ITEM P84-21**  
Steve Wever, Planning Consultant (Urban Boundary Expansion)  
Re: Urban Boundary Expansion Update  
**POWERPOINT PRESENTATION**  
(Refer to Item No. P92-21 - Staff Report No. PD-105-2021)

- 6.3. **ITEM P85-21**  
Dan Currie, MHBC Planning Ltd.  
Re: Rural Employment Lands, Settlement Area Expansion Options  
**POWERPOINT PRESENTATION**  
(Refer to Item No. P91-21 - Staff Report No. PD-107-2021)

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7. **REQUEST TO ADDRESS ITEMS ON THE AGENDA**

**NOTE: Section 10.13 (5) & (6) – General Rules**

One (1) hour in total shall be allocated for this section of the agenda and each individual person shall only be provided with **five (5) minutes** to address their issue (some exceptions apply). A response may not be provided and the matter may be referred to staff. A person who wishes to discuss a planning application or a matter that can be appealed, will be permitted to speak for ten (10) minutes.

Chair to inquire if there are any members of the public present who wish to address any items on the Planning/Building/Environmental Committee agenda.

8. **CONSENT AGENDA ITEMS**

All items listed below are considered to be routine and non-controversial and can be approved by one resolution. There will be no separate discussion of these items unless a Council Member requests it, in which case the item will be



removed from the consent resolution and considered immediately following adoption of the remaining consent agenda items.

**8.1. ITEM P86-21**  
**CONSENT AGENDA ITEMS**

**RECOMMENDATION:**

That the Planning/Building/Environmental Committee hereby approves the following Consent Agenda Items:

1. Item 1 be and hereby received for information; and,
2. Items 2 and 3 be and are hereby received and that the recommendations contained therein be adopted with exception of Item No.(s) \_\_\_\_\_.
1. Technical Report No. PD-94-2021 - Comprehensive Zoning Bylaw 2017-70, as amended Housekeeping Amendments No. 5 Introduction of New Housing Types 27
2. Recommendation Report No. PD-104-2021 – East Smithville Secondary Plan Project - AMENDMENT TO BUDGET (BA2021-09) 75
3. Recommendation Report No. PD-95-2021 - Site Plan Approval Authorization 5138 Concession 4 Road – Niagara Regional Sportsman Club 124

**9. COMMUNICATIONS**

There are no communications.

**10. STAFF REPORTS**

**10.1. ITEM P87-21** 131

Planner II (Madyson Etzl) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-101-2021 – Garden Suite Official Plan Policy Amendment - Official Plan Amendment No. 61

**RECOMMENDATION:**

1. That, Report PD-101-2021, regarding “Garden Suite Official Plan Policy Amendment – Official Plan Amendment No. 61”, dated September 13<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Application 1701-003-21 (#61) for Official Plan Amendment, BE APPROVED and that the necessary bylaw be prepared at the Township Council Meeting and that staff circulate Notice of Approval in accordance with the Planning Act.
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

**10.2. ITEM P88-21**

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Planner II (Madyson Etzl) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-102-2021 - Zoning By-Law Amendment (Temporary Use By-law) Richard and Anita Merritt - Garden Suite Application

**RECOMMENDATION:**

1. That, Report PD-102-2021, regarding “Zoning By-law Amendment (Temporary Use By-law) –Richard and Anita Merritt Garden Suite Application”, dated September 13<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-011-21 submitted by Richard and Anita Merritt and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period

**10.3. ITEM P89-21**

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Planner I (Meghan Birbeck) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-106-2021- Giro Estates - Zoning By-law Amendment File No. 1601-010-21

**RECOMMENDATION:**

1. That, report PD-106-2021, regarding “Giro Estates Zoning By-law Amendment File No. 1601-010-21”, dated Sept 13<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-010-21 submitted by Upper Canada Consultants and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

**10.4. ITEM P90-21**

191

By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-108-2021 - Approval of a new by-law: Non-Parking Administrative Penalty By-law

**RECOMMENDATION:**

1. That, Report PD-108-2021, regarding “Recommendation Report - Approval of a new Non-Parking Administrative

Monetary Penalty By-law”, dated September 13<sup>th</sup>, 2021, be RECEIVED; and,

2. That, a by-law be adopted at Council with multiple short form schedules in the form found at attachment 1 to this report including Clean Yards, Site Alteration, Boulevard, Swimming Pool, Sign, with potentially more amendments in the near future.

**10.5. ITEM P91-21**

214

Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble)

Re: Information Report PD-107-2021 – Regional Official Plan Work and Township led Rural Hamlet/Rural Employment Considerations

**RECOMMENDATION:**

1. That, Report PD-107-2021, regarding “Recommendation Report Regional Official Plan Work and Township led Rural Hamlet/Rural Employment Considerations”, dated September 13<sup>th</sup>, 2021, be RECEIVED for INFORMATION PURPOSES; and,
2. That, a final report for endorsement of proposed boundary adjustments and requirements to be provided to the Region, be presented in the fall of 2021 once further consultant, Regional and agency input has been received.

**10.6. ITEM P92-21**

242

Planner II (Gerrit Boerema) & Director of Planning & Building (Brian Treble)

Re: Information Report No. PD-105-2021 - Regional Official Plan Work and the West Lincoln Master Community Plan/Urban Boundary Review Project by Township of West Lincoln Consulting Teams (Aecom and Wood)

**RECOMMENDATION:**

1. That, Report PD-105-2021, regarding “Information Report, Regional Official Plan Work and the West Lincoln Master Community Plan/Urban Boundary Review Project by Township of West Lincoln Consulting Teams (Aecom and Wood)”, dated September 13<sup>th</sup>, 2021, be RECEIVED for INFORMATION PURPOSES; and,
2. That, staff will present a future recommendation report after proceeding with PIC 2 on October 6<sup>th</sup>, 2021. Notice will be provided to the Public very soon.

**11. OTHER BUSINESS**

**11.1. ITEM P93-21**

Members of Committee

Re: Other Business Matters of an Informative Nature

**12. NEW BUSINESS**

**NOTE:** Only for items that require immediate attention/direction and must first

approve a motion to introduce a new item of business (Motion Required).

**13. CONFIDENTIAL MATTERS**

**RECOMMENDATION:**

That, the next portion of this meeting be closed to the public to consider the following pursuant to Section 239(2) of the Municipal Act 2001:

13.1 By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter – Quarterly By-law Update

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- the security of the property of the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

13.2 Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-72-2021 – Property Matter/Legal Matter - Monitoring of John Street Property, Caistorville

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications necessary for that purpose

13.3 Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-103-21 - Natural Severance on Concession 2 Road and Concession 3 Road, Caistor Center

**Applicable closed session exemption(s):**

- litigation or potential litigation, including matters before administrative tribunals,  
affecting the municipality or local board;
- advice that is subject to Solicitor-client privilege, including communications  
necessary for that purpose

**RECOMMENDATION:**

That, this Committee meeting does now resume in open session at the hour of \_\_\_\_\_p.m.

**13.1. ITEM P94-21**

By-law Enforcement Officer (Tiana Dominick) and Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter – Quarterly By-law Update

**13.2. ITEM P95-21**

Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-72-2021 –  
Property Matter/Legal Matter - Monitoring of John Street Property,  
Caistorville

**RECOMMENDATION:**

1. That, Report PD-72-2021 regarding “CONFIDENTIAL, Recommendation Report, Property Matter/Legal Matter - Monitoring of John Street Property, Caistorville” dated September 13<sup>th</sup>, 2021, be RECEIVED; and,
2. That, staff be authorized to proceed as directed in closed session; and,
3. That, staff report back with an update on this monitoring project, as required.

**13.3. ITEM P96-21**

Director of Planning & Building (Brian Treble)

Re: CONFIDENTIAL - Recommendation Report No. PD-103-21 -  
Natural Severance on Concession 2 Road and Concession 3 Road,  
Caistor Center

**RECOMMENDATION:**

1. That, Report PD-103-2021, regarding “CONFIDENTIAL - Recommendation Report Natural Severance on Concession 2 Road and Concession 3 Road, Caistor”, dated September 13<sup>th</sup>, 2021, be RECEIVED; and,
2. That, staff be authorized to proceed as directed in closed session.

**14. ADJOURNMENT**

# Request to Speak at a Meeting

If you are interested in appearing in person at a Council or Standing Committee meeting to present information or an opinion on a matter, please fill in the form below.

Please note: Your request must be submitted by 4:30 p.m. 10 days prior to the Committee or Council meeting.

**Full Name: \***

Kevin Huinink

**Who are you representing? \***

☐ Self

☒ Group/Organization

**Group or Organization Name: \***

Cairn Christian School

**Street Address: \***

6470 Townline Road

**Town/City: \***

Smithville

**Postal Code: \***

L0R2A0

**How would you like us to contact you? \***

☒ Email

☐ Telephone

**Email Address: \***

khuinink@cairnchristianschool.ca

## Presentation Details

**Which meeting would you like to present at? \* ?**

Planning/Building/Environmental Committee

**Requested Meeting Date: \***

9/13/2021



**What is the presentation topic? \***

Development fees associated with upcoming building project

**Do you have a presentation (slide deck)? \***

☐ Yes ☒ No

**Have you presented before on this topic? \***

☐ Yes ☒ No

**Please provide details on your presentation. Include questions or requests of the Committee or Council. \***

Cairn Christian School is anticipating a building project in the coming year. We have been working diligently on a capital campaign to raise the necessary funds, and the time for planning has begun. We have begun the permit process with township staff, and hope to begin building late this fall/early this winter. This building project will enable our school to better serve the children who attend and to continue to serve and give back to the community in which we live.

## Collection of Personal Information

Personal information on this form is collected under the authority of Section 6 of the Township of West Lincoln's Procedural By-Law for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before a Committee or Council.

Any questions about the collection, use and disclosure of personal information should be addressed to the Township Clerk:

- Email: [clerk2@westlincoln.ca](mailto:clerk2@westlincoln.ca)
- Telephone: 905-957-3346

# Thank You

Thank you for your submission. Please be advised that you will be contacted by email or by phone by a member of the Clerk's Department to confirm your appointment, provide further details and/or clarify any issues.





# West Lincoln

Rural Employment Lands

Settlement Area Expansion Options

Dan Currie

*MHBC*

# Purpose of Presentation

## Overview

1. Update on the project and preliminary findings
2. Purpose of the Project
3. Brief overview of the method
4. Preliminary findings
5. Next Steps

# Purpose of Project

## What is the purpose of this project?

- To identify potential locations for expansion to one or more hamlet settlements to accommodate rural employment uses

## Why?

- Accommodate forecast growth - as per Region's Land Needs Analysis
- In response to increased pressure on agricultural lands resulting from industrial uses occupying agricultural lands.

**Phase 1:** Determine demand for rural employment lands

**Phase 2:** Determine settlement boundary options → *we are here*

## Two Step Process

### **Step 1:** Determine future demand for rural employment lands

- Region's employment forecast and land needs analysis
- Township's Bylaw enforcement records – industrial uses on agricultural lands

### **Step 2:** Determine settlement boundary options

- Assess all of the hamlets
- Determine feasibility of settlement expansion

# Forecast Employment

Overview - Draft Rural Land Needs Assessment				
Municipality	Rural Employment	% of Employment to Hamlets	Employment jobs / ha	Hamlet Employment Need (ha)
West Lincoln	570	50%	11	25.9

The total land area forecasted for rural employment use is **25.9 hectares**:

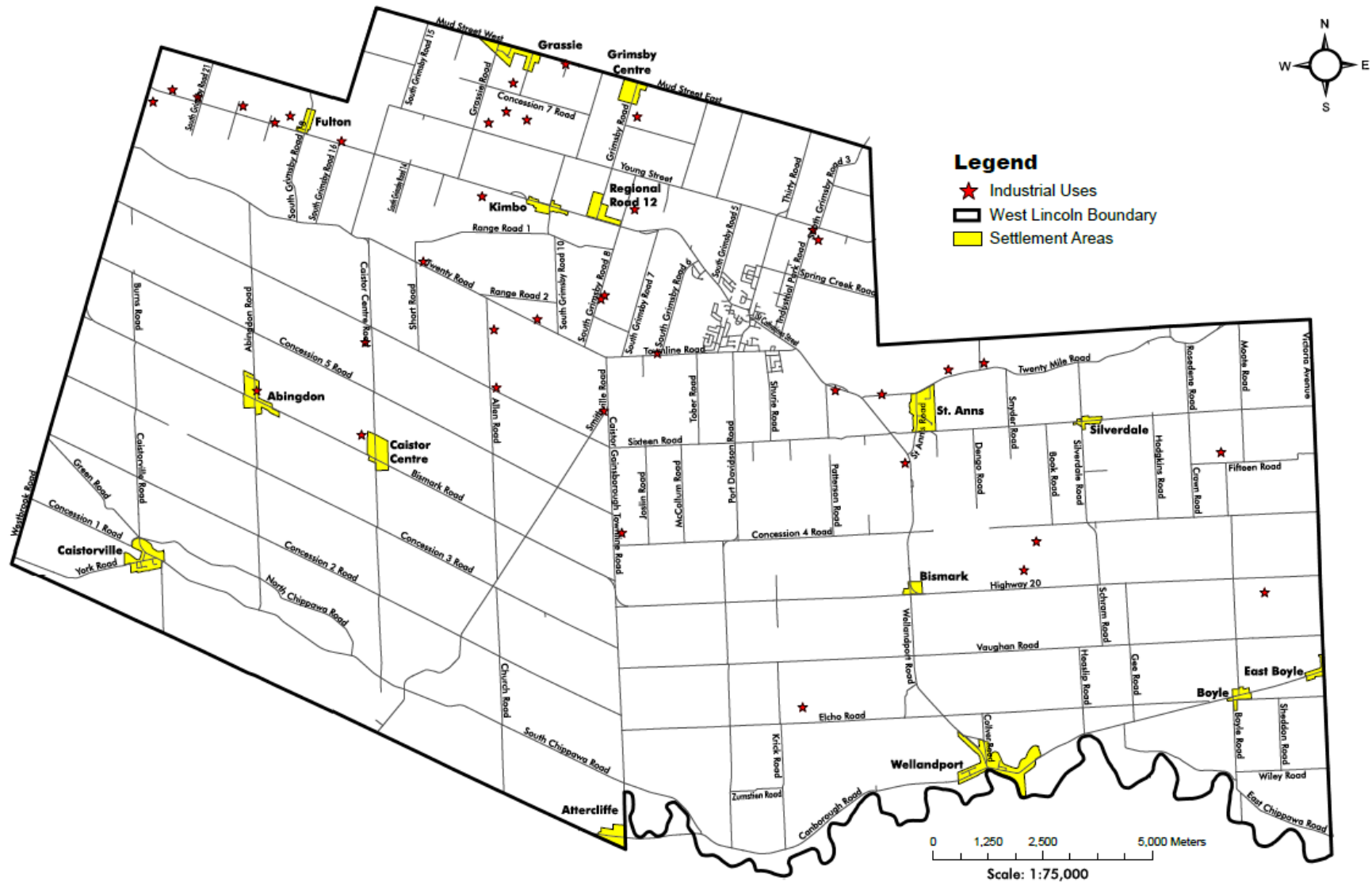
$$\text{rural employment} \times \% \text{ of employment directed to hamlets} \div \text{density} \\ = \text{total need}$$

The Average size of an employment parcel, outside urban areas in West Lincoln is 2 hectares. Only 7 out of 21 vacant parcels within hamlets meet this size.

# Bylaw Enforcement

No.	Use	Land Area (ha)	No.	Use	Land Area (ha)
1	Landscaping yard	0.81	21	Contractor Yard	1.5
2	Contractors yard	15.52	22	Landscaping Yard	0.4
3	Contractors yard	3.98	23	Manufacturing	0.95
4	Contractors yard	1.96	24	Storage	0.34
5	Landscaping yard	6.11	25	Unknown	19.75
6	Unknown	0.41	26	Commercial Vehicle Parking	6.49
7	Contractor yard	31.69	27	Events and Car rental	4.99
8	Manufacturing	8.42	28	Manufacturing	60.09
9	Salvage Yard	19.93	29	Contractors Yard	33.11
10	Truck trailer storage	34.95	30	Contractors Yard	2.26
11	Agricultural service	31.65	31	Storage	0.25
12	Contractor yard	4	32	Landscaping Yard	6.81
13	contractor yard	3.33	33	Gun Range	20.3
14	contractor yard	20.05	34	Unknown	0.81
15	contractor yard	19.3	35	Landscape yard	4.36
16	contractor yard	24.32	36	Contractor Yard	0.41
17	wood chip processing	5.1	37	Contractor Yard	34.2
18	manufacturing	17.28	38	Softair/Paintball range	50.49
19	contractor yard	16.82	39	Contractor Yard	4.05
20	Contractor Yard	1.53			
<b>Total Land Area:</b>			<b>518.72</b>		

# Industrial Uses in Ag Zoned Lands



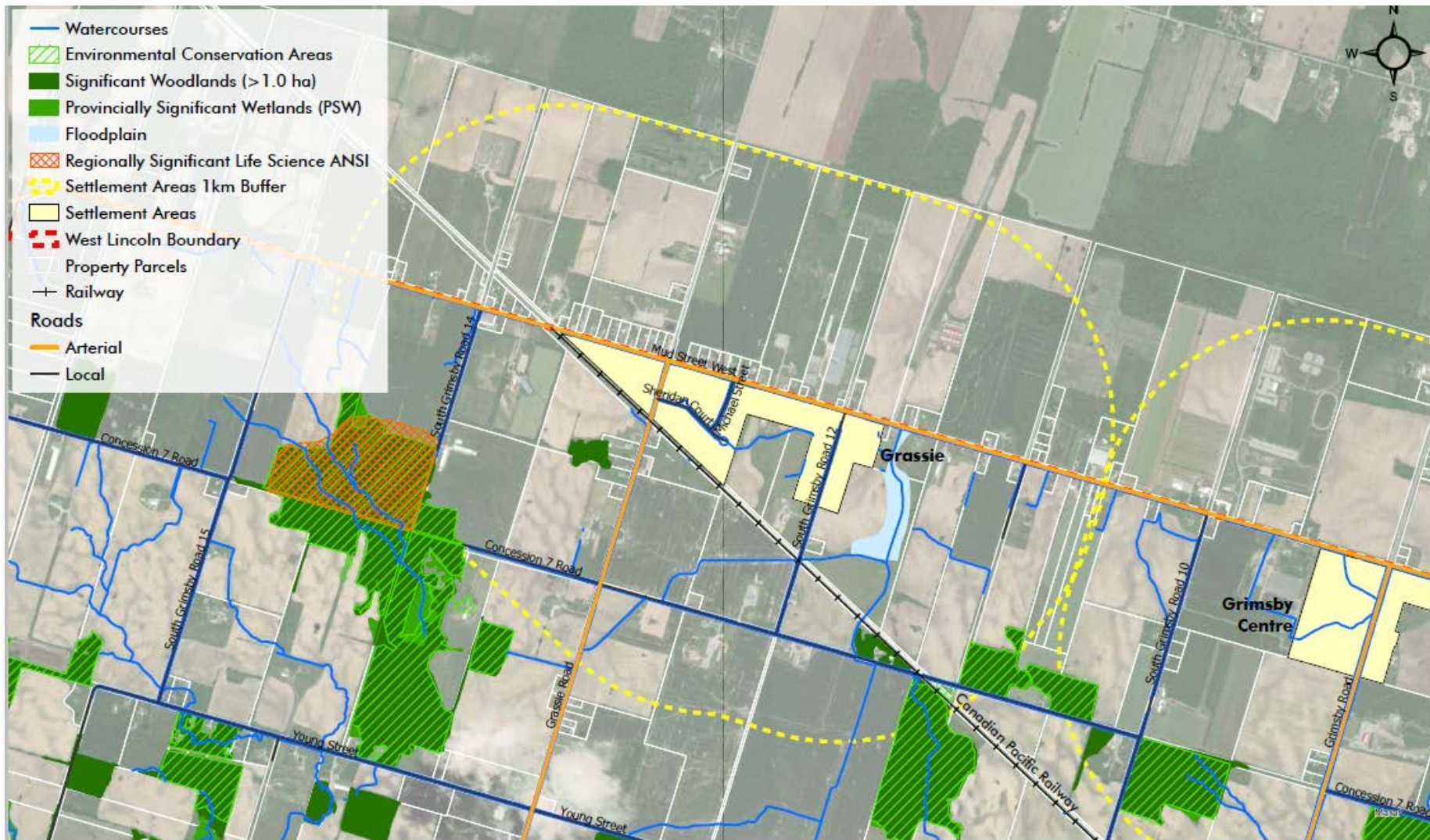
# Screening Analysis

## Criteria to determine best locations for Hamlet expansions:

- Constraints to expansion – “policy criteria”
  - Avoidance of Natural Heritage Systems
  - Avoidance of floodplains and hazard lands
  - Avoidance of prime agricultural areas and agricultural infrastructure
  - Avoidance of mineral aggregate and petroleum resource-based uses
- Locational Employment Attractors
  - Transportation infrastructure (highways and railways)
  - Proximity to markets/urban area – northwest portion of Township
- Land use compatibility
  - Provincial setback guidelines
  - Existing buffers

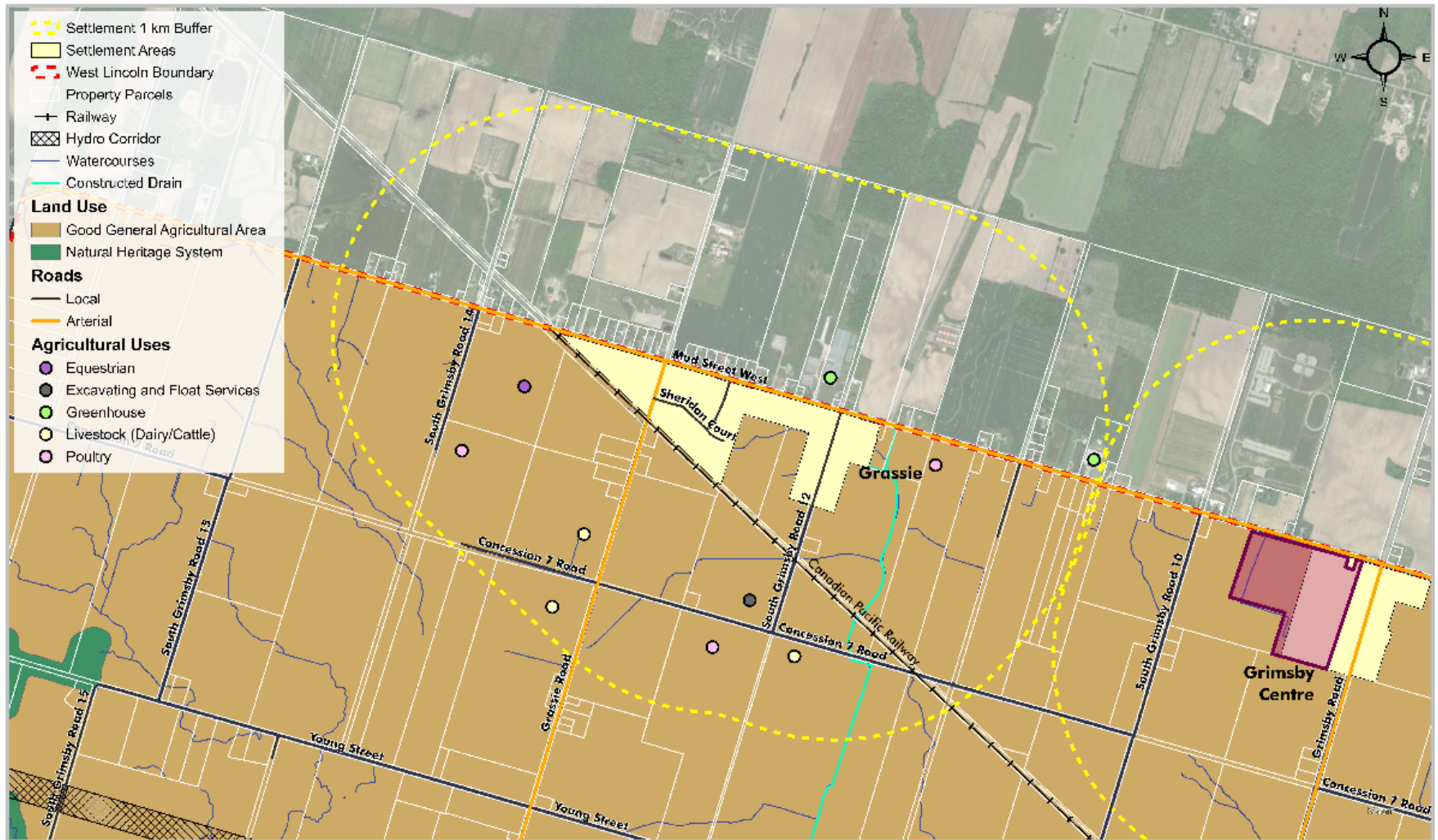


# Analysis of Options: Grassie





# Analysis of Options: Grassie



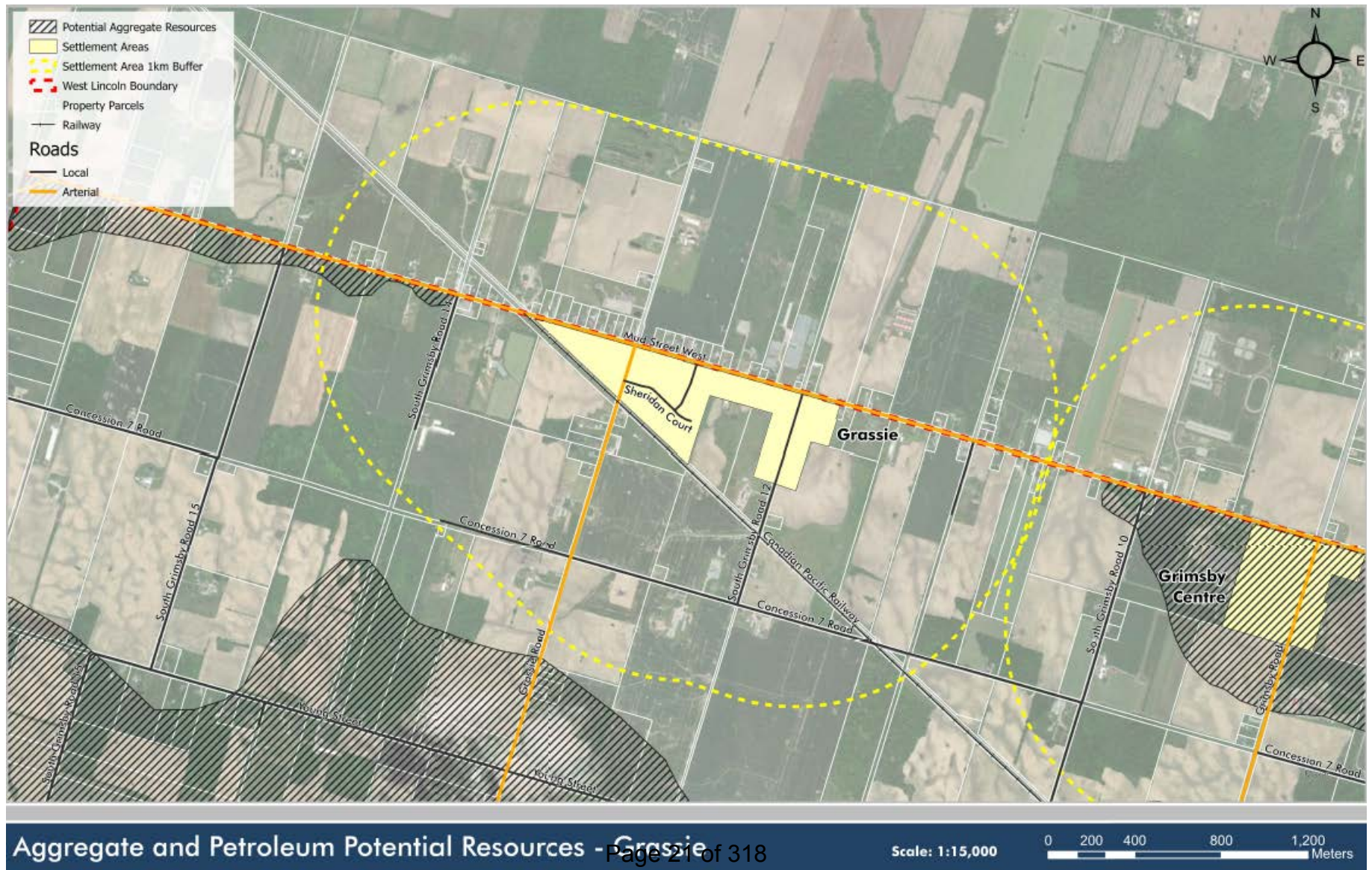
Land Use - Grassie

Scale: 1:15,000

0 200 400 800 1,200 Meters

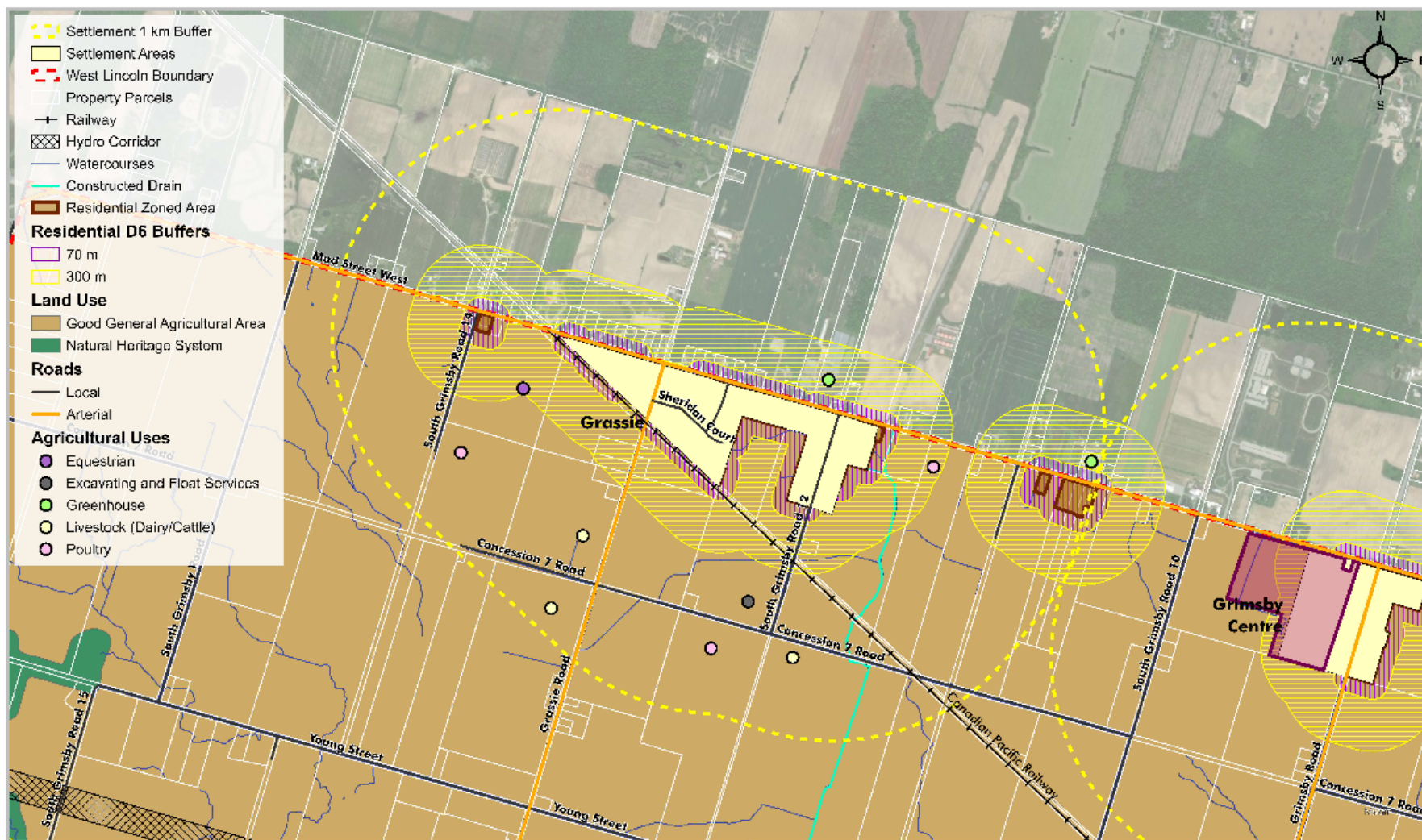


## Analysis of Options: Grassie



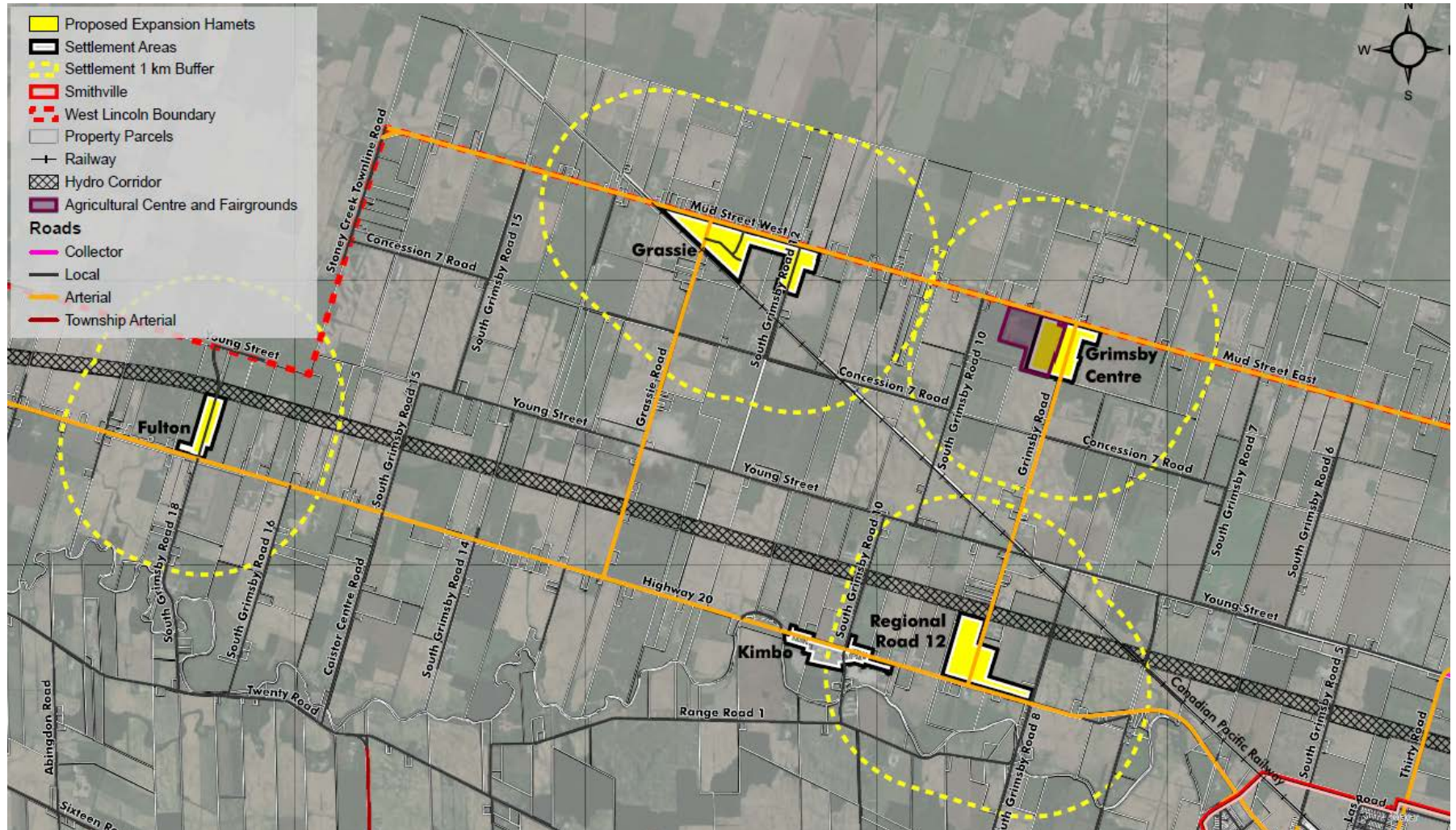


# Analysis of Options: Grassie





# Preliminary Conclusions



# Preliminary Conclusions

- Many of the Hamlets are not conducive to an expansion and have one or more constraints
- Of the Hamlets evaluated, the following are options for an expansion:
  1. Grassie
  2. Fulton
  3. Grimsby Centre
  4. Regional Road 12
- Alternatively, consideration could be given to including a rural employment lands expansion to Smithville

# Next Steps

- More detailed analysis – Hamlets with most potential
- Finalize recommended area(s) for expansion
- Coordination with Master Plan

Questions?



**DATE:** September 13, 2021

**REPORT NO:** PD-94-2021

**SUBJECT:** **Technical Report**  
**Comprehensive Zoning Bylaw 2017-70, as amended**  
**Housekeeping Amendments No. 5 Introduction of New**  
**Housing Types**

**CONTACT:** Gerrit Boerema, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70.
- In the following years (2018, 2019, 2020 and most recently 2021) the zoning bylaw has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues.
- Township Planning staff have identified another area of the zoning bylaw that needs addressing specifically regarding residential housing types.
- Two of the last three draft plans of subdivision applications that have been received contain a dwelling unit known as a back-to-back townhouses which are essentially two rows of Townhouses against each other with no rear yard.
- Instead of reviewing and approving back-to-back zoning regulations for each development application, Township staff believe it is appropriate to put in place standard regulations in the Zoning Bylaw, now, for all to follow and thereby set the standard and not react each time based on the developer's preferences.
- Planning Staff have started the public consultation process and have drafted proposed regulations for these new types of units.
- Planning Staff recommend that a recommendation report be prepared and presented following the receipt of any public and agency comments.

**RECOMMENDATION:**

1. That, Report PD-94-2021, regarding "Technical Report, Housekeeping Amendments No. 5 to Zoning Bylaw 2017-70, as Amended – Introduction of New Housing Types", dated September 13, 2021 be received; and,
2. That, following the public meeting and submission of any public and agency comments, Township Staff prepare and present a recommendation report at a future Planning Building and Environment Committee Meeting.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #3 & #6**

- Strategic Responsible Growth
- Efficient, Fiscally Responsible Operations

## **BACKGROUND:**

Township Council in June of 2017 approved the new Comprehensive Zoning Bylaw 2017-70. This was the first time a new comprehensive zoning bylaw was passed since the Township passed its first Zoning bylaw in 1979.

Several minor issues have been identified since the bylaw was passed, concerning both Township wide regulations and site specific zonings. Many of these issues have been addressed through four previous housekeeping amendments which took place in 2018, 2019, 2020 and most recently in 2021.

A new issue that Township Staff wish to address is a series of new housing types that are emerging in proposed developments in West Lincoln. These housing types more commonly found in the GTA are back-to-back, stacked, and stacked back-to-back townhouses.

## **CURRENT SITUATION:**

The housing type referred to as a back-to-back townhouse dwelling is essentially two rows of townhouses placed back to back as to share a common rear wall in addition to common side wall(s). Depending on the size of the unit, it can meet the Township's medium density or high density unit target.

Below is an example of what a back-to-back unit can look like (the dwellings in the centre of the photo).



The Township Comprehensive Zoning Bylaw 2017-70, as amended, has back to back townhouses defined, but does not currently permit them in any zone or have any additional regulations. The zoning definition is below:

*Dwelling, Back to Back Townhouse*

*Means a dwelling divided by common walls, including a common rear wall, into four (4) or more attached dwelling units, to a maximum of eight (8) dwelling units, each having a separate entrance from the exterior of the dwelling.*

Back-to-back Townhouse dwellings need special zoning consideration as they do not have rear yards as typical townhouses do. This results in reduced minimum lot sizes and amenity areas per dwelling unit/lot.

Also being considered are stacked back to back townhouses. Stacked Townhouses are defined in the Township's zoning bylaw, but not stacked back to back. Additionally, stacked back to back are not permitted in any zone. The bylaw definition for stacked townhouse dwellings is below:

*Dwelling, Stacked Townhouse*

*means a dwelling containing four (4), six (6) or eight (8) attached dwelling units and wherein pairs of dwelling units are stacked and divided vertically and each pair of dwelling units is divided horizontally from the next attached pair, and each dwelling unit has an independent entrance from the exterior of the dwelling to the interior of the dwelling unit.*

Stacked back to back townhouses differ as they also share a common rear wall, in addition to common side walls and have units stacked on-top of one another, yet still all have separate entrances to the street.

These unit types typically result in medium to high density development as more units can be developed within less area than traditional street townhouses. Therefore, considerations must be given to the proximity of parkland for amenity space for the units and vehicle parking.

Through the review of other municipalities, Township staff have drafted the following for possible regulations for back-to-back and stacked back-to-back units. The highlighted and bolded text identifies new regulations. Staff are still reviewing the comments submitted from both Marz and P Budd Developments and therefore further changes could be made before a final recommendation is presented to Township Committee and Council.

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## PART 6 RESIDENTIAL ZONES

### A. APPLICABLE ZONES

The permitted *uses* and regulations of Part 6 apply to land within the following *zones*:

Zone												Symbol
Rural Residential												RuR
Residential Low Density	– Type 1A	R1A										
	– Type 1B	R1B										
	– Type 1C	R1C										
	– Type 1D	R1D										
	– Type 2		R2									
	– Type 3		R3									
Residential Medium Density	– Type 1		RM1									
	– Type 2		RM2									
	– Type 3		RM3									
	– <b>Type 4</b>		<b>RM4</b>									
Residential High Density												RH

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

### PERMITTED USES

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 13.

**Table 13: Permitted Uses in Residential Zones**

Uses			Zones where Permitted										
	Principal Uses												
Apartment dwelling											RM3	RM4	RH
Duplex dwelling										RM2			
Fourplex dwelling										RM2	RM3		
Retirement home													RH
Semi-detached dwelling							R2	R3	RM1	RM2	RM3		
Single detached dwelling		RuR	R1A	R1B	R1C	R1D	R2	R3					
Stacked townhouse dwelling											RM3	RM4	
Street townhouse dwelling									RM1	RM2	RM3		
Back to Back townhouse dwelling												RM4	
Townhouse dwelling										RM2	RM3		
Triplex dwelling										RM2	RM3		
	Accessory Uses <sup>(1)</sup>												
Accessory buildings or structures and accessory uses (see s. 3.1)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>	RM1 <sup>(1)</sup>	RM2 <sup>(1)</sup>	RM3 <sup>(1)</sup>	RM4 <sup>(1)</sup>	RH <sup>(1)</sup>
Accessory dwelling unit (see s. 3.2)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					

Uses		Zones where Permitted										
<i>Bed and breakfast establishment</i> (see s. 3.4)	RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>							
<i>Boarding or rooming house</i>	RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>					RM3 <sup>(1)</sup>		
<i>Garden suite</i> (see s. 3.2)	RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>							
<i>Group home</i> (see s. 3.6)	RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					
<i>Home occupation</i> (see s. 3.7)	RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					
<i>Renewable energy system</i> (see s. 3.15)	RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>	RM1 <sup>(1)</sup>	RM2 <sup>(1)</sup>	RM3 <sup>(1)</sup>		RH <sup>(1)</sup>

<sup>(1)</sup> Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

## REGULATIONS

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, *alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Tables 14 and 15.

**Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones**

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per dwelling unit)	Apartment dwelling	-		160m <sup>2</sup>		120m <sup>2</sup>
	Duplex dwelling	-	250m <sup>2</sup>		-	
	Fourplex dwelling	-		180m <sup>2</sup>	-	-
	Retirement home	-				120m <sup>2</sup>
	Semi-detached dwelling <sup>(1)</sup>	270m <sup>2</sup>	200 m <sup>2</sup>		-	-
	Stacked townhouse dwelling	-	-	160m <sup>2</sup>		-
	<b>Back to back townhouse dwelling</b>	-	-	-	110m <sup>2</sup>	
	Street townhouse dwelling	225m <sup>2</sup>	180m <sup>2</sup>			
	Townhouse dwelling	-	200m <sup>2</sup>	180m <sup>2</sup>		-
	Triplex dwelling	-	250m <sup>2</sup>	200m <sup>2</sup>		-
Minimum lot frontage <sup>(2)</sup>	Apartment dwelling	-			30m	
	Duplex dwelling	-	20m		-	
	Fourplex dwelling	-	30m			-
	Retirement home	-				30m
	Semi-detached dwelling <sup>(1)</sup>	9m/unit	8m/unit			-
	Stacked townhouse dwelling	-	-	30m		-
	<b>Back to back townhouse dwelling</b>	-	-	-	5m/unit	
	Street townhouse dwelling	7.5m/unit	6m/unit			-
	Townhouse dwelling	-	30m			-
	Triplex dwelling	-	20m	18m		-
Minimum front yard	Dwelling	4.5m				7.5m
	Private garage	6m				
Minimum exterior side yard		3m				Greater of
Minimum interior side yard	Adjoining a lot in a low density residential zone	3m <sup>(3)</sup>				50% of building height or 3m
	Adjoining a lot in any other zone	1.2m <sup>(3)</sup>				3m
Minimum rear yard	Adjoining a lot in a low	7.5m			-	7.5m

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
(4)	density residential <i>zone</i>					
	Adjoining a <i>lot</i> in any other <i>zone</i>	6m			-	6m
Maximum <i>lot coverage</i>		45%	50%		70%	50%
Minimum separation distance between <i>dwellings</i> on the <i>same lot</i>	Between exterior side walls	-	3m			
	Between exterior front or rear walls		12m			
	Between exterior front or rear walls and side walls		7.5m			
Maximum <i>height</i>		10m	12m			15m
Minimum <i>landscaped open space</i>					25%	
Minimum <i>amenity area</i> <sup>(5)(6)</sup>	<i>Dwelling</i> with 3 or 4 <i>dwelling units</i> on one <i>lot</i>	-	20m <sup>2</sup> per <i>dwelling unit</i>			
	<i>Dwelling</i> with 5 to 8 <i>dwelling units</i> on one <i>lot</i>		40m <sup>2</sup> plus 10m <sup>2</sup> per <i>dwelling unit</i>			
	<i>Dwelling</i> with 9 or more <i>dwelling units</i> on one <i>lot</i>		-	40m <sup>2</sup> plus 15m <sup>2</sup> per <i>dwelling unit</i>	80m <sup>2</sup> plus 5.5m <sup>2</sup> per <i>dwelling unit</i>	

(1) Where *semi-detached dwelling*s are located in the RM2 or RM3 zone, the *dwelling units* shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium *private street*.

(2) Where multiple attached *dwelling*s are located on the same *lot* in the RM2 or RM3 Zone, including more than one type of attached *dwelling*, the minimum *lot frontage* requirement of the RM2 or RM3 *zone*, as applicable, shall be 30 metres in the case of a *lot* that contains one or more *fourplex* and/or *townhouse dwelling* and/or *stacked townhouse dwelling*, **45 metres in the case of back-to-back townhouse dwelling**, and 20 metres in all other cases, and shall apply to the entire *lot*. For *semi-detached dwelling*s where each unit is located on a separate *lot*, and for *street townhouse dwelling*s, each *lot* shall meet the prescribed minimum *lot frontage*.

(3) Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, and for *street townhouse dwelling*s, no *interior side yard* shall be required along the common *lot line* of the attached wall joining two *dwelling units*.

(4) No rear yard is required for a *back-to-back townhouse dwelling*.

(5) No common outdoor *amenity area* provided at grade shall have an area less than **60m<sup>2</sup>**.

(6) Each unit in a back to back townhouse development shall contain an individual balcony with an area of 5.5 m<sup>2</sup>, separated from adjoining units by a wall or privacy screen and with a maximum projection of 1.8m from the front wall of the back to back townhouse building.

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These draft proposed changes take into consideration amenity area as well as outdoor privacy areas which include the requirement for a balcony. This requirement was also found in other municipal zoning bylaws to provide each unit with some private amenity area.

Also needing to be addressed is the maximum of eight dwelling units to be defined as a back-to-back townhouse. This would result in a block of townhouses that are 4 units wide, resulting in half of the units having exterior walls and windows and half without. For the Marz Homes 'Thrive' development, the back to back units proposed had 14 units together, 7 units wide, which significantly reduces the number of exterior side walls.

*Dwelling, Back to Back Townhouse*

*Means a dwelling divided by common walls, including a common rear wall, into four (4) or more attached dwelling units, to a maximum of eight (8) dwelling units, each having a separate entrance from the exterior of the dwelling. **Also includes Stacked, Back to Back Townhouses.***

Township staff are still reviewing other municipal zoning bylaws and still working through comments received from both the Marz Homes and Peter Budd developments to see what the appropriate maximum number of units should be for back to back townhouse dwellings as well as other provisions.

Stacked, back to back townhouses are also under review by Township Staff. They are units that share a rear wall as well as a sidewall and have units stacked vertically. This can include three units located on top of each other, two-level units stacked on top of one-level units, or two level units stacked on top of two-level units. Other layout solutions may be possible but each unit has its own entrance to grade.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report or the proposed changes to the Zoning Bylaw.

**INTER-DEPARTMENTAL & PUBLIC COMMENTS:**

The proposed changes to the zoning bylaw have been circulated to agencies as well as internal departments. At the time of writing this report the Township has received comments from the planning consultants for the P Budd Development and the Marz Thrive development, which both have proposed back-to-back units. These comments are still being reviewed and compared against the preliminary draft regulations.

**CONCLUSION:**

Staff recommends that following any comments received as part of the public consultation process from the public and agencies, a recommendation report be prepared and presented to a future Committee meeting to address the new housing types including back to back, stacked and stacked back to back townhouse dwelling units.

**Attachments:**

1. Agency and Public Comments

**Prepared & Submitted by:**



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**Gerrit Boerema**  
Planner II

**Approved by:**



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**Bev Hendry**  
CAO





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**Brian Treble**  
**Director of Planning & Building**





## **Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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### **Via Email Only**

September 1, 2021

File No.: D.18.12.ZA-21-0089

Mr. Gerrit Boerema  
Planner II  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Mr. Boerema:

**Re: Provincial and Regional Comments  
Township-Initiated Housekeeping Amendments No. 5  
Township File No.: 1601-0012-21 (ZBA)  
Township of West Lincoln**

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Thank you for providing Regional Planning and Development Services staff with an opportunity to review and comment on the Township of West Lincoln Housekeeping Amendments No. 5. As described in the Notice of Public Meeting, the purpose of the amendment is to update the Township of West Lincoln Zoning By-law 2017-70 to permit new residential unit types, including back-to-back townhouses, stacked townhouse units, and stacked back-to-back townhouse units. The amendment will also introduce zoning provisions to regulate the unit types listed above.

Regional staff reviewed the information circulated with the Notice of Public Meeting and offer the following comments from a Provincial and Regional perspective for the Township's consideration.

### **Provincial and Regional Policies**

The Provincial Policy Statement, 2020 (PPS) directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet the projected market-based and affordable housing needs of current and future residents. To achieve this, Section 1.4.3 PPS directs planning authorities to permit all housing options and types of residential intensification. Similarly, the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) promote the achievement of complete communities that provide a diverse range and mix of housing options. As proposed, the Zoning By-law Amendment will permit back-to-back townhouses, stacked townhouse units, and stacked back-to-back townhouse units. Consistent with

the PPS direction, the proposed Zoning By-law Amendment will also establish associated provisions regulating the development of the above noted unit types. Regional staff is satisfied that the objectives of the proposed Zoning By-law Amendment are consistent with the PPS and conform with the policies of the Growth Plan as the amendment will facilitate residential intensification, promote densities for new housing, and establish development standards for new residential development.

The Regional Official Plan, 2014 (ROP) supports development that contributes to a range of housing types, including housing that is affordable, accessible, and suited to the needs of different household and income groups. The housing policies of the ROP are set out in Chapter 11 – Housing and Community Services, and Policy 11.A.1 specifically outlines that the Region encourages the provision of a variety of housing types within urban communities and neighbourhoods.

As proposed, the Zoning By-law Amendment will apply to lands zoned for residential development and will permit additional unit types, contributing to the intensification and diversification of the Township's housing stock. The Township of West Lincoln Zoning By-law 2017-70 establishes eleven (11) residential zones, which include rural residential, low density residential, medium density residential, and high density residential zones. Regional staff note that the policies of the ROP support all types of residential intensification; however, the proposed unit types may not be suitable for the rural residential zone. The ROP only permits low intensity non-farm residential uses in the Rural Area; however, this is subject to meeting all of the provisions contained in Chapter 5.C and the criteria outlined in Policy 5.C.2. Based on Regional staff's review of the information circulated with the amendment, Regional staff are not satisfied that the proposed unit types, which include back-to-back townhouses, stacked townhouse units, and stacked back-to-back townhouse units, constitute a low-intensity residential use. Accordingly, Regional staff recommend that the Township identify specific urban residential zones where the proposed unit types will be permitted. Subject to the above comment concerning the Rural Area, Regional staff is satisfied that the proposed Zoning By-law Amendment conforms with the intent of the ROP to facilitate the development of a range of housing types and densities in the Township.

## **Conclusion**

Regional Planning and Development Services staff commend the Township for its ongoing efforts to update the Township of West Lincoln Zoning By-law 2017-70. To confirm that the amendment is consistent with the PPS and conforms with Provincial and Regional policies, Regional staff request that the Township circulate a copy of the Zoning By-law Amendment once drafted.

Should you have any questions or wish to discuss these comments, please contact the undersigned at [siobhan.kelly@niagararegion.ca](mailto:siobhan.kelly@niagararegion.ca) or Aimee Alderman, MCIP, RPP, Senior Development Planner, at [aimee.alderman@niagararegion.ca](mailto:aimee.alderman@niagararegion.ca)

Kind regards,

D.18.12.ZA-21-0089

September 1, 2021

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A handwritten signature in cursive script, reading "Siobhan Kelly".

Siobhan Kelly  
Development Planning Student

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region



KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

August 25, 2021

Brian Treble, Director of Planning & Building  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Mr. Treble:

**RE: TOWNSHIP-INITIATED ZONING BY-LAW AMENDMENT #5 – INTRODUCTION OF NEW HOUSING TYPES**  
**Township File: 1601-0012-21 (ZBA)**  
**Impacts to Station Meadows West Subdivision**  
**OUR FILE: 19112A**

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MacNaughton Hermesen Britton and Clarkson ('MHBC') are retained by P. Budd Developments Inc., with respect to their Station Meadows West Subdivision located east of South Grimsby Road 5, west of Las Road and north of the CP Rail corridor of the Township of West Lincoln. These lands were recently the subject of applications for Draft Plan of Subdivision and a Zoning By-law Amendment (Township File Nos. 2000-089-19 / 1601-21-19 / 2100-089-19).

We understand the Township has initiated a Zoning By-law Amendment (ZBA) regarding townhouse regulations which has been identified as a 'housekeeping' amendment to address 'new housing types.' The Township has determined that the housing type, "back-to-back townhouse", is currently not a permitted use in any zone in the By-law and requires 'additional regulations.' Another matter pertaining to this type of dwelling unit that is noted by the Township is that this form of dwelling unit does not provide rear yards which, it is assumed, results in reduced minimum lots sizes and amenity areas per dwelling unit or lot. While back-to-back townhouse units appear to be the focus of the Amendment, the Township has stated in its Public Notice that it will undertake a 'general review' of stacked townhouse and stacked back-to-back townhouse dwelling unit typologies.

In terms of public engagement, the Township has noted one formal engagement activity to be undertaken, the Statutory Public Meeting. This meeting is to be held on September 13, 2021 as noted in the Township's Public Meeting Notice. This Notice indicates the following:

*The Township of West Lincoln is undertaking amendments to the Township zoning bylaw to include new housing unit types including back-to-back townhouses, stacked townhouse units and stacked back-to-back townhouse units. Currently these units are defined in the zoning bylaw but do not have any regulations regarding setbacks, height*

*and lot coverage. The Township is proposing to introduce new zoning regulations for these units, as well as permit them in certain residential zones.*

The staff report indicated that Town staff would confer with two recent developers regarding the proposed Zoning By-law Amendment. The report was unclear as to the transparency of such discussions and the manner in which the discussion or decisions would be made publicly available.

The following provides our understanding of the Township's existing Zoning By-law regulations as they pertain to the townhouse dwelling unit typologies and the back-to-back zoning regulations that remain applicable to the Station Meadows West Subdivision.

## **ASSESSMENT OF ZONING BY-LAW 2017-70 REGULATIONS IN EFFECT**

### **Zoning By-law 2017-70: Part 2 Definitions**

Based on the Staff Report PDS-81-2021 and the Public Meeting Notice, it is important to note Zoning By-law regulations as they pertain to townhouse dwelling units.

The in effect Township's Zoning By-law 2017-70 currently regulates back-to-back townhouse developments as this dwelling unit type is defined in the By-law's Part 2, Definitions section through two definitions. As noted in the Township's Planning Staff Report PD-81-2021, the definition of "back-to-back" townhouse is:

#### **DWELLING, BACK-TO-BACK TOWNHOUSE**

means a dwelling divided by common walls, including a common rear wall, into four (4) or more attached dwelling units, to a maximum of eight (8) dwelling units, each having a separate entrance from the exterior of the dwelling.

Back-to-Back Townhouse is then regulated under the definition of 'Townhouse', which specifically states that the definition 'includes' 'back-to-back' townhouse as follows:

#### **DWELLING, TOWNHOUSE**

means a dwelling divided by common walls into three (3) or more attached dwelling units, to a maximum of eight (8) dwelling units, each having a separate entrance from the exterior of the dwelling, and includes a back-to-back townhouse dwelling.

This signifies that the regulations for setbacks, building height, lot coverage and of 'townhouse dwelling' units apply to back-to-back townhouse dwelling units. See footnote 4 of Table 15 Regulations for Permitted Uses in Medium and High Density Residential Zones that states the following:

(4) No rear yard is required for a back-to-back townhouse dwelling.

It should also be noted, that because 'back-to-back' townhouse is defined in Zoning By-law 2017-70, this indicates that it is not a new 'type' of townhouse dwelling unit. Similarly, 'Stacked Townhouse' is also defined in the Zoning By-law:

**DWELLING, STACKED TOWNHOUSE**

means a dwelling containing four (4), six (6) or eight (8) attached dwelling units and wherein pairs of dwelling units are stacked and divided vertically and each pair of dwelling units is divided horizontally from the next attached pair, and each dwelling unit has an independent entrance from the exterior of the dwelling to the interior of the dwelling unit.

**Back-to-Back & Stacked Back-to-Back Townhouse: Applicable Regulations**

Utilizing the Township's current definitions in the Zoning By-law 2017-70, and given that back-to-back townhouses are identified as a 'townhouse', and that 'townhouse' may be applicable to stacked back-to-back townhouse dwelling units, the use is permitted in the RM2 and RM3 zones. The regulations for setbacks, building height, and lot coverage (and other regulations) in the RM2 and RM3 zones are as follows:

<b>Zoning By-law 2017-70: Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones (Excerpt of Regulations for Townhouse Dwellings (that includes back-to-back townhouse))</b>		
<b>Regulation</b>	<b>RM2</b>	<b>RM3</b>
Minimum lot area per dwelling unit	200 m <sup>2</sup>	180 m <sup>2</sup>
Minimum lot frontage*	30 m	30 m
Minimum front yard	4.5 m	4.5.m
<b>Minimum rear yard**</b> - Adjoining a lot in a low density residential zones	7.5 m	
<b>Minimum rear yard**</b> - Adjoining a lot in any other zone	6 m	
Minimum exterior side yard	3 m	3 m
Maximum lot coverage	50%	50%
Maximum height	12 m	12 m
Minimum landscaped open space	25%	
Amenity Area – 3 or 4 dwelling units on one lot	20 m <sup>2</sup> per dwelling unit	
Amenity Area – 5 to 8 dwelling units on one lot	40 m <sup>2</sup> plus 10 m <sup>2</sup> per dwelling unit	
Amenity Area – with 9 or more dwelling units on one lot	-	80 m <sup>2</sup> plus 5.5 m <sup>2</sup> per dwelling unit

\* (2) Where multiple attached dwellings are located on the same lot in the RM2 or RM3 Zone, including more than one type of attached dwelling, the minimum lot frontage requirement of the RM2 or RM3 zone, as applicable, shall be 30 metres in the case of a lot that contains one or more fourplex and/or townhouse dwelling and/or stacked townhouse dwelling, and 20 metres in all other cases, and shall apply to the entire lot. For semi-detached dwellings where each unit is located on a separate lot, and for street townhouse dwellings, each lot shall meet the prescribed minimum lot frontage.

\*\* **No rear yard is required for a back-to-back townhouse dwelling.**

The Staff Report PD-81-2021 claimed the following:

Back-to-back Townhouse dwellings need special zoning consideration as they do not have rear yards as typical townhouses do. This results in reduced minimum lot sizes and amenity areas per dwelling unit/lot.

As noted above, and in Table 15 of Zoning By-law 2017-70, back-to-back townhouse dwelling units are already regulated and do not need special zoning consideration. Similarly, the RM2 and RM3 regulations for 'amenity areas' identify area requirements based on a per dwelling unit calculation. This means that the amenity space area is increased when there is an increased provision of dwelling units. In the RM3 zone, a townhouse with greater than 9 units requires even greater amenity area per dwelling unit than a 3-unit townhouse.

Given the definition of 'townhouse dwelling' in the Zoning By-law, the regulations for 'townhouse dwelling' would apply to a site plan application for a stacked back-to-back townhouse. Municipalities generally apply the stricter regulations of the applicable permitted use. It should also be noted that for each definition of townhouse unit (e.g. townhouse, back-to-back and stacked) there is a common and applicable regulation, that being that each dwelling unit must have "a separate entrance from the exterior of the dwelling".

### **Key Concerns with Township-Initiated Zoning By-law Amendment**

Based on Staff Report 81-2021 and the Public Meeting Notice regarding the Township-initiated Zoning By-law Amendment, and given the existing definitions for townhouse dwellings in Zoning By-law 2017-70, several concerns are raised:

- Recent applications requesting approval of medium density residential dwelling units does not constitute a 'new issue' but rather a matter wherein they are applications for permissible uses already contained within the current Zoning By-law;
- The proposed amendment is not a 'housekeeping' amendment, given that in Report PD-81-2021 staff stated that "a general review of all housing types" would be undertaken. This may represent a comprehensive review and such an amendment may affect all residential dwelling unit types; and
- In context of Council's conditional approval of the Station Meadows West subdivision plan, which was designed based on back-to-back and stacked townhouses under the Town's existing Zoning By-law regulations pertaining to same, it is of concern that the Town may introduce alternative regulations that affect the calculated densities as approved.

### **Conclusion**

Given that Zoning By-law 2017-70 contains regulations for all types of townhouse dwelling units, it is unclear as to the purpose of Amendment No. 5 as proposed. Council recently conditionally approved the Station Meadows West subdivision plan with the proposed medium residential densities and dwelling unit types, as well as the correlated site specific zoning by-law amendment for the subdivision.

As noted in Staff Report PD 81-2021, that the "Township will also consult the development community including two developers who have recently proposed to develop back-to-back townhouse dwelling units," we hope that P. Budd Developments Inc. is one of the two developers to be consulted.

Yours Truly,

**MHBC**

A handwritten signature in black ink, appearing to read 'Oz Kemal'.

Oz Kemal, BES, MCIP, RPP  
Partner

A handwritten signature in black ink, appearing to read 'T. Tannis'.

Tamara Tannis, MCP, MCIP, RPP  
Associate

cc. *P. Budd*  
*Bev Hendry, CAO*  
*Gerrit Boerema, Planner*



**Gerrit Boerema**

---

**From:** Jared Marcus <Jared.Marcus@IBIGroup.com>  
**Sent:** August 31, 2021 12:31 PM  
**To:** Gerrit Boerema  
**Subject:** RE: Back-to-back housing units

Hi Gerrit,

Here are some comments I have on the draft regulations:

1. Lot Area: Most of these Back to Back developments will feature freehold lots, so If the intention is that this area applies to an individual lot then it might not be realistic. However, if the idea is that you're dealing with a block development that incorporates lot area as a density type of metric it might work. For example, the individual lots in Blocks 80 & 84 in Thrive have Back to Back lots that are  $13.36\text{m} \times 6.38\text{m} = 85.2\text{m}^2$ . However, if you were to look at one of the concepts we did for Block 80 that featured all Back to Back units you would have had a block of  $8,774\text{m}^2 / 52 \text{ units} = 168.7\text{m}^2/\text{unit}$ . Some of the more recent developments we have worked on in the area had individual lot size in the 78-84 $\text{m}^2$  range:
  - a. DeSantis, Stoney Creek Myst development – Back to Back design has a lot that is  $12.89\text{m} \times 6.22\text{m} = 80.1\text{m}^2$ ;
  - b. DeSantis, Beamsville Centre Square development - Back to Back design has a lot that is  $12.62\text{m} \times 6.22\text{m} = 78.5\text{m}^2$ ;
  - c. DiCarlo Homes, Burlington LIV development – Back to Back design has a lot that is  $13.11\text{m} \times 6.40\text{m} = 83.9\text{m}^2$ ;
  - d. New Horizon Development Group, Stoney Creek Waterfront Trails development – Back to Back design has a lot that is  $12.77\text{m} \times 6.45\text{m} = 82.3\text{m}^2$ ;
  - e. Branthaven Homes, Grimsby Bravo development – Back to Back design has a lot that is  $12.54\text{m} \times 6.40\text{m} = 80.2\text{m}^2$ .
2. Lot Frontage: Is there a need to include a per lot width like what is done with Street Townhouse instead of Townhouse? Similar to the previous comment, a lot of these are going to be freehold lots.
3. Rear Yard Setback: Obviously these units don't have rear yards, but in the same way as a Block Townhouse development you might want to keep a rear yard setback to ensure appropriate interface with other zones/housing types. Maybe a clause for rear yards can be used that is similar to subscript 3 that deals with the Semi-Detached side yards?
4. Min. Balcony size appears to work.

I can't remember where I left off in this review as I forgot about it on Friday.

Jared

---

**From:** Gerrit Boerema <gboerema@westlincoln.ca>  
**Sent:** Friday, August 13, 2021 11:00 AM  
**To:** Jared Marcus <Jared.Marcus@IBIGroup.com>  
**Subject:** Back-to-back housing units

Hi Jared,

Sorry I missed the meeting yesterday – Brian says it was a good meeting and we plan on debriefing sometime next week.

Did you ever send me anything on general back-to-back townhouse dwelling zoning provisions? I thought you did but when I looked through my email I could not find anything. Below is what I have drafted so far. There are still some gaps and formatting issues and this still needs to be reviewed by Brian. Interested in your thoughts and how this would fit in with the back to back units in the Thrive development.

Highlighted and bold identify the changes.

## PART 6 RESIDENTIAL ZONES

### A. APPLICABLE ZONES

The permitted *uses* and regulations of Part 6 apply to land within the following *zones*:

Zone	Symbol
Rural Residential	RuR
Residential Low Density	– Type 1A R1A – Type 1B R1B – Type 1C R1C – Type 1D R1D – Type 2 R2 – Type 3 R3
Residential Medium Density	– Type 1 RM1 – Type 2 RM2 – Type 3 RM3 – <b>Type 4 RM4</b>
Residential High Density	RH

These *zones* apply to land identified with the corresponding *zone* symbol as shown in Schedule “A”.

### PERMITTED USES

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect, alter* or *use* any *building* or *structure* for any purpose except in accordance with the permitted *uses* in Table 13.

**Table 13: Permitted Uses in Residential Zones**

Uses	Zones where Permitted											
<b>Principal Uses</b>												
<i>Apartment dwelling</i>										RM3	<b>RM4</b>	RH
<i>Duplex dwelling</i>									RM2			
<i>Fourplex dwelling</i>									RM2	RM3		
<i>Retirement home</i>												RH
<i>Semi-detached dwelling</i>						R2	R3	RM1	RM2	RM3		
<i>Single detached dwelling</i>	RuR	R1A	R1B	R1C	R1D	R2	R3					
<i>Stacked townhouse dwelling</i>										RM3		
<i>Street townhouse dwelling</i>								RM1	RM2	RM3		
<i>Back to Back townhouse dwelling</i>											<b>RM4</b>	
<i>Stacked townhouse dwelling</i>											<b>RM4</b>	
<i>Townhouse dwelling</i>									RM2	RM3		

# Attachment 1 to PD-94-2021

Uses		Zones where Permitted											
<i>Triplex dwelling</i>										RM2	RM3		
<b>Accessory Uses <sup>(1)</sup></b>													
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>	RM1 <sup>(1)</sup>	RM2 <sup>(1)</sup>	RM3 <sup>(1)</sup>	RM4 <sup>(1)</sup>	RH <sup>(1)</sup>
<i>Accessory dwelling unit</i> (see s. 3.2)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					
<i>Bed and breakfast establishment</i> (see s. 3.4)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>							
<i>Boarding or rooming house</i>		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>					RM3 <sup>(1)</sup>		
<i>Garden suite</i> (see s. 3.2)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>							
<i>Group home</i> (see s. 3.6)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					
<i>Home occupation</i> (see s. 3.7)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>					
<i>Renewable energy system</i> (see s. 3.15)		RuR <sup>(1)</sup>	R1A <sup>(1)</sup>	R1B <sup>(1)</sup>	R1C <sup>(1)</sup>	R1D <sup>(1)</sup>	R2 <sup>(1)</sup>	R3 <sup>(1)</sup>	RM1 <sup>(1)</sup>	RM2 <sup>(1)</sup>	RM3 <sup>(1)</sup>		RH <sup>(1)</sup>

Denotes *uses* that are only permitted accessory to or in conjunction with a permitted *principal use*.

## REGULATIONS

In the *zones* identified in Section 6.1, no *person* shall *use* or permit the *use* of any *lot* or *erect*, *alter* or *use* any *building* or *structure* for any purpose except in accordance with the regulations in Tables 14 and 15.

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones

Regulation				Zone Requirements		
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per dwelling unit)	Apartment dwelling	-		160m <sup>2</sup>		120m <sup>2</sup>
	Duplex dwelling	-	250m <sup>2</sup>		-	
	Fourplex dwelling	-		180m <sup>2</sup>	-	-
	Retirement home	-				120m <sup>2</sup>
	Semi-detached dwelling <sup>(1)</sup>	270m <sup>2</sup>	200 m <sup>2</sup>		-	-
	Stacked townhouse dwelling	-	-	160m <sup>2</sup>		-
	<b>Back to back townhouse dwelling</b>	-	-	-	110m <sup>2</sup>	
	Street townhouse dwelling	225m <sup>2</sup>	180m <sup>2</sup>			
	Townhouse dwelling	-	200m <sup>2</sup>	180m <sup>2</sup>		-
	Triplex dwelling	-	250m <sup>2</sup>	200m <sup>2</sup>		-
Minimum lot frontage <sup>(2)</sup>	Apartment dwelling	-			30m	
	Duplex dwelling	-	20m		-	
	Fourplex dwelling	-	30m			-
	Retirement home	-				30m
	Semi-detached dwelling <sup>(1)</sup>	9m/unit	8m/unit			-
	Stacked townhouse dwelling	-	-	30m		-
	<b>Back to back townhouse dwelling</b>	-	-	-	30m	
	Street townhouse dwelling	7.5m/unit	6m/unit			-
	Townhouse dwelling	-	30m			-
	Triplex dwelling	-	20m	18m		-
Minimum front yard	Dwelling	4.5m				7.5m
	Private garage	6m				
Minimum exterior side yard		3m				Greater of 50% of building height or 3m
Minimum interior side yard	Adjoining a lot in a low density residential zone	3m <sup>(3)</sup>				
	Adjoining a lot in any other zone	1.2m <sup>(3)</sup>				3m
Minimum rear yard <sup>(4)</sup>	Adjoining a lot in a low density residential zone	7.5m			-	7.5m
	Adjoining a lot in any other zone	6m			-	6m
Maximum lot coverage		45%		50%		
Minimum separation distance between dwellings on the same lot	Between exterior side walls	-		3m		
	Between exterior front or rear walls			12m		
	Between exterior front or rear walls and side walls		7.5m			
Maximum height		10m	12m			15m
Minimum landscaped open space				25%		
Minimum amenity area <sup>(5)(6)</sup>	Dwelling with 3 or 4 dwelling units on one lot	-	20m <sup>2</sup> per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot		40m <sup>2</sup> plus 10m <sup>2</sup> per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		-	40m <sup>2</sup> plus 15m <sup>2</sup> per dwelling unit	80m <sup>2</sup> plus 5.5m <sup>2</sup> per dwelling unit	

# Attachment 1 to PD-94-2021

Regulation	Zone Requirements				
	RM1	RM2	RM3	RM4	RH

- (1) Where *semi-detached dwellings* are located in the RM2 or RM3 zone, the *dwelling units* shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium *private street*.
- (2) Where multiple attached *dwellings* are located on the same *lot* in the RM2 or RM3 Zone, including more than one type of attached *dwelling*, the minimum *lot frontage* requirement of the RM2 or RM3 *zone*, as applicable, shall be 30 metres in the case of a *lot* that contains one or more *fourplex* and/or *townhouse dwelling* and/or *stacked townhouse dwelling*, **45 metres in the case of back-to-back townhouse dwelling**, and 20 metres in all other cases, and shall apply to the entire *lot*. For *semi-detached dwellings* where each unit is located on a separate *lot*, and for *street townhouse dwellings*, each *lot* shall meet the prescribed minimum *lot frontage*.
- (3) Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, and for *street townhouse dwellings*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining two *dwelling units*.
- (4) No rear yard is required for a *back-to-back townhouse dwelling*.
- (5) No common outdoor *amenity area* provided at grade shall have an area less than **60m<sup>2</sup>**.
- (6) **Each unit in a back to back townhouse development shall contain an individual balcony with an area of 5.5 m<sup>2</sup>, separated from adjoining units by a wall or privacy screen and with a maximum projection of 1.8m from the front wall of the back to back townhouse building.**



**Gerrit Boerema**

**Planner II**

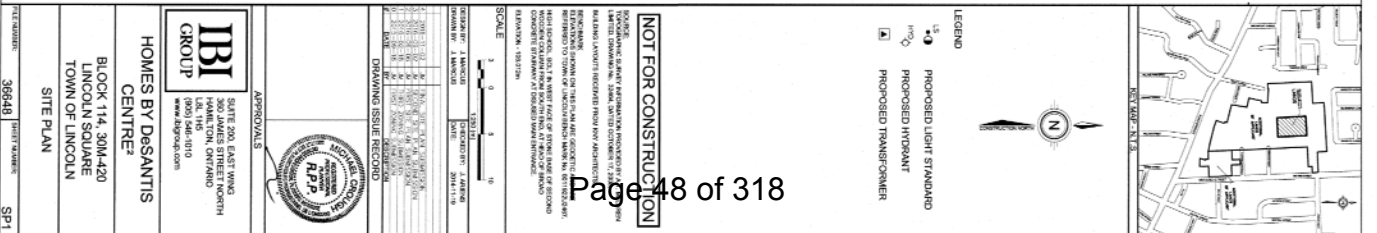
Tel: 905-957-3346 ext.5133  
Email: [gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)  
Web: [www.westlincoln.ca](http://www.westlincoln.ca)





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COVID 19 Update July 15, 2021 – As Ontario enters Step Three of the Roadmap to Reopen, the Township will continue to offer select services by appointment only. Full information available in the latest [press release](#). Staff are available to assist the public, Monday - Friday, 9:00 am - 4:30 pm by phone at 905-957-3346, or by email. The best source of information is our [website](#) where you can also find specific email address and phone extensions.



DEVELOPMENT DETAILS:		
LOTS 52-69		
18 STREET TOWNHOUSE UNITS		
PROPOSED "MAX-2"		PROPOSED
MIN. LOT AREA	1500 <sup>sq</sup>	
MIN. LOT FRONTAGE	6.0m	
MIN. DEVELOPABLE YARD GARAGE	4.0m	
MIN. SIDE YARD	1.5m	
MIN. REAR YARD	5.0m	
MAX. BUILDING HEIGHT	13.4m	
MAX. LOT COVERAGE	50%	
MIN. DEVELOPING UNIT AREA	50 <sup>sq</sup> (MIN.)	
MAX. HOUGH ENCRUSTAMENT		
FRONT YARD SIDE YARD	0.0m 0.0m	

DEVELOPMENT DETAILS:	
LOTS 28-51	
24 BACK TO BACK	
TOWNHOUSE UNITS	
PREPARED "N/A" - 2"	PROPOSED
WIN LOT AREA	759 <sup>sq</sup>
WIN LOT PERIMETER	6.0m
WIN FRONT YARD	
WIN BUILDING FOOTPRINT	3.0m
WIN BUILDING HEIGHT	2.6m
WIN REAR YARD	0.0m
WIN BUILDING HEIGHT	13.0m
WIN LOT CONTRAST	NONE
WIN DOWNSIDE UNIT AREA	50m <sup>2</sup> (0m <sup>2</sup> )
WIN PORCH ENCLOSUREMENT	
FRONT YARD SIDE YARD	0.9m 1.6m

DEVELOPMENT DETAILS:	
BLOCKS 1 & 2	
22 STACKED TOWNHOUSE UNITS	
PROPOSED "M-A-Z"	PROPOSED
MUN. LOT AREA	-
MUN. LOT FRONTAGE	45.0m
MUN. FRONT YARD	5.8m
PRIVATE STREET	4.1m
PUBLIC STREET	
MUN. SIDE YARD	0.0m
MUN. REAR YARD	3.0m
MUN. BUILDING HEIGHT	13.0m
MUN. LOT COVERAGE	55%
MUN. DENSITY	110/dph

[illegible]

DEVELOPMENT DETAILS:		
LOTS 52-69		
18 STREET TOWNHOUSE UNITS		
PROPOSED "MAX-2"		PROPOSED
MIN. LOT AREA	1500 <sup>sq</sup>	
MIN. LOT FRONTAGE	6.0m	
MIN. DEVELOPABLE YARD GARAGE	4.0m	
MIN. SIDE YARD	1.5m	
MIN. REAR YARD	5.0m	
MAX. BUILDING HEIGHT	13.4m	
MAX. LOT COVERAGE	50%	
MIN. DEVELOPING UNIT AREA	50 <sup>sq</sup> (MIN.)	
MAX. HOUGH ENCRUSTAMENT		
FRONT YARD SIDE YARD	0.0m 0.0m	

DEVELOPMENT DETAILS:	
LOTS 28-51	
24 BACK TO BACK	
TOWNHOUSE UNITS	
PREPARED "N/A" - 2"	PROPOSED
WIN LOT AREA	759 <sup>sq</sup>
WIN LOT PERIMETER	6.0m
WIN FRONT YARD	
WIN BUILDING FOOTPRINT	3.0m
WIN BUILDING HEIGHT	2.6m
WIN REAR YARD	0.0m
WIN BUILDING HEIGHT	13.0m
WIN LOT CONTRAST	NONE
WIN DOWNSIDE UNIT AREA	50m <sup>2</sup> (0m <sup>2</sup> )
WIN PORCH ENCLOSUREMENT	
FRONT YARD SIDE YARD	0.9m 1.6m

DEVELOPMENT DETAILS:	
BLOCKS 1 & 2	
22 STACKED TOWNHOUSE UNITS	
PROPOSED "M-A-Z"	PROPOSED
MUN. LOT AREA	-
MUN. LOT FRONTAGE	45.0m
MUN. FRONT YARD	5.8m
PRIVATE STREET	4.1m
PUBLIC STREET	
MUN. SIDE YARD	0.0m
MUN. REAR YARD	3.0m
MUN. BUILDING HEIGHT	13.0m
MUN. LOT COVERAGE	55%
MUN. DENSITY	110/dph

LEGEND

US  
1.5  
HYD  
PROPOSED LIGHT STANDARD  
PROPOSED HYDRANT  
PROPOSED TRANSFORMER

318

**NOT FOR CONSTRUCTION**

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DATE: 10/10/2014

PROJECT: 10/10/2014

SCALE: 1" = 10'

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21 22 23 24 25 26 27 28 29 30

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861 862 863 864 865 866 867 868 869 870

871 872 873 874 875 876 877 878 879 880

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 <p><b>IBI</b> GROUP</p>	<p>STATE 300 EAST WING 1300 JAMES STREET NORTH CHICAGO, ILL. 60614 (312) 541-1110 www.ibigroup.com</p>
	<p>APPROVALS</p> 

<p><b>HOMES BY DeSANTIS</b> <b>CENTRE<sup>2</sup></b></p> <p>BLOCK 114, 30M-420 LINCOLN SQUARE TOWN OF LINCOLN</p> <p><b>SITE PLAN</b></p>	<p>FILE NUMBER: <b>366-48</b></p> <p>SHEET NUMBER: <b>SP1</b></p>
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THE CORPORATION OF THE TOWN OF LINCOLN

COUNCIL

**A G E N D A**

March 21, 2016  
Council Chambers  
7:00 p.m.

Page

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. DECLARATIONS OF INTEREST**

**4. ADOPTION OF PREVIOUS COUNCIL MINUTES**

3-6 (a) Minutes of Council's Regular Meeting of March 7, 2016.

**5. BUSINESS ARISING FROM THE MINUTES**

**6. MAYOR'S REPORT**

**7. REGIONAL COUNCILLOR'S REPORT**

**8. COUNCILLOR REPORTS**

**9. DELEGATIONS**

**10. CORRESPONDENCE**

**11. REPORTS**

7-9 (a) Infrastructure Committee, minutes of March 9.  
10-13 (b) Public Meeting, minutes of March 14.  
14-19 (c) Economic Development and Planning Committee, minutes of March 14.  
20 (d) Briefing Note from Director of Finance, re: Canada 150 Community  
Infrastructure Program.

Page

**12. CONFIRMATION OF COMPLIANCE WITH S.34 OF THE PLANNING ACT**

**13. BY-LAWS**

- (a) No. 2016-17, To Authorize the Execution of a Water Supply and Monitoring Agreement with the Owners of the Vineland West Private Water System.
- (b) No. 2016-18, To Authorize the Execution of a Contribution Agreement Under the Canada 150 Community Infrastructure Program.
- (c) No. 2016-19-Z470, To Amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (1419406 Ontario Inc., 1419405 Ontario Inc. & 2252620 Ontario Limited).
- (d) No. 2016-20-Z471, To Amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (Mowat Properties Inc.).
- (e) No. 2016-21-Z472, To Amend Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln (2465989 Ontario Inc.).

**14. NOTICE OF MOTION**

**15. ANNOUNCEMENTS**

**16. CLOSED SESSION**

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board (a matter pertaining to a stormwater management facility).

**17. BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL**

- (a) No. 2016-22, To adopt, confirm and ratify matters dealt with by Council resolution.

**18. ADJOURNMENT**

**THE CORPORATION OF THE TOWN OF LINCOLN**

**BY-LAW NO. 2016-19-Z470**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 93-14-Z1,  
AS AMENDED, OF THE TOWN OF LINCOLN  
(BLOCK 114, LINCOLN SQUARE)**

WHEREAS THE TOWN OF LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990:

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY ENACTS AS FOLLOWS:

1. THAT Section 15.3 to Zoning By-law No. 93-14-Z1, as amended, of the Town of Lincoln, is hereby amended by deleting subsection 15.3.2 in its entirety and replacing it with the following subsection:

**"15.3.2      RM3-2 (LINCOLN SQUARE)**

Notwithstanding the provisions of the Residential Multiple 3 (RM3) Zone the following provisions shall apply to the lands zoned RM3-2 on Schedule 'A2':

**15.3.2.1      PERMITTED USES**

- (a) Apartment building
- (b) Townhouse dwelling

**15.3.2.2      APARTMENT DWELLING**

In accordance with the RM3 Zone, except as follows:

- (a) Minimum Lot Area Per Unit              85 square metres
- (b) Maximum Density                              115 units per hectare

**15.3.2.3      TOWNHOUSE DWELLING**

Notwithstanding any provision to the contrary, the minimum density for townhouse dwellings shall be 65 units per hectare and development shall be in accordance with the following provisions:

**15.3.2.3.1 STACKED TOWNHOUSES**

- |     |                           |                     |
|-----|---------------------------|---------------------|
| (a) | Minimum Number of Units   | 27                  |
| (b) | Minimum Lot Area          | 1,125 square metres |
| (c) | Minimum Lot Frontage      | 45 metres           |
| (d) | Minimum Yard Requirements |                     |
|     | (i) Front Yard            | 1.9 metres          |
|     | (ii) Side Yard            | 1.7 metres          |
|     | (iii) Rear Yard           | 5.8 metres          |
| (e) | Maximum Building Height   | 13 metres           |

**15.3.2.3.2 MAISONETTE DWELLINGS**

- |     |                                   |  |
|-----|-----------------------------------|--|
| (a) | Minimum Number of Units           | 24   |
| (b) | Minimum Lot Area Per Unit         | 75 square metres   |
| (c) | Minimum Lot Frontage Per Unit     | 6 metres on a private street   |
| (d) | Minimum Yard Requirements         |  |
|     | (i) Setback from a Private Street | 3 metres for a dwelling and 6 metres for a garage  |
|     | (ii) Interior Side Yard           | 0.9 metres for end units. No interior side yard is required between the common vertical wall dividing one unit from another. |
|     | (iii) Rear Yard                   | 0 metres   |
| (e) | Maximum Building Height           | 13 metres  |

**15.3.2.3.3 STREET TOWNHOUSES**

- (a) Notwithstanding any provision to the contrary, a street townhouse may include more than 8 attached units.
- (b) Minimum Number of Units 18
- (c) Minimum Lot Area Per Unit 120 square metres
- (d) Minimum Lot Frontage Per Unit 6 metres on a private street
- (e) Minimum Yard Requirements
  - (i) Setback from a Private Street 3 metres for a dwelling and 5.8 metres for a garage
  - (ii) Interior Side Yard 1.5 metres
  - (iii) Rear Yard 5.4 metres
- (f) Maximum Building Height 13 metres

2. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST TIME THIS 21<sup>ST</sup> DAY OF MARCH, 2016

READ A SECOND TIME THIS 21<sup>ST</sup> DAY OF MARCH, 2016

READ A THIRD TIME AND FINALLY PASSED THIS 21<sup>ST</sup> DAY OF MARCH, 2016

---

MAYOR: SANDRA EASTON

---

CLERK: WILLIAM J. KOLASA

**EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW NO. 2016-19-Z470**

This By-law involves a parcel of land located on the west side of Serena Drive, lying South of Alyssa Drive in Beamsville. The lands are legally described as Block 114, Registered Plan No. 30M-420.

This By-law amends the Residential Multiple 3 (RM3-2) Zone to permit 27 stacked townhouse units, 24 back-to-back townhouse units and 18 traditional townhouse units. The RM3-2 Zone also establishes site specific provisions to accommodate the proposed development.

The applicant will be required to enter into a Site Plan Agreement. The Agreement will be registered on-title and the Town will collect sufficient securities relating to the Site Plan Agreement.

File: PLZBA20150124

OWNER: 1419408 Ontario Inc., 1419405 Ontario Inc. and 2252820 Ontario Limited

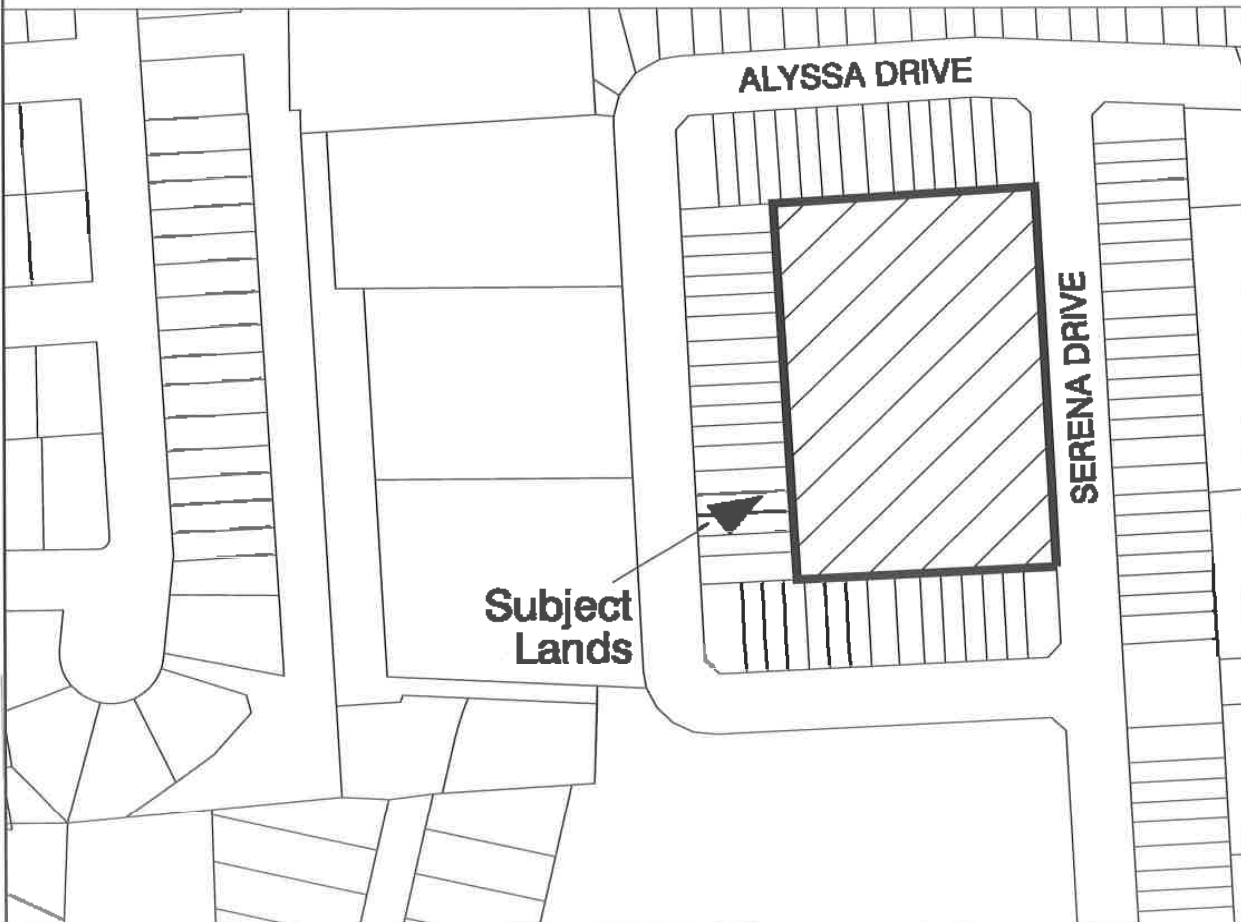
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PL 16-15

# SCHEDULE 'A' - KEY MAP TOWN OF LINCOLN



Scale: N.T.S.



This is Schedule 'A' to By-law No. 2016-19-Z470 passed the 21st day of  
March, 2016.

MAYOR: SANDRA EASTON

CLERK: WILLIAM J. KOLASA

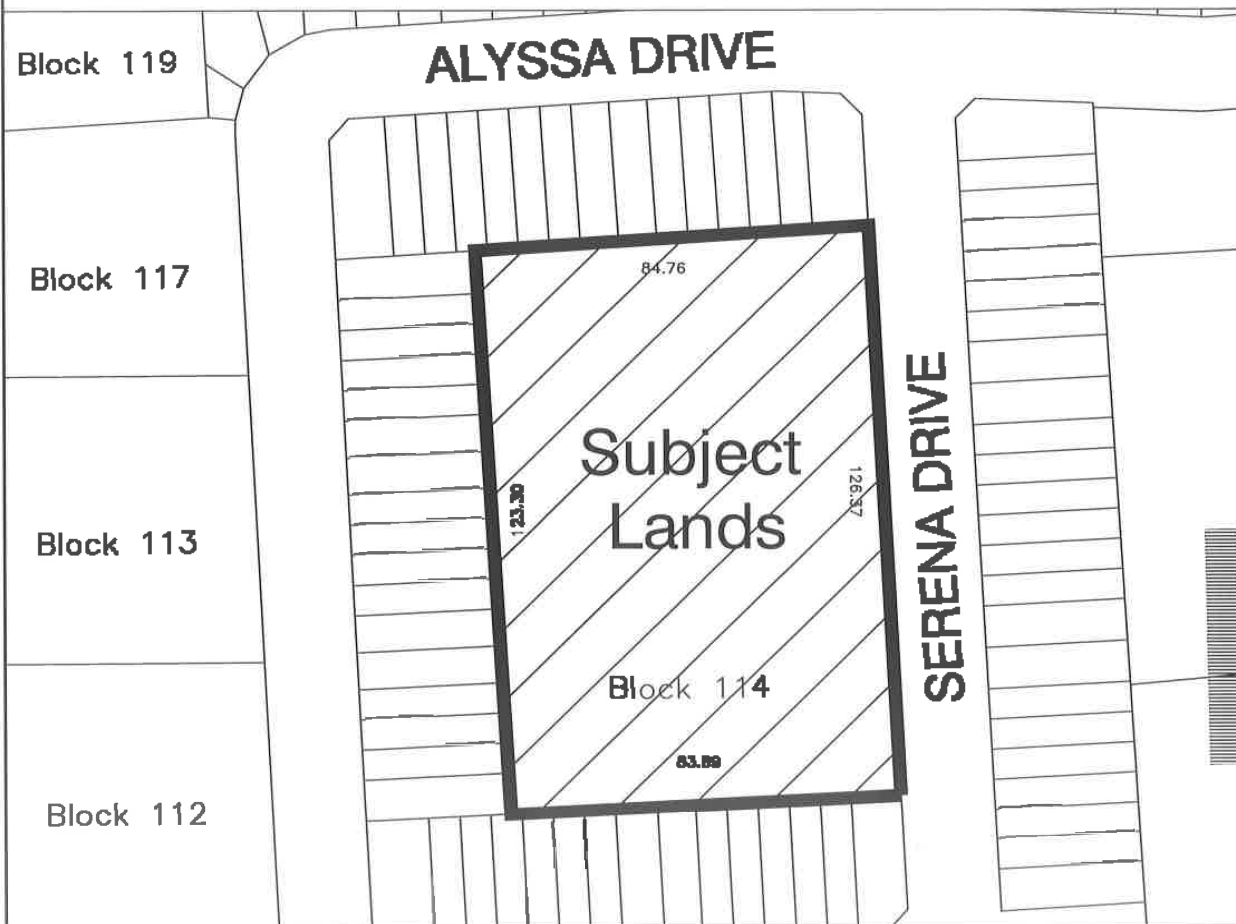
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# SCHEDULE 'B' - DETAIL MAP TOWN OF LINCOLN



Scale: N.T.S.



This is Schedule 'B' to By-law No. 2016-19-Z470 passed the 21st day of  
March, 2016.

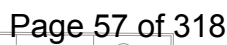
MAYOR: SANDRA EASTON

CLERK: WILLIAM J. KOLASA

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25



**Authority:** Item 3, Planning Committee  
Report 18-009 (PED 18114)  
CM: June 13, 2018  
Ward: 9

**Bill No. 167**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-167**

#### **To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 15 Picardy Drive (Stoney Creek)**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 3 of Report 18-009 of the Planning Committee at its meeting held on the 13<sup>th</sup> day of June 2018, which recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No.105;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by changing the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RM3-63 (H)" Zone, Modified.
2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "RM3-63 (H)", as follows:

**To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)**

Page 2 of 5

**RM3 – 63 (H)**

Notwithstanding the provisions of Paragraphs 6.10.3 "Zone Regulations for Maisonettes", Paragraphs (a), (b), (c), (d), (f), (l), (j), (k), (l), (m), 6.10.4 "Zone Regulations for Street Townhouses", Section 6.9.3 "Zone Regulations" (a), (b), (c), (d), (e), (f), (g), (h), (l), Section 4.10.3 a), b), 4.10.4(a), 4.16.1(a), Section 6.1.8 c) and d), and Section 6.10.5 "Regulations for Parking", Paragraph (a):

**REGULATIONS**

<b>(a) Minimum Lot Area:</b>		<b><u>Street Townhouses</u></b>	<b><u>Maisonettes</u></b>
	Interior Unit	100 square metres	81 square metres
	Corner Unit	140 square metres	105 square metres
	End Unit	130 square metres	105 square metres
<b>(b) Minimum Lot Frontage:</b>		<b><u>Street Townhouses</u></b>	<b><u>Maisonettes</u></b>
	Interior Unit	5.5 metres	6.4 metres
	Corner Unit	7.5 metres	8.25 metres
	End Unit	7.1 metres	8.25 metres
<b>(c) Minimum Front Yard:</b>		<b><u>Street Townhouses</u></b>	<b><u>Maisonettes</u></b>
		4.4 metres to the dwelling unit, 3.25 metres to the dwelling for an end unit on a private road and 6.0 metres to the attached garage	4.0 metres to the dwelling unit and 6.0 metres to the attached garage
<b>(d) Minimum Side Yard:</b>		<b><u>Street Townhouses</u></b>	<b><u>Maisonettes</u></b>
	End Unit	1.5 metres	1.6 metres
	Corner Unit	1.5 metres	1.5 metres
<b>(f) Minimum Rear Yard:</b>		6.0 metres	0.0 metres
<b>(l) Maximum Density:</b>		59 units per net hectare	
<b>(j) Maximum Building Height:</b>		<b><u>Street Townhouses</u></b>	<b><u>Maisonettes</u></b>

To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

Page 3 of 5

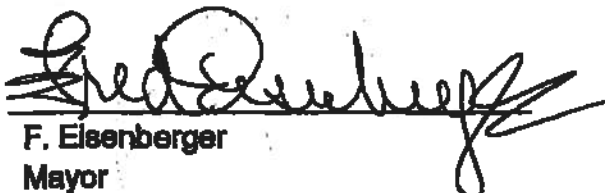
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|-----|---|---|--|
|     |   | 12.25 metres                                | 12.5 metres  |
| (k) | Maximum Lot Coverage:   | <u>Street Townhouses</u>                    | <u>Maisonettes</u>   |
|     |   | 55%   | Shall not apply  |
| (l) | Minimum Privacy Area:   | <u>Street Townhouses</u>                    | <u>Maisonettes</u>   |
|     |   | 34 square metres                            | 4.0 square metres<br>to be located on a<br>balcony or patio in<br>the front yard |
| (m) | Minimum Landscaped<br>Open Space:   | Shall not apply to maisonettes              |  |
| (n) | Minimum Number of<br>Visitor Parking Spaces:  | 26 visitor parking spaces to be<br>provided |  |
| (o) | Notwithstanding Section 4.10.3 a), required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres.   |   |  |
| (p) | Notwithstanding Section 4.10.4 (a), a minimum of four (4) designated parking spaces shall be provided with a minimum rectangular dimension of 2.75 metres and 3.4 metres by 5.5 metres, when adjacent to a 1.5 metre access aisle.  |   |  |
| (q) | Notwithstanding Section 4.16.1 (a), unitary equipment may be located not less than 0.5 metres to any side lot line.   |   |  |
| (r) | Notwithstanding Section 6.1.8 c), parking spaces shall be a minimum of 3.1 metres from a dwelling unit.   |   |  |
| (s) | Notwithstanding Section 6.1.8 d), parking spaces shall have a width of not less than 2.6 metres and a length of not less than 5.5 metres and parking spaces for physically challenged persons all have a width of not less than 2.75 metres and 3.4 metres when adjacent to a 1.5 metre access aisle and a length of not less than 5.5 metres, exclusive to any land used to permit ingress or egress to said parking spaces, manoeuvring areas, driveways or aisles. |   |  |
| (t) | For the purpose of this By-law, a parkette of 618 square metres shall be provided within the subject development.   |   |  |
| (u) | For the purpose of this By-law, maisonettes may front onto a public street.   |   |  |

To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

Page 4 of 5

- (v) Notwithstanding any provision to the contrary, prior to the registration of a plan of subdivision or condominium, 28 maisonette units and 43 street townhouse dwelling units, shall be permitted on one parcel of land.
  - (w) For the purpose of this By-law, a Private Common Element Condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the common element condominium road are permitted within the common element condominium road.
3. Notwithstanding the provisions of Section 3.8 "Holding Zones", on those lands zoned "RM3-63(H)" of this By-law, the Holding Provision "RM3-63(H)" (Multiple Residential) Zone, Modified, be removed conditional upon:
- a) The owner demonstrating that the existing sanitary sewer on Lormont Boulevard at Picardy Drive can be adequately upsized to provide sufficient capacity to meet City standards and to share in the upgrade costs for development greater than 40 dwelling units, to the satisfaction of the Senior Director, Growth Management.
  - b) City Council may remove the 'H' symbol and thereby give effect to the "RM3-63" (Multiple Residential) Zone, as amended by the special requirements of this By-law, by enactment of an amending By-law once the above condition has been fulfilled.
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act.

**PASSED** this 27<sup>th</sup> day of June, 2018.

  
F. Eisenberger  
Mayor


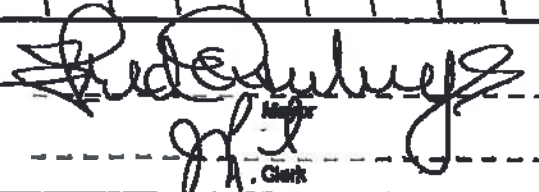


  
J. Pilon  
Acting City Clerk

ZAC-16-033  
UHOPA-16-013



To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 15 Picardy Drive (Stoney Creek)

Page 5 of 5

					
<p>This is Schedule "A" to By-law No. 18-167</p> <p>Passed the <u>27th</u> day of <u>JUNE</u>, 2018</p>	 Mayor Clerk				
<p><b>Schedule "A"</b></p> <p><b>Map Forming Part of</b> <b>By-law No. 18-167</b></p> <p><b>to Amend By-law No. 3692-92</b></p>	<p><b>Subject Property</b> 15 Picardy Drive, Stoney Creek</p> <p> Change in Zoning from Neighbourhood Development "ND" Zone to the Multiple Residential Holding "RM3-63(H)" Zone, Modified</p>				
<table border="1"> <tr> <td> <p>Seal of K.T.S.</p> </td> <td> <p>File Name/Number: ZAC-18-19 &amp; UHCPA-18-19</p> </td> </tr> <tr> <td> <p>Date: Jan. 31, 2018</p> </td> <td> <p>Planner/Technician: GZAL</p> </td> </tr> </table>	<p>Seal of K.T.S.</p>	<p>File Name/Number: ZAC-18-19 &amp; UHCPA-18-19</p>	<p>Date: Jan. 31, 2018</p>	<p>Planner/Technician: GZAL</p>	 PLANNING AND SCENIC DEVELOPMENT DEPARTMENT
<p>Seal of K.T.S.</p>	<p>File Name/Number: ZAC-18-19 &amp; UHCPA-18-19</p>				
<p>Date: Jan. 31, 2018</p>	<p>Planner/Technician: GZAL</p>				





**Authority:** Item 4, Planning Committee  
Report 18-007 (PED18085)  
CM: May 9, 2018  
Ward: 10

**Bill No. 139**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-139**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting the Lands Located at 84 Lakeview Drive and a portion of 96  
Lakeview Drive**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 4 of Report 18-007 of the Planning Committee, at its meeting held on the 9<sup>th</sup> day of May, 2018, which recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 2 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Highway Commercial (Holding) "HC(H)" Zone, to the Multiple Residential "RM3-84" Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located 84 Lakeview Drive and a portion of 96 Lakeview Drive**

Page 2 of 8

2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding Special Exemption, "RM3-84", as follows:

**"RM3-64" 84 and a portion of 96 Lakeview Drive, Schedule "A", Map No. 2**

**For the purposes of this By-law, the lot line abutting North Service Road shall be deemed to be the front lot line; the easterly lot line adjacent to Fruitland Road and the southerly lot line adjacent to the QEW on ramp shall collectively be deemed to be the rear lot line; and all other lot lines shall be deemed to be side lot lines.**

**For the purposes of this By-law, a private common element condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the common element condominium road.**

For the purpose of the definitions contained in Part 2 and the regulations contained in Sections 4.10, 4.13, 4.19, 6.1, and 6.10 of the City of Stoney Creek Zoning By-law No. 3692-92, as amended by this By-law, the boundary of the "RM3-64" Zone, shall be deemed to be the lot lines for this purpose, and the regulations of the "RM3-64" Zone shall be from the boundaries of this zone, and not from individual property boundaries of the dwelling units created by registration of a condominium plan or created by Part Lot Control.

**That in addition to the requirements of Part 2 of Zoning By-law No. 3692-92, the following definitions shall apply to those lands Zoned "RM3-64" of this By-law:**

## Dwelling – Stacked Townhouse

**Means a building divided vertically and horizontally, not more than two dwelling units in height, containing not less than three and not more than fifteen dwelling units, with a separate outside entrance to each unit at grade.**

## Dwelling Group

**Means a group of more than one maisonette, townhouse, stacked townhouse or apartment or any combination thereof.**

**That notwithstanding the provisions of Paragraphs (c), (d), (h), (i) 1., (j), (k), (m) 1., 3. and 4. of Subsection 6.10.3 "Zone Regulations" of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-64" by this By-law, the following shall apply:**

**(c) Minimum Front Yard** - **3.5 m**



**To Amend Zoning By-law No. 3882-82 (Stoney Creek) Respecting the Lands  
Located 84 Lakeview Drive and a portion of 96 Lakeview Drive**

Page 3 of 6

- (d) **Minimum Side Yard for Maisonettes,  
Stacked Townhouses and Dwelling Groups**
- 6 metres, except for 0.0 metres for the flankage yard abutting the hypotenuse of the daylight triangle at Intersection of North Service Road and Lakeview Drive, 8.5 metres for the flankage yard abutting Lakeview Drive, 7.5 metres abutting a zone for single detached, semi-detached or duplex dwellings and 3 metres where an end unit abuts a lot line of a street townhouse.
- (h) **Minimum Distance Between Buildings on the Same Lot**
- 14.5 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall.
- (i) **Maximum Density**
- 1. 50 units per hectare
- (j) **Maximum Building Height** - 12 m
- (l) **Privacy Area**
- Notwithstanding the yard requirements above, each maisonette and stacked townhouse unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 1.6 metres for each maisonette unit, and 0.9 metre for each stacked townhouse unit.
- (m) **Minimum Landscaped Open Space**
- 1. Not less than 35 percent of the lot area for maisonettes, street townhouses and dwelling groups shall be landscaped including privacy areas.
  - 3. No landscaped strip shall be provided between any privacy area and the flankage yard abutting the hypotenuse of the daylight triangle at the Intersection of North Service Road and Lakeview Drive, and not less than 1.5 metres of landscaped strip shall be provided between any privacy area and the front lot line.
  - 4. No landscaped strip shall be provided adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle at the Intersection of North Service Road and Lakeview Drive, and a landscaped strip having a minimum width of 1.0 metres shall be provided and thereafter maintained adjacent to the portion of the lot abutting the front lot line, except for points of ingress and egress.

**To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located 84 Lakeview Drive and a portion of 96 Lakeview Drive**

Page 4 of 6

That notwithstanding the provisions of Paragraph (c) and (d) of Subsection 6.1.8 "Parking Restrictions In Residential Zones" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line, except that the provision of this clause shall not apply to any parking space located within a private garage.
- (d) Parking spaces shall have a width of not less than 2.75 metres and a length of not less than 5.8 metres and parking spaces for physically challenged persons shall have a width of not less than 4.15 metres and a length of not less than 5.8 metres, exclusive of any land used to permit ingress or egress to said parking spaces, maneuvering areas, driveways or aisles. One parking space within a private residential garage shall not be less than 3 metres in width or less than 6 metres in length;

That notwithstanding the provisions of Paragraphs (a) 1., (c), (d), and (e) of Subsection 6.10.5 "Regulations for Parking" of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (a) **Minimum Number of Parking Spaces**
  - 1. 2 parking spaces and 0.3 visitor parking spaces for each maisonette and stacked townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
- (c) For maisonettes or stacked townhouses, only one of the required parking spaces per unit may be provided in the required front yard.
- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 0.4 metres to any lot line, except that the provision of this clause shall not apply to any parking space located within a private garage.
- (e) Shall not apply.

That notwithstanding the provisions of Paragraph (a) of Subsection 4.10.4 "Requirement For Parking Designated for Vehicles of Physically Challenged" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (a) have minimum rectangular dimensions of 4.15 metres by 5.8 metres.

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located 84 Lakeview Drive and a portion of 96 Lakeview Drive

Page 5 of 6

That on those lands zoned "RM3-64" by this By-law, the provisions of Subsection 4.13.1 "Daylight Triangles" of Zoning By-law No. 3692-92 shall not apply.

That notwithstanding the provisions of Paragraph (b) and (d) of Subsection 4.19.1 "Yard Encroachments" of Zoning By-law No. 3692-92, on those lands zoned "RM3-64" by this By-law, the following shall apply:

- (b) Eaves or gutters, for other than an accessory building, which may project into any required yard a distance of not more than 0.6 metres;
- (d) Balconies, canopies, unenclosed porches and decks and their associated stairs, including a cold cellar underneath same, may project into any required front yard 2.2 metres. Balconies, canopies, unenclosed porches and decks and their associated stairs may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard.

All other regulations of the Multiple Residential "RM3" Zone shall apply.

- 3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2.
- 4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 23<sup>rd</sup> day of May, 2018.

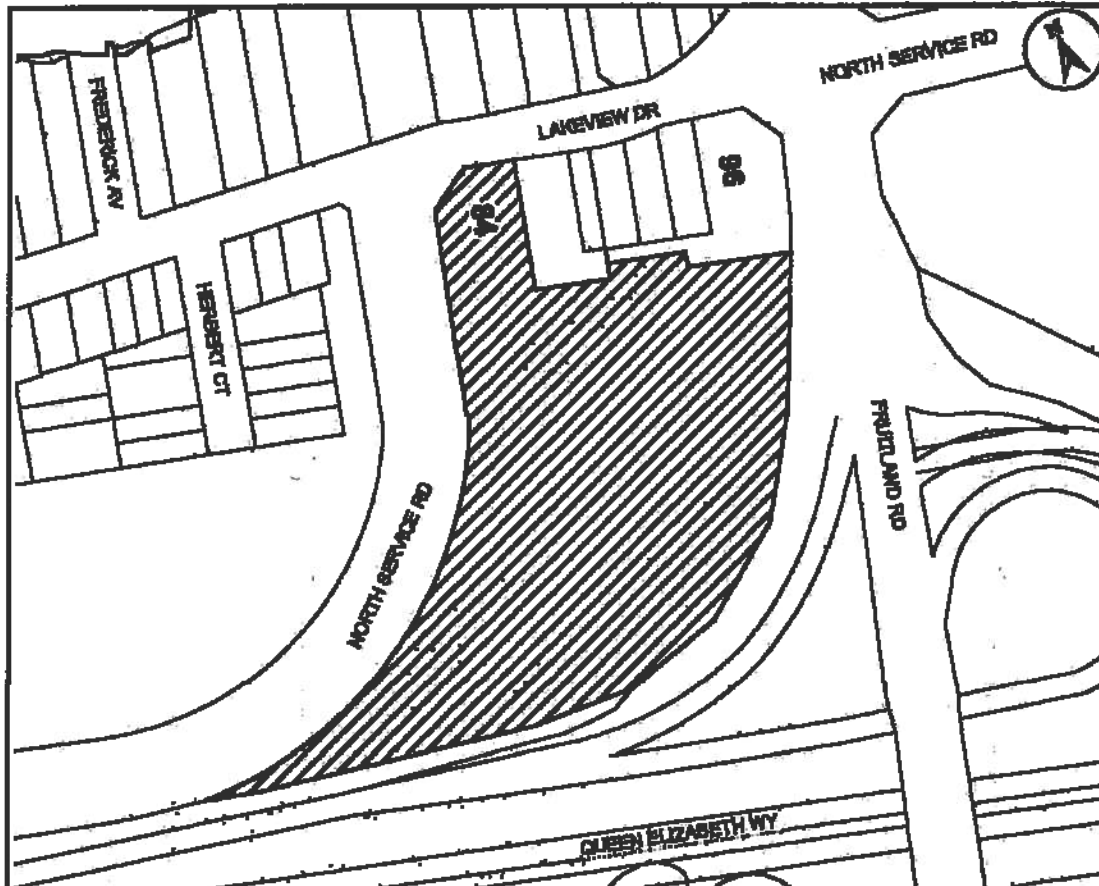
  
F. Eisenberger  
Mayor

  
J. Pilon  
Acting City Clerk

ZAC-17-020

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands  
Located 84 Lakeview Drive and a portion of 98 Lakeview Drive

Page 6 of 6



This is Schedule "A" to By-law No. 18- 139  
Passed the 23rd day of May, 2018

*[Signature]*  
Mayor  
*[Signature]*  
Clerk

**Schedule "A"**

Map Forming Part of  
By-law No. 18- 139

to Amend By-law No. 3692-92

Subject Property  
84 and a portion of 98 Lakeview Drive



Change in zoning from Highway Commercial  
(Holding) "HC (H)" Zone, to a Multiple  
Residential "RM3-64" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAG-17-0204/HOPA-17-008
Date: May 2, 2018	Planned/Technician: ARVB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	







**Authority:** Item 10, Planning Committee  
Report 18-004 (PED18038)  
CM: March 28, 2018  
Ward: 12  
**Bill No. 089**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-089**

#### **To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 1288 Baseline Road (Stoney Creek)**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

**AND WHEREAS** the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 10 of Report 18-004 of the Planning Committee at its meeting held on the 28<sup>th</sup> day of March 2018, which recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided; and,

**AND WHEREAS** this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No.100;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
  - (a) by adding the subject property to Zoning By-law 3692-92 and zone to the Multiple Residential “RM3-62” Zone, Modified;
2. That Subsection 6.10.7, “Special Exemptions” of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “RM3-62”, as follows:

## RM3 - 62

Notwithstanding the provisions of Section 6.9.3 “Zone Regulations”, Paragraphs a), (b), (c), (d), (e), 6.10.3 “Zone Regulations for Maisonettes”, Paragraphs (a), (b), (c), (d), (f), (g), (h) and (i) 6.10.4 “Zone Regulations for Street Townhouses” and Section 6.10.5 “Regulations for Parking”, Paragraph (a):

### REGULATIONS

(a) Minimum Lot Area:	<u>Street Townhouses</u>	<u>Maisonettes</u>
Interior Unit	170 sq m	80 sq m
Corner Unit	250 sq m	118 sq m
End Unit	240 sq m	N/A
(b) Minimum Lot Frontage:	<u>Street Townhouses</u>	<u>Maisonettes</u>
Interior Unit	5.5 m	6.45 m
Corner Unit	8.25 m	8.1 m
End Unit	7.25 m	N/A
(c) Minimum Front Yard:	<u>Street Townhouses</u>	<u>Maisonettes</u>
	N/A	4.0 m to the dwelling face and 6.0 m to the attached garage
(d) Minimum Side Yard:	<u>Street Townhouses</u>	<u>Maisonettes</u>
End Unit	1.5 m	N/A
Corner Unit	1.75 m	2.75 m
(e) Minimum Rear Yard:	7.5 m, except 3.0 m to the daylighting triangle	0.0 m
(f) Maximum Density:	53 units per net ha	
(g) Maximum Building Height:	12 m (maisonettes)	
(h) Maximum Lot Coverage:	Shall not apply to maisonettes	
(i) Minimum Privacy Area:	4.0 sq m for maisonettes to be located on a balcony or patio	

- (j) Minimum Landscaped Open Space: Shall not apply to maisonettes
  - (k) Minimum Number of Visitor Parking Spaces: 20 internal visitor parking spaces to be provided
  - (l) Notwithstanding clause (a) of Section 4.16.1, unitary equipment may be located not closer than 0.5 m to any side lot line.
  - (m) Notwithstanding any provision to the contrary, prior to the registration of a plan of subdivision or condominium, 44 maisonette townhouse units and 16 standard townhouses, shall be permitted on one parcel of land.
  - (n) For the purpose of this By-law, maisonettes may front onto a public roadway.
  - (o) For the purpose of this By-law, a Private Common Element Condominium road shall be deemed a street and that landscaping and visitor parking for the dwelling units fronting onto the common element condominium road are permitted within the common element condominium road.
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM3” Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

**PASSED** this 11<sup>th</sup> day of April, 2018.

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F. Eisenberger  
Mayor

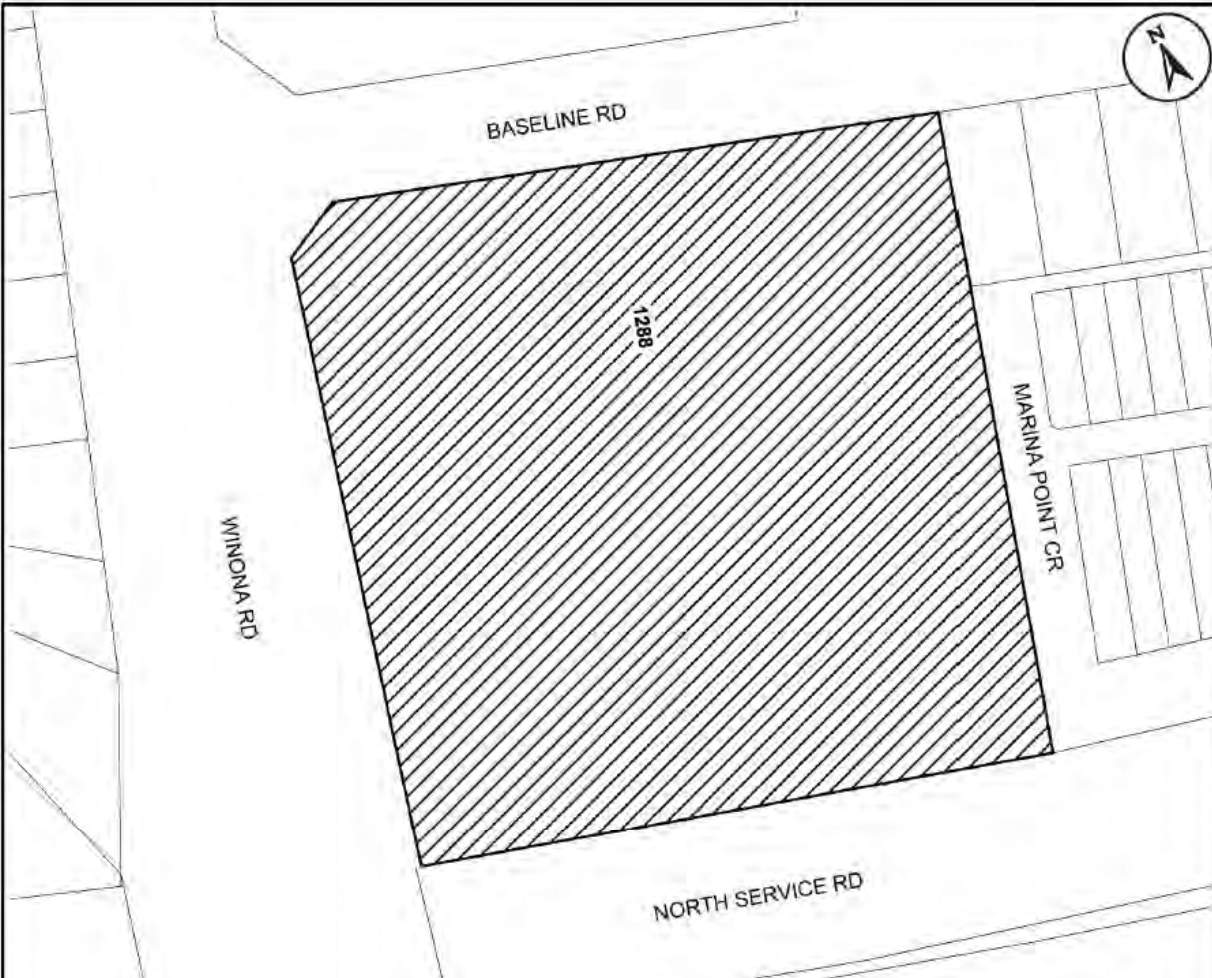

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J. Pilon  
Acting City Clerk

ZAC-17-067/UHOPA-17-029

Attachment 1 to PD-94-2021  
To Amend Zoning By-law No. 3692-92  
Respecting Lands Located at 1288 Baseline Road (Stoney Creek)

Page 4 of 4

		
<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the _____ day of _____ 2018</p>	<p>_____ Mayor</p> <p>_____ Clerk</p>	
<p style="text-align: center;"><b>Schedule "A"</b></p> <p style="text-align: center;">Map Forming Part of By-law No. 18-_____</p> <p style="text-align: center;">to Amend By-law No. 3692-92</p>	<p><b>Subject Property</b> 1288 Baseline Road, Stoney Creek</p> <p> Lands added to By-law 3692-92 and zoned Multiple Residential "RM3-62" Zone, Modified</p>	
<p><b>Scale:</b> N.T.S.</p> <p><b>Date:</b> February 12, 2018</p>	<p><b>File Name/Number:</b> ZAC-17-067/UHOPA-17-29</p> <p><b>Planner/Technician:</b> GZ/AL</p>	 <b>Hamilton</b> <small>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</small>

**DATE:** September 13, 2021

**REPORT NO:** PD-104-2021

**SUBJECT:** **Recommendation Report - AMENDMENT TO BUDGET – East Smithville Secondary Plan Project**

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- On March 25, 2019, Township Council approved the 2019 Budget with \$80,000 allocated for the East Smithville Secondary Plan.
- Then on December 9, 2019, an amendment to Budget request was presented to Planning Committee asking for an extra \$20,000 so that the total available funds was \$100,000 as a result of additional environmental assessment work that was required.
- Regional funding under the Smarter Niagara Initiative Program (SNIP) was approved at \$40,000 in December 2019, and \$10,000 on January 13th 2020 for a matching total of \$50,000. Therefore the Niagara Region is currently holding Township funds.
- Now, as a result of a Steering Committee Meeting with Regional staff on August 27, 2021, the Region is requesting that additional work be completed in the form of a land use compatibility assessment based on Terms of Reference which will have to be prepared jointly between the Township and the Region to address issues such as noise, odor, vibration, dust and limitations to manage compatibility. Attachment 1 is a location map of the Secondary Plan study area which highlights the identified area of concern.
- Due to the fact that the Township contribution is \$50,000 and the Region's contribution is \$50,000, support is requested from Township Council for an additional \$10,000 to be made available from the planning reserve.
- This request has been discussed with treasury staff who have identified the proper location from which to draw the funds and have confirmed that only approximately \$13,000 is left in the account, meaning that a budget amendment is likely to be required.



**RECOMMENDATION:**

1. That, Report PD-104-21, regarding “Recommendation Report, AMENDMENT TO BUDGET – East Smithville Secondary Plan”, dated September 13<sup>th</sup>, 2021, be RECEIVED; and,
2. That, Committee and Council approve a budget amendment (BA2021-09) of up to \$10,000 to be taken from a planning reserve account as recommended by the Township Treasurer.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #6**

- *Efficient, Fiscally Responsible Operations*

**BACKGROUND:**

In order to properly intensify and develop Smithville as a complete community all lands within the current Smithville Urban Boundary are to be used for appropriate styles of development at an appropriate density of use. In order to prepare for this development, staff originally proposed to lead the secondary plan work. Initially there were four different Secondary Plan areas proposed the Smithville urban boundary.

Township staff originally prepared a Request for Proposal for the four secondary plans to be prepared in one proposal. This was done in order to make the Request for proposal more attractive to planning consultant's to help with the appropriate development of secondary plans/plans reviews on these four individual areas within the current boundary of Smithville.

The East Smithville Secondary Plan discussions began in early 2017 as a result of an application by Mr. Lou DiLeonardo about property owned by him and his development team at the east end of the study area. See location map at Attachment 1. The development of his lands in isolation of the remainder of the area was not preferred by staff and council and hence broader planning of the entire area was required. Weston Consulting has prepared some concepts for the area, but because this is an area designated for future employment uses, a more extensive review is appropriate. Mr. DiLeonardo wishes to develop the area for residential mixed use, and work-at-home type developments. It is not in keeping with the current designations of employment and commercial.

**CURRENT SITUATION:**

Township Planning consultants who have been hired for the project (Dan Currie and Team members from MHBC Planning) have worked hard to complete the original East Smithville Secondary plan Terms of reference as amended to include more extensive environmental assessment work on the existing natural heritage features.

The attached reports and information, as found at attachment 3 to this report, were completed and presented to the Region through Steering Committee Zoom Meeting which was held on August 27<sup>th</sup> 2021.



On August 27<sup>th</sup> 2021, a Steering Committee Meeting was held with four Regional staff in attendance. At issue was a request from Regional staff to complete additional land use compatibility assessment work based on new draft Provincial land use compatibility guidelines (as presented to Committee and Council in staff report PD-090-21) and to be based on Terms of Reference that will be prepared jointly with the Region.

This additional work is estimated to cost an additional \$10,000 and Township staff are hoping to have the works competed as soon as possible in order for the work to feed into The Township Master Community Plan Project.

**FINANCIAL IMPLICATIONS:**

Current Budget for this project is \$100,000 with \$50,000 from the Township and \$50,000 funded by the Regional SNIP program. Township staff are requesting that additional funding be drawn from the planning reserve in order to complete the secondary plan work. SNIP has already provided matching funds and the January 2020 letter from Regional staff advised that no further Regional funds would be available for this work.

Budget spent to date, as confirmed by Township Finance staff is approximately \$87,000, with approximately \$13,000 remaining. As confirmed by The Township's Director of Finance these additional funds will be transferred from the Planning reserve.

**INTER-DEPARTMENTAL COMMENTS:**

Township Planning staff along with Regional Planning staff, staff from NPCA and our consultants have been working jointly to complete the original Terms of Reference plus the additional environmental work. We are also working cooperatively on the new requested land use compatibility work.

**CONCLUSION:**

Staff seek support of a motion to draw an additional \$10,000 (BA2021-09) from the planning reserve fund as determined by the Treasurer.

**ATTACHMENTS:**

1. Location Map
2. Terms of Reference for additional land use compatibility work
3. Consultants work as completed to date.

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building



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**Madyson Etzl**  
Planner II

**Approved by:**



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**Bev Hendry**  
**CAO**



Community Structure Plan

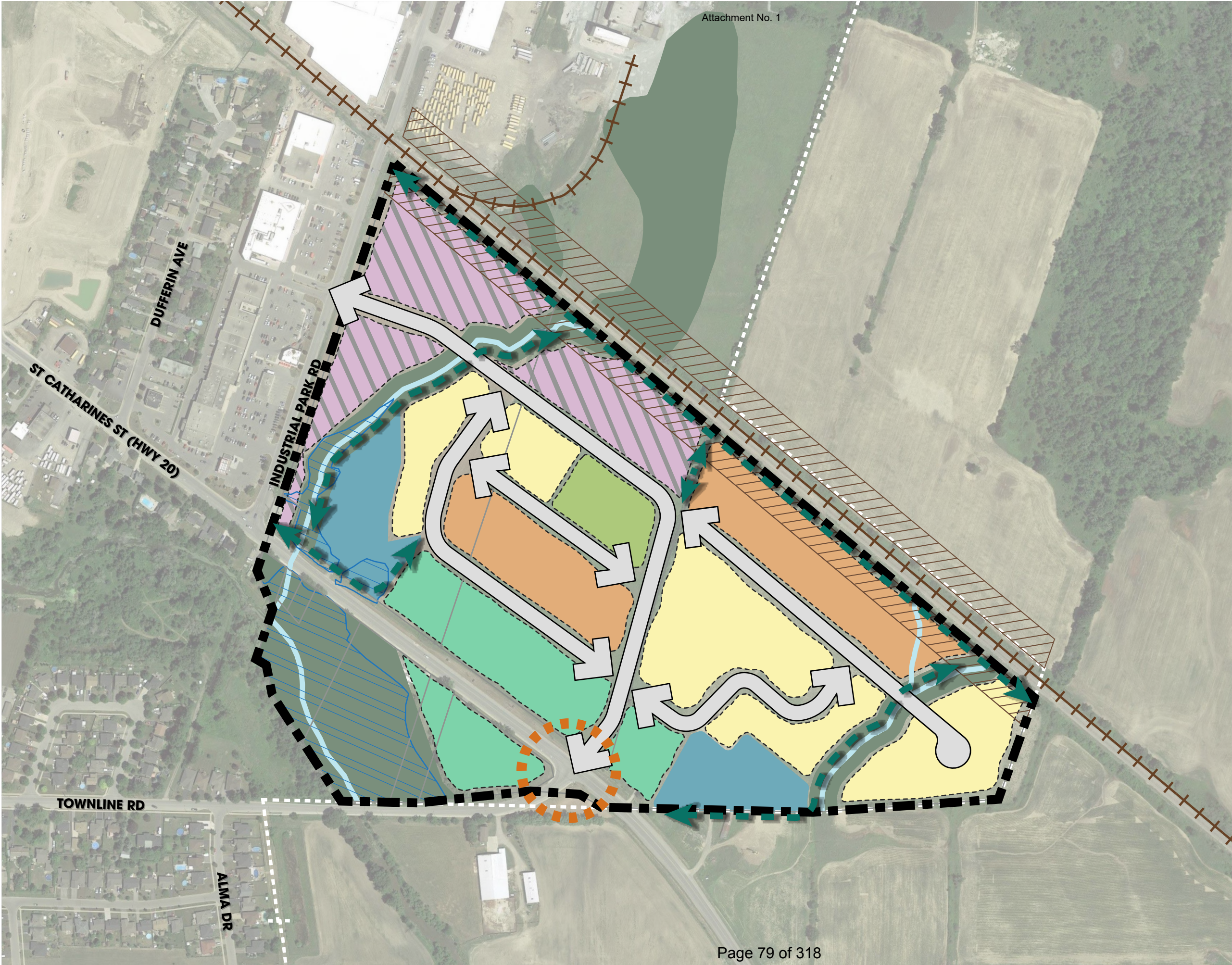
East Smithville  
Secondary Planning Area

LEGEND:

- Smithville Urban Boundary
- East Smithville Planning Area
- Parcel
- Railway
- Railway Setback
- Watercourse
- Floodplain
- Potential Trail Connection
- Class III (300m) Residential Separation Distance (D-6)
- Gateway

Proposed Land Use

- Low Density Residential
- Medium Density Residential
- Business Park
- Mixed Use
- Park
- Natural Heritage System
- SWM Pond
- Proposed Road



Date: August 17, 2021  
File: 08234X





## **Policy and Forms Impact Analysis (PFIA)**

<b>Policy/Guide</b> <input checked="" type="checkbox"/> <b>Form</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/> (please specify):
<b>Title of Policy/Guide/Form: Land Use Compatibility Guideline</b>
Ministry: Environment, Conservation and Parks Date prepared: February 22, 2021

### **Background**

<b>Context</b>
<p>We are proposing a Land Use Compatibility Guideline (the Guideline) to replace several existing D-Series Guidelines that will assist municipalities and other land use planning authorities plan sensitive land uses and major facilities to avoid or minimize and mitigate potential adverse effects.</p> <p>This proposed Guideline would support implementation of the Provincial Policy Statement, 2020 (PPS). The PPS includes policies directing land use planning authorities, such as municipalities, to avoid, or if avoidance is not possible, minimize and mitigate land use compatibility concerns between major facilities (e.g. industrial uses) and surrounding sensitive land uses (e.g. residences) related to noise, odour and other contaminants and potential impacts to industrial, manufacturing or other uses. Similar policies are in a Place to Grow: A Growth Plan for the Greater Golden Horseshoe, 2020.</p> <p>The Guideline would apply when an approval under the <i>Planning Act</i> is needed for:</p> <ul style="list-style-type: none"> <li>a new or expanding sensitive land use (e.g. a residential subdivision or condominium) is proposed near an existing or planned major facility; or</li> <li>a new or expanding major facility is proposed near an existing or planned sensitive land use.</li> </ul> <p>Municipalities and other planning authorities should use the Guideline when incorporating land use compatibility policies and principles into various land use planning tools under the <i>Planning Act</i> and other legislation.</p> <p>Impacts on sensitive uses from major facilities when land use compatibility is not properly considered may be due to dust, odour, noise, and vibration, and can vary from negligible to more significant adverse effects affecting health and the environment. Inadequate consideration of land use compatibility may also affect a major facility if they are required to implement measures to mitigate impacts on new sensitive uses at their cost.</p>

The Guideline provides implementation approaches and tools to ensure compatibility, based on the following general approach:

- Compatibility studies are required for new or expanding sensitive land uses and major facilities proposed within an Area of Influence (AOI) of a major facility. An AOI is the distance around a facility where complaints or adverse effects may be anticipated;
- Compatibility studies identify specific separation distances to prevent potential adverse effects to sensitive land uses and/or impacts to industrial, manufacturing or other uses. If separation distances alone are not enough to prevent potential adverse effects and/or impacts, then mitigation measures are also identified;
- Minimum separation distances (MSDs), much smaller areas within which adverse effects are highly likely to occur, are provided in the Guideline. New incompatible land uses should not be located within the MSD of a major facility;
- A demonstration of need would be required for proposed sensitive land uses located in the AOI if mitigation measures are needed to address anticipated adverse effects and if the proposal is within the MSD. Mitigation measures are required for sensitive land use and major facility proposals located within an MSD; and
- A demonstration of need determines whether there is an identified need for the proposed use in the proposed location and evaluates alternative locations for the proposed use if avoidance is not possible.

## Costs and Benefits

Baseline Scenario	New Scenario
<p><b>Compatibility Studies</b></p> <p><u>Quantity</u> It is unknown how many proposed major facilities and sensitive land uses are required to complete a compatibility study under the current D-series guidelines each year as part of planning approvals. Planning authorities may have information on the number of projects that submit compatibility studies as part of planning approvals each year.</p> <p><u>Frequency</u> If a compatibility study is required for a proposed major facility or sensitive land use, it is only required once during planning approvals.</p> <p><u>Cost</u> The costs to complete compatibility study, when required under the D-series Guidelines, is variable based on the specifics of a</p>	<p><b>Compatibility Studies</b></p> <p><u>Quantity</u> The number of proposed major facilities and sensitive land uses that will require a compatibility study is anticipated to slightly increase from the amount that is required under the current D-series Guideline, but an estimate of this increase is not known. The proposed Guideline generally increases the area (AOI and MSD) where land use compatibility studies may be required relative to the current guideline. This increase is based on 10 years of MECP's documented complaint data for noise, dust and odour. It is not known how many sensitive land uses or major facilities will be proposed within this increased area in a year.</p> <p>The Guideline also provides some flexibility that could decrease the amount of compatibility studies required by proponents of</p>

<p>proposal, including the scale of the development and potential adverse effects (dust, noise, odour and vibration). It is estimated that the costs to complete a compatibility study, when required, ranges from \$0 - \$50,000. For example, the costs may be zero if the proposal is barely within the AOI and the major facility has low dust, noise or odour potential. The costs become higher if the proposal is fully located within the AOI and there is high potential for several types of adverse effects (e.g. noise, dust, and odour effects). For example, estimated costs for components of a compatibility study for a sensitive land use being proposed near a major facility could include:</p> <ul style="list-style-type: none"> <li>• Dust study: up to \$5,000.</li> <li>• Odour study: \$0 – 30,000.</li> <li>• Noise study: \$7,000 – \$15,000.</li> </ul> <p>Each year, MECP receives thousands of complaints related to noise, dust and odour from sensitive land uses. There may be costs for major facilities to address complaints related to incompatible land uses, such as making changes to its operation (e.g., scale or timing of operations), developing and implementing a best management practice plan that can cost thousands of dollars, or installing end-of-pipe odour controls that can cost millions of dollars. The estimated annual costs for major facilities to address land use compatibility complaints is not known.</p> <p>The D-series guidelines include limited and dated information on expected contents of compatibility studies and there may be administrative costs for planning authorities and proponents of sensitive land uses to address incomplete or insufficient compatibility studies submitted as part of planning approval applications. The estimated annual costs for addressing incomplete or insufficient compatibility studies is not known.</p>	<p>proposed sensitive land uses and major facilities in the increased AOI, such as:</p> <ul style="list-style-type: none"> <li>- If a proponent can locate a proposed major facility or sensitive land use outside of an AOI, a compatibility study would not be required.</li> <li>- The proposed Guideline also allows the use of a specific facility AOI that may be smaller than its associated Class AOI and the development of an alternate AOI by a planning authority, which provides some flexibility for proponents to avoid the requirement to complete compatibility studies altogether.</li> </ul> <p><u>Frequency</u> The frequency will not change with the proposed Guideline. Any one project would complete a compatibility study once.</p> <p><u>Cost</u> The costs to complete compatibility studies are not expected to change under the proposed Guideline (e.g., \$0 - \$50,000).</p> <p>An increased AOI may result in costs for proponent of sensitive land uses proposed near major facilities to prepare compatibility studies but it should decrease the amount of land use compatibility complaints received by/about major facilities from nearby sensitive land uses and the costs for major facilities to retroactively address these complaints. It is estimated that retroactive mitigation measures are more costly than upfront mitigation measures, such as those identified in compatibility studies, due to poor planning and rushed decision making. It is estimated that the savings for major facilities to address land use compatibility complaints will be greater than the costs for proponents of sensitive land uses to prepare compatibility studies and costs for upfront mitigation measures. An estimate of these cost savings is not known.</p> <p>The Guideline is expected reduce administrative costs for planning authorities and proponents of sensitive land uses and major facilities in addressing incomplete or insufficient compatibility studies in planning</p>
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	applications as it provides clarity on requirements for compatibility studies. The Guideline clarifies that in some situations, previously prepared technical studies for other approval applications, such as environmental compliance approvals, could be used for land use compatibility studies and vice versa. This should reduce administrative duplication and costs associated with preparing land use compatibility studies and studies required for other approvals. The estimated administrative cost savings is not known.
<b>Change in compliance costs or cost-savings</b>	
Average annual compliance costs (+) or cost savings (-): \$ Unknown/ neutral (\$0)	
While the average annual compliance costs is not known at this time, it is anticipated that added administrative costs to prepare compatibility studies in the expanded AOIs and MSDs would be offset by cost savings to address land use compatibility complaints related to noise, dust and odour, to address incomplete or insufficient compatibility studies submitted with planning applications, and in reducing duplication of technical studies required for multiple approvals, where appropriate. As part of consultation, MECP is encouraging comments on the potential impact of the Guideline and the broadened AOIs.	

## Regulatory Modernization Principles

<b>Regulatory Modernization Principles</b>	
<i>Principle</i>	<i>Explain how your proposal was developed to include each principle</i>
1. Recognized standards or international best practices should be adopted.	The Guideline acts in concert with provincial noise, dust and odour guidelines, standards and procedures, and refers to these technical guidelines for further direction on undertaking compatibility studies, assessments and modelling.
2. Less onerous compliance requirements should apply to small businesses than to larger business.	The Guideline provides some flexibility for small businesses to addressing land use compatibility in planning approvals, such as the use of smaller, facility specific AOI instead of larger class AOIs to avoid preparing a compatibility study, if the proposal is located outside of the facility specific AOI.
3. Digital services that are accessible to stakeholders should be provided.	Once the Guideline is approved, it will be posted on MECP's website for public

	access. While planning authorities, such as municipalities, determine how planning applications will be received from proponents, the Guideline encourages planning authorities to accept electronic compatibility studies, where feasible.
4. Regulated entities that demonstrate excellent compliance should be recognized.	The Guideline states that planning authorities and the Ministry have roles in ensuring compliance with conditions of planning approvals and environmental permissions, respectively. The <i>Environmental Protection Act</i> gives the MECP the authority to respond to concerns about impacts from land use compatibility issues (i.e. potential adverse effects) as appropriate. A risk-based approach is used by MECP to address known and potential violations of the law and risks to the environment or human health. Per its compliance framework, the Ministry may refer incidents related to compatibility issues that stem from planning decisions to a more appropriate level of government or agency (e.g. municipality).
5. Unnecessary reporting should be reduced and steps should be taken to avoid requiring stakeholders to provide the same information to government repeatedly.	The Guideline clarifies that in some situations, previously prepared technical studies for other approval applications, such as environmental compliance approvals, could be used for land use compatibility studies and vice versa.
6. An instrument should focus on the user by communicating clearly, providing for reasonable response timelines and creating a single point of contact.	The Guideline provides direction for proponents of major facilities and sensitive land uses to avoid (i.e., locate proposal outside of AOI and MSDs), or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants and potential impacts to industrial, manufacturing or other uses (e.g., prepare compatibility studies, assessment of need and implement mitigation measures). The Guideline clarifies the process, roles and responsibilities in addressing land use



	compatibility in planning approvals and the contents of compatibility studies.
7. An instrument should specify the desired result that regulated entities must meet, rather than the means by which the result must be achieved.	The Guideline specifies that the desired result is for major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants and to minimize and mitigate any potential impacts to industrial, manufacturing or other uses.

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**Schedule A – Community Structure Plan**

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# 1.0 INTRODUCTION

## 1.1 Purpose of the Plan

The purpose of the East Smithville Secondary Plan is to provide a planning framework to guide the detailed planning and future development of East Smithville over the next 20 years. The Secondary Plan builds on the policy framework of the Township of West Lincoln Official Plan ("Township Official Plan") and Provincial and Regional plans and policies in order to provide direction for the orderly development of the East Smithville community. The Secondary Plan establishes the principles for the design and development of the neighbourhood. It also establishes the land use patterns and conceptual locations of community infrastructure, such as parks and stormwater management ponds.

## 1.2 Integration with the Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan states that all Greenfield Areas will require a Secondary Plan prior to development. The identified area of East Smithville shall be developed as one secondary plan.

The content of Sections 2-9 of this document are considered to be the formal Secondary Plan and will form part of an Official Plan Amendment to the Township Official Plan. Accordingly, in the future, any alterations to the policies in Sections 7-9 shall require an Official Plan Amendment (unless otherwise stated in this Secondary Plan). The contents of Section 1 is provided for explanatory purposes only and does not form part of the text of the Official Plan Amendment to implement the Secondary Plan policies. When an Official Plan Amendment is prepared at a later date, the OPA will be formatted in a manner which is consistent with the policy framework established in the current Official Plan.

## 1.3 Authority

The Secondary Plan has been prepared under the *Planning Act* and aligns with the policies of the Township of West Lincoln Official Plan, the Region of Niagara Regional

Official Plan, the 2020 Provincial Policy Statement and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

## 2.0 PURPOSE

The Secondary Plan for East Smithville has been prepared to:

1. Co-ordinate and guide development in the East Smithville Neighbourhood in a manner that integrates new Greenfield development with the existing urban neighbourhood and adjacent rural lands and employment/industrial lands, while respecting and protecting the surrounding environmental features;
2. Determine the appropriate density and layout of the neighbourhood;
3. Determine the appropriate land uses of the neighbourhood; and,
4. Establish parameters related to the review and approval of development applications within the Secondary Plan area.

# 3.0 VISION AND GOALS

## 3.1 Vision

The East Smithville Secondary Plan area totals approximately ~~34~~<sup>32</sup> hectares in size and is located on the eastern edge of Smithville. The Secondary Plan lands are surrounded by existing commercial uses to the west, the Canadian Pacific Rail Line ("CP Rail") and industrial uses to the north, primarily undeveloped agricultural land to the east, and residential/agricultural land uses to the south.

It is the intent of the Township of West Lincoln that these lands be developed with a mix of uses and densities. The East Smithville Secondary Plan area is expected to function as a future prominent gateway into the urban area of Smithville, with the potential to accommodate up to ~~455~~<sup>500</sup> new residential units.

Accordingly, it is the vision of the secondary plan that the development of East Smithville shall reflect the small town character of Smithville and provide an attractive, high-quality, safe, sustainable, interconnected, and pedestrian-friendly community for future residents of all ages and abilities to enjoy. Ultimately, East Smithville will become an urban neighbourhood with a strong pedestrian focus enhanced by public green space and trail linkages and a commercial/mixed use function to support the needs of the neighbourhood residents and the Smithville community.

## 3.2 Goals

The goals of the Secondary Plan are:

- To develop a land use and development concept that will implement the vision;
- To determine the appropriate population and housing yield/ mix for the development area;
- To provide land use and urban design policies to guide the development of the community;
- To ensure compatibility is achieved for land use arrangement of the plan with adjacent and area land uses;
- To encourage the development of a range and mix of housing types, including the development of accessible and affordable housing;

- To encourage and promote best practices in environmental design and energy conservation;
- Provide a framework for the development of a neighbourhood with a compact urban form that is pedestrian-oriented and incorporates a park, open spaces and trails and provides linkages to the wider trail network;
- To promote active transportation by providing a safe neighbourhood with a high level of connectivity for pedestrians and cyclists;
- To ensure the orderly and logical development of the community by providing a development phasing strategy; and,
- To ensure the appropriate development of the community by providing direction and guidance to the review and approval of development applications.

DRAFT



# 4.0 COMMUNITY STRUCTURE AND DESIGN

## 4.1 Community Structure

The Community Structure Plan is illustrated in Schedule A and sets out the overall urban structure for the East Smithville Secondary Plan area. The Community Structure is based on the design principles identified in Section 4.2.1 and provides a neighbourhood structure organized around a central community entrance; a local road pattern which connects to the existing collector road network in the surrounding area; an integrated open space network with potential trail connections and natural features; and, the community place types considered for the Smithville Master Community Plan.

The majority of the lands within the Secondary Plan area are identified as Designated Greenfield Area in the Regional Official Plan and are currently Designated Greenfield Area in the Township Official Plan. The East Smithville lands will be developed as a primarily low and medium density residential neighbourhood, with the opportunity to develop a limited amount of local mixed uses at key locations. Greenfield areas are required to meet an overall density of 50 persons and jobs per hectare. The Niagara Regional Official Plan requires that residential lands in designated—Designated Greenfield areas—Areas will be planned and designed to achieve a minimum density target of 50 people and jobs combined per hectare. It is recognized that density targets are to be achieved across the designated—Designated greenfield—Greenfield area—Area and the Region.

The lands with the Secondary Plan that are located south of St. Catharines Street, between Industrial Parkway and Highway 14 are designated as Built-up Area by the Regional Official Plan. A significant proportion of the Region's growth will be directed to Built-up Areas through intensification. At a minimum, 40 percent of all residential development occurring annually within the Region will occur within the Built-up Area. The Province requires that the Region achieve an intensification rate of 50 percent across the Region's designated Built-up Areas. The Region has prescribed that 15 percent of annual residential development in West Lincoln must be through intensification within the Built-up Area. Redevelopment of this area will support this intensification target of 15 percent.

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To achieve density targets of the Designated Greenfield Area and create complete communities that provide for housing needs and choice within the Township, the Township's Official Plan emphasizes the development of Greenfield areas to create more compact, multi-modal, higher density mixed use communities with a range of housing types to develop in an orderly and logical progression and which utilizes land, infrastructure and services efficiently. Based on the land area and the density required to achieve the greenfield density target, the development of the lands is expected to yield between 266 and 455 residential units which would support a population of approximately 730 to 1,000 people within the Designated Greenfield Area of the Secondary Plan.

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Lands within the Secondary Plan Area are designated as one, or more, of the following land use categories as illustrated on Schedule A:

- i) Low Density Residential,
- ii) Medium Density Residential,
- iii) Mixed Use,
- iv) Business Park,
- v) Park,
- vi) Stormwater Management; and,
- vii) Natural Features

The land use designations for the Secondary Plan are intended to complement the broader land use designations provided in the Township of West Lincoln Official Plan. In most cases, the land use policies and permissions described in the Secondary Plan are more detailed than those provided for within the Official Plan. Where there are inconsistencies between a particular policy in the Official Plan and the Secondary Plan, the policies of the Secondary Plan shall prevail.

The location and size of stormwater management facilities and the extent of natural features is approximate. It is the intent that a detailed stormwater management study and an environmental impact study will be required to be submitted, for consideration by the Township and the Region, as part of a complete application for development.

## 4.2 Community Design

The Township Official Plan identifies that form and density of growth within the Township's urban areas should be guided by appropriate design standards intended to achieve a complete community that is livable, vibrant, well-connected, and prosperous. In order to achieve the desired vision, the Township has prepared and adopted Urban

Design Guidelines for Smithville which provide enhanced guidance for the physical design of public and private development in Smithville to create an attractive, high-quality, safe, [accessible](#), sustainable, interconnected, pedestrian-friendly and transit-ready community.

The Secondary Plan is based on neighbourhood urban design principles, aimed at establishing a complete community. These principles have used the design guidelines identified in the Township of West Lincoln Smithville Urban Design Manual as their basis.

The Secondary Plan design principles are founded on six key themes aimed at establishing a 'complete community':

- Safety;
- Integration and phasing;
- Housing mix and density;
- Open space network; and,
- Identity and urban design.

#### **4.2.1 Design Principles**

Development in the East Smithville Secondary Plan area shall be consistent with the following principles:

- Provide a diverse mix of land uses and unit types to support a vibrant neighbourhood;
- Provide a neighbourhood design concept that considers safety and mitigates railway-oriented impacts [and compatibility with nearby industrial land uses](#);
- Develop a neighbourhood at the pedestrian scale to promote social interaction, active streetscapes and an overall walkable neighbourhood;
- Establish an open space network of integrated and connected public spaces including a neighbourhood park, trail connections, and connections to stormwater management facilities and natural features;
- Develop a well connected network and hierarchy of streets, pedestrian paths and trail connections that enhance connectivity and provide for safe modes of active transportation (i.e. walking and cycling);
- Provide opportunities for recreational spaces that will serve all age groups and physical abilities, with an integrated active transportation system;
- Promote compatibility of scale and form between new and existing adjacent development;

- Create focal points, corridors and activity nodes within the community to enhance way-finding and establish an identifiable community structure;
- Promote sustainable design throughout the built environment to promote efficient use of energy, land, and infrastructure through conservation and energy-saving practices and systems; and,
- Establish distinct gateways to the East Smithville neighbourhood and the Smithville area to create a cohesive community identity.

#### 4.2.2 *Urban Design Policies*

1. Any proposed development shall address the Urban Design Policies of this Plan and, where appropriate, Policies within the Township Official Plan and the applicable built form guidelines established in the Township's Smithville Urban Design Manual. The lands within the East Smithville Secondary Plan are considered to be within the Neighbourhood Precinct as defined in the Smithville Urban Design Manual. Notwithstanding, an Urban Design Brief shall be required for all mixed use development and any development within the business park area. The Smithville Urban Design Manual provides that for mixed use development, the Region encourages attractive streetscapes with high quality public realm design.
2. Gateway Nodes are defined in the Township's Smithville Urban Design Manual as nodes located at the primary entrances to Smithville. Development within lands identified as a Gateway Node shall adhere to the Gateway Node design guidelines contained within Section 7.2 of the Urban Design Manual.
3. An urban design brief, or design guidelines, which demonstrate how any proposed future plan of subdivision meets the direction of the Township's Smithville Urban Design Manual and the Urban Design principles and policies of this Secondary Plan, will be required in support of any such application. An Urban Design Brief may also be required for all mixed-use development and any development on lands within the Business Park designation.
4. Development within the Secondary Plan area, including but not limited to areas of public use, shall be designed in accordance with the Accessibility for Ontarians with Disabilities Act, and other applicable Provincial legislation and the Region's Accessibility Design Standards.
5. Streetscapes throughout the East Smithville Community are important components of the public realm. Streetscapes will be designed to enhance community character and sense of place.
6. Residential streetscapes shall be designed to ensure the provision of sufficient on-street parking through creative design solutions such as varying housing types and lotting patterns.

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7. Development throughout the East Smithville community shall be encouraged to create a sense of identity and place through the use of various design attributes, including unique building typologies, architectural design treatments, building materials, decorative lighting, decorative street signs, boulevard treatments, gateway features and landscaping elements.
8. Throughout the neighbourhood, buildings shall be designed to form a well defined and continuous street edge with subtle variations in height and setbacks and high quality architectural features.
9. Human scale buildings will be required and be achieved through siting and orientation of a building on a lot and the distribution of building heights and massing. Consideration of building materials and architectural articulation must have regard for maintaining a human scaled form of development. Building heights shall provide appropriate transition between the higher intensity areas to the surrounding lower intensity areas.
10. Decorative lighting, street signage and entrance features are encouraged.
11. Buildings on corner lots should articulate facades on both street frontages.
12. Buildings at terminating vistas will be encouraged to be designed as landmarks, with architectural innovation and quality urban design that reflects the community character. Incorporation of public art and enhanced landscaping will be encouraged at these areas.
13. Dwellings located on lots in visually prominent locations are priority lot dwellings. Priority lots include corner lots, at 'T'- intersections, or directly adjacent to open spaces, parks, trails natural areas or agricultural lands. Priority lot dwellings shall be identified as such on plans of subdivision and the treatment of priority lots shall be described in the design brief to be submitted in support of a development application.
14. Stormwater management systems shall be integrated into the design of buildings and the landscape where appropriate.
15. Business Park lands are:
  - a. expected to have a high degree of urban and architectural design;
  - b. expected to have buildings facing the street;
  - c. expected to have parking areas located at the side or rear of buildings. If parking is located in front of the building, there shall be landscaped buffers between the parking area and the street; and,
  - d. expected to have site and building design controlled through the site plan approval process.

# 5.0 LAND POLICIES

## USE

### 5.1 General Policies

1. The East Smithville Secondary Plan is planned to achieve a minimum overall density of 50 people and jobs per hectare.
2. Residential lands will be designated as primarily low and medium density residential, with high density mixed use development along St. Catharines Street.
3. Development located adjacent to a rail line shall comply with CP Rail Principle Main Line requirements [including the Guidelines for New Development in Proximity to Railway Operations document](#).
4. In order to address challenges related to development within proximity to a rail line, future development applications are encouraged to refer to [the Ministry of the Environment Conservation and Parks \(MECP\) Environmental Noise Guidelines – Stationary and Transportation Sources – Approval and Planning \(NPC-300\)](#), and/or their predecessors if either guideline is amended. Ultimate mitigation measures from the rail line to the proposed sensitive land uses, [including setbacks and detailed design features, will be delineated future Noise and Vibration Studies \(refer to Section 9.4\).](#) ~~recommendations~~
- 4-5. [Development of future residential shall be compatible with existing employment land uses.](#)
- 5-6. To be consistent with the Township Official Plan and to achieve the density target, the East Smithville Neighbourhood will be planned, designed and zoned to achieve a variety of housing types, styles and lot sizes.

## 5.2 Low Density Residential

1. The planned function of the Low Density Residential designation is to provide opportunity for the development of low-rise residential land uses at lower densities. While the predominant land use within the Low Density Residential designation will be residential, it is intended that complementary non-residential land uses may be permitted to locate within this designation provided they do not impact the ability of the lands to achieve the vision and policies of this Plan and the required overall density target.
2. Lands designated Low Density Residential may be zoned to permit the following residential uses:
  - a. Single detached dwellings;
  - b. Semi-detached dwellings;
  - c. Linked semi-detached dwellings;
  - d. Street townhouse dwellings; and,
  - e. Duplex dwellings.
3. In addition to permitted residential uses, lands designated Low Density Residential shall permit the following uses, subject to applicable policies of the Township of West Lincoln Official Plan and the Zoning By-law:
  - a. Home Occupations;
  - b. Public and Private Utilities;
  - c. Bed and Breakfast Establishments;
  - d. Day Care Facilities;
  - e. Places of Worship;
  - f. Educational Facilities;
  - g. Accessory Apartments; and,
  - h. Garden Suites.
4. ~~Low Density Residential uses shall achieve a maximum density of 30 units per hectare. The maximum density within the Low Density Residential designation is 30 units per hectare. To ensure that the Designated Greenfield Area density target is achieved, lands within the Low Density Residential designation shall aim to achieve a minimum density of 20 units per hectare.~~
5. The maximum building height in the Low Density Residential land use designation shall be 2.5 storeys.

## 5.3 Medium Density Residential

1. The planned function of the Medium Density Residential designation is to accommodate a range of medium density housing types including townhouse dwellings and stacked townhouse dwellings. The aim of this designation is to



encourage medium density development and provide for the appropriate transition from lower density uses and non-residential uses. While the predominant land use within the Medium Density Residential land use designation will be residential, it is intended that complementary non-residential land uses may be permitted to locate within this designation provided they do not impact the ability of the lands to achieve the vision and policies of this Plan and the required overall density target.

2. The Township will encourage and support the mixing and integrating of innovative and different forms of housing to achieve and maintain a higher density built form.
3. Lands designated Medium Density Residential may be zoned to permit the following residential uses:
  - a. Street townhouses;
  - b. Cluster townhouses; and
  - c. Stacked townhouses; and,
  - ~~d. All residential uses permitted in the low density residential designation of this Secondary Plan.~~
  - e-d. Day Care Facilities;
  - f-e. Places of Worship; and
  - g-f. Educational Facilities.
5. Medium Density Residential uses shall have a minimum density of 235 units per hectare and a maximum density of 540 50 units per hectare.
6. The maximum building height in the Medium Density Residential designation shall be 4 storeys.
7. Medium Density Residential development shall be subject to Site Plan Control and shall be designed and appropriately located in compliance with the direction of the Township's Smithville Urban Design Manual.

## 5.4 Mixed Use

1. The Mixed Use designation is intended to be flexible and responsive to land use pattern changes and demands, and permit a broad range of residential, commercial and retail uses which are compatible with the surrounding area and meet the day to day needs of the neighbourhood. It is the intent that multiple residential buildings, with commercial uses at the ground floor, are the predominant use of land in the mixed use designation; ~~however~~ However, the Township will consider applications that provide a mixture of uses on a site provided this type of built form does not impact the ability of the East Smithville Neighbourhood to achieve the required density target.
2. Lands designated Mixed Use should ~~may~~ be zoned to permit the following uses:

- a. Office;
  - ~~a-b.~~ EmploymentPersonal Services;
  - ~~b-c.~~ Clinic;
  - ~~c-d.~~ Live-work units;
  - ~~d-e.~~ Apartment buildings;
  - ~~e-f.~~ Stacked and street townhouses; and,
  - ~~f-g.~~ Communal housing.
3. Lands designated Mixed Use may be zoned to permit the following uses on the ground floor of a building that contains residential uses:
- a. Restaurants;
  - ~~a-b.~~ Small scale local serving retail uses; and
  - ~~b-c.~~ Small scale local serving commercial uses.

The maximum unit size of such uses shall be 1,000 m<sup>2</sup>.

- 4. Lands designated Mixed Use may-should be zoned to permit mixed use buildings with ground floor commercial uses and/or a mixed use site with residential uses located to the rear of commercial uses.
- 5. The Mixed Use designation shall have a minimum density of 50-75 units per hectare.
- 6. The maximum building height in the Mixed Use designation shall be 6 storeys.
- 7. The Township may consider a height beyond 6 storeys subject to the submission of a design brief which demonstrates the proposed increase in height will maintain an appropriate public realm and pedestrian streetscape.
- 8. Development within the Mixed Use designation shall be subject to Site Plan Control and an Urban Design Brief ~~and shall be designed and located~~ with consideration ~~for the direction~~ of the Township's Smithville Urban Design Manual.
- ~~9. A design brief in support of site plan applications for mixed use development is required.~~

## 5.5 Business Park

- 1. The planned function of the Business Park designation is to accommodate service commercial, ~~small scale and self-contained plant or warehouse uses, and office uses~~ office and other low impact employment uses. It is the intent of the Business Park area to act as a connecting centre for the neighbourhood and create opportunities for residents to obtain commercial services and employment opportunities required to meet their day to day needs, within a reasonable walking and cycling distance. ~~Accordingly, a range of commercial uses, light industrial business and professional offices are appropriate.~~
- 2. Commercial uses should be small scale in nature and ~~be developed up~~ limited to a maximum floor area of 2,000 m<sup>2</sup> ~~of gross leasable area per unit.~~

3. Lands designated Business Park may be zoned to permit the following uses:
  - a. Service commercial;
  - b. Small scale employment uses that are compatible with adjacent residential uses;
  - c. Personal service;
  - d. Restaurants;
  - e. Commercial recreational facilities;
  - f. Office;
  - ~~f-g.~~ Class 1 Employment:
  - ~~g-h.~~ Clinic; and,
  - ~~h-i.~~ Local Convenience/Retail.
4. The following uses are prohibited within the Business Park designation
  - ~~a.~~ Industrial uses:
  - ~~a-b.~~ Drive-through facilities of any kind;
  - ~~b-c.~~ Automotive-oriented uses of any kind (sales, service, gas stations);
  - and,
  - ~~c-d.~~ Adult entertainment establishments.
5. The Zoning By-law may further refine the list of permitted and prohibited uses.
6. Buildings shall have a minimum building height the equivalent of 2 storeys and a maximum building height of 5 storeys.
7. The Township may consider a maximum height beyond 5 storeys in the Business Park designation subject to the submission of a design brief which demonstrates the proposed increase in height will maintain an appropriate public realm and pedestrian streetscape and compatibility with adjacent lands.
8. Commercial facilities shall be designed to provide a safe environment for pedestrians and encourage walking.
9. Buildings shall be located such that they help to frame the street, and vehicle parking is to be located to minimize conflicts with pedestrians.
10. Surface parking lots are to be adequately screened.
11. Lighting shall be oriented away from residential areas and have minimal impact on existing and new residential uses.
12. Development within the Business Park designation shall be subject to Site Plan Control and ~~shall be~~ will require an Urban Design Brief designed and located consistent with the direction/consideration of the Township's Smithville Urban Design Manual. The Commercial Guidelines of the Urban Design Manual apply to development within the Business Park designation.
- ~~13. A design brief in support of site plan applications for commercial development is required.~~

## 5.6 Parks and Natural Features

### 5.6.1 Parks

1. The planned function of the Parks land use designation is to provide East Smithville and the surrounding neighbourhood with convenient access to a broad range of uses, including municipal parks and other green spaces.
2. A central park is a key component of the Secondary Plan. It is the intent that the park designation be developed consistent with the Neighbourhood Parks and Playgrounds and Linear Parks and Greenspace Corridors typologies identified in Section 9 of the Township Official Plan.
3. The amount and type of parkland within the community shall be consistent with the policies contained within Section 9 of the Township Official Plan and will be determined through the draft plan of subdivision process.
4. Park spaces shall have trail connections to promote connectivity via on-street or off-street trails connecting blocks, open spaces and other points of interest.
- ~~4-5.~~ Park spaces shall be designed to ensure public safety with buffers to nearby Business Park lands.
- ~~5-6.~~ Parks and trails shall be strategically located and linked to the broader trail system, as identified in the Township's Trails and Corridors Master Plan and the identified potential trail connections on Schedule A.
- ~~6-7.~~ All trails shall be designed consistent with the Township of West Lincoln Trails and Corridors Master Plan.
- ~~7-8.~~ Parks shall be easily accessible to residents and will be located within close proximity to all residential areas.
- ~~8-9.~~ The Township encourages the integration of stormwater management facilities as part of the parks and open space system. Wherever feasible and appropriate, stormwater management facilities shall be designed to provide passive recreation opportunities. ~~a park-like setting or the character of a natural wetland.~~ However, stormwater management facilities shall not be accepted as parkland under the parkland dedication provisions of the Township Official Plan and the *Planning Act*.
- ~~9-10.~~ The planting of trees within parkland blocks is encouraged to provide shade and to enhance the urban forest.
- ~~11.~~ In addition to the provision of open space and parks, private amenity recreation space should also be provided through future development applications, particularly for lands designated for medium-density residential uses.

### 5.6.2 *Natural Features*

1. The location and extent of the natural features, on Schedule A, are approximate. The boundary of the natural features and their buffers shall be delineated more precisely through an Environmental Impact Study, or other appropriate study deemed acceptable by the Township of West Lincoln, Regional Municipality of Niagara and the Niagara Peninsula Conservation Authority, and be required to be submitted as part of a future development application for the lands.
- ~~4.2.~~ There is potential for Karst on lands within the Secondary Plan that are located south of St. Catharines Street. Applications for development on lands south of St Catharines Street shall confirm presence of karst topography and determine appropriate development limits in response, including appropriate setbacks and appropriate drainage and stormwater management.

## 6.0 SUSTAINABILITY

1. Development of the East Smithville Community is encouraged to implement efficient and effective methods of providing energy. This could be achieved by incorporating renewable energy resources, neighbourhood and building design techniques or other innovative initiatives.
2. The Township will promote development that strives to conserve energy and achieve the sustainability objectives of the Official Plan by encouraging, supporting and, where appropriate, requiring:
  - a. Compact development and efficient built form;
  - b. Transit supportive development and the greater use of active modes of transportation;
  - c. Environmentally responsible design and construction practices;
  - d. The use of green roofs;
  - e. The integration, protection and enhancement of natural features and landscapes into building and site design; and,
  - f. The reduction of resource consumption associated with development.
3. The incorporation of renewable energy sources, high-efficiency electrical and mechanical systems, water recycling and other “green” building features is encouraged.
4. The Township will encourage, at the development application stage, the reduction of energy and residential combustion emissions through a range of approaches including the development of R-2000 homes and similar commercial construction standards such as LEED or other similar published standards, the incorporation of Energy Star appliances, the physical layout of the plan having regard to energy conservation, and buildings powered by renewable energy sources.

# 7.0 SERVICING & TRANSPORTATION STRATEGY

The purpose of the Secondary Plan is to ensure the orderly and logical development of the East Smithville lands. ~~Draft Plans of Subd~~All development applications ~~vision~~ shall consider the following policies:

## 7.1 Stormwater Management Strategy

This Plan provides a general stormwater management strategy as follows:

- ~~1. Low Impact Development is encouraged where feasible.~~
- ~~4.2.~~ The lands located on the western half of the Secondary Plan area will drain west to a stormwater management facility located along the western portion of the Secondary Plan area and outlet to the western tributary of Twenty Mile Creek.
- ~~2.3.~~ The lands located on the eastern half of the Secondary Plan area will drain east to a stormwater management facility located along the eastern portion of the Secondary Plan area and outlet to the eastern tributary of Twenty Mile Creek.
- ~~3.4.~~ The location and size of stormwater facilities, as shown on Schedule A, is based on the general stormwater strategy and is, therefore, approximate. A detailed stormwater management study will be required to be submitted, for consideration by the Township of West Lincoln, the Niagara Peninsula Conservation Authority and the Region of Niagara as part of a complete application for development.
- ~~4.5.~~ General stormwater management criteria required by the regulating agencies as follows:
  - a. For quantity control of all new developments, post-development storm water flows are to be maintained to pre-development levels;
  - b. For quality control, all regulatory concerns with respect to the quality of the storm water discharge must be fully and adequately addressed by the Consulting Engineer; and,

- c. For water balance, post-development infiltration rates for the 2-year through to the 100-year storm should match pre-development level.

5.6. Low Impact Development for stormwater management is encouraged where feasible.

## 7.2 Servicing Strategy

This Plan provides a general water and sanitary servicing strategy as follows:

1. Full development of the lands will require the installation of water and sanitary sewer infrastructure.
2. The lands within the Secondary Plan will be serviced through the extension of sewer and water services along St. Catharines Street from Industrial Road.
3. The lands designated Business Park, located adjacent to Industrial Road, may be serviced through connection to the existing sanitary sewer and water services on Industrial Road, subject to the completion of functional servicing reports and the satisfaction of Township and Niagara Region, as part of an application submission for development.
- 3.4. If it has been determined that there is not sufficient space within the existing St. Catharines Street frontage right-of way to fit accommodate all necessary utilities, consideration shall be given for the Township and/or Region may require a servicing easement along St. Catharines Street.

## 7.3 Transportation Strategy

This Plan provides a general transportation strategy as follows:

1. Lands in the Secondary Plan area shall be serviced by a collector road with a connection to the roundabout at St. Catharines Street and a connection to industrial-Industrial Road. The alignment of the collector road, as shown in Schedule A, is conceptual and may be modified without amendment to this plan provided any change is consistent with the intent of the Secondary Plan.



~~St. Catharines Street is currently considered to be a Transitioning Road in the Niagara Region Complete Streets Design Guidelines. Modifications to the St. Catharines Street right of way and any development adjacent to the right of way shall be consistent with the applicable design guidelines. , which transitions from the residential context to rural at the Industrial Park Road intersection. It is the intent that St. Catharines Street continues to serves as a Transitioning road that supports mixed-use development, residential, commercial and retail uses, and accommodates all transportation modes. Characteristics of Transitioning roads include:~~

- ~~4.3. Connections to St. Catharines Street bicycle lanes will be encouraged, providing alternative transportation into Downtown Smithville. Pedestrian linkages to existing trail networks will be encouraged. Improvements to the existing sidewalk along St. Catharines street to have a sidewalk on both sides of the road will assist in pedestrian safety and connectability of the Secondary Plan to Smithville Centre.~~
- 2.4. Driveways and local street connections shall not be permitted on the north side of St. Catharines Street.
- 3.5. The Secondary Plan recognizes that there are existing driveway connections located on the south side of St. Catharines Street. It is a long range goal of the Secondary Plan to ensure that the number of driveways on the south side of St. Catharines Street will be reduced over time and, as such, additional driveways shall not be permitted on the south side of St. Catharines Street.

### 7.3.1 Internal Local Streets

1. All internal local streets shall require continuous sidewalks on either side of internal local streets.
2. All internal local streets shall be designed in accordance with the Township's Smithville Urban Design Manual.
- ~~4.3. The design of internal local streets are to be designed with pedestrian discourage any cut-through traffic related to vehicular traffic onfrom St. Industrial Park Road.~~
- ~~2. All internal local streets shall be designed in accordance with the Township's Smithville Urban Design Manual.~~
1. A conceptual trail network is shown on Schedule A. Development of the lands within the Secondary Plan area shall provide for an integrated network of pedestrian and cycling trails that connect to the wider Smithville Trail network.
2. All trails shall be developed in accordance with the Smithville Urban Design Manual and the Smithville Trails and Corridors Master Plan.

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3. Connections to St. Catharines Street On-road cycling corridor is encouraged to provide alternative transportation to Downtown Smithville and beyond.
4. Trails, cycling routes and pedestrian sidewalks shall be coordinated and developed to provide
- 4.5. Connections to St. Catharines Street bicycle lanes will be encouraged, providing alternative transportation into Downtown Smithville. Pedestrian linkages to existing trail networks will be encouraged. Improvements to the existing sidewalk along St. Catharines street to have a sidewalk on both sides of the road will assist in pedestrian safety and connectability of the Secondary Plan to Smithville Centre.

### 7.3.3 Transit

1. Future Smithville-Grimsby transit service is planned to connect central Smithville to the Grimsby GO station. Development within the East Smithville Secondary Plan should consider this future transit service and provide connections and opportunities for all forms of transportation, including active transportation and potential future local transit service, to facilitate connection to the future Smithville GO transit.

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## 8.0 DEVELOPMENT PHASING

The purpose of the Secondary Plan is to ensure the orderly and logical development of the East Smithville area. Draft Plans of Subdivision shall consider the following:

1. Full development of the lands will require the installation of water and sanitary sewer infrastructure.

2. Plans and functional servicing reports prepared in support of plans of subdivision are to identify staging and the rationale in support of the proposed staging.
3. It is the goal of the Secondary Plan to have all the lands, north of St. Catharines Street, developed at one time or incrementally from west to east. The Secondary Plan would permit alternate phasing whereby lands on the east side of the Secondary Plan area proceed as the first stage, subject to:
  - a. Any road connection to St. Catharines Street being provided to the satisfaction of the Township of West Lincoln and the Region of Niagara; and,
  - b. The extension of services being consistent with the servicing strategy identified in Section 7.0 and approval being granted to the satisfaction of the Township and the Region of Niagara.
4. Lands on the south side of St. Catharines Street may redevelop once municipal services have been extended.
- 4.5. In circumstances where development is proposed on adjacent parcels that have different land owners, a cost sharing agreement may be required to address servicing and infrastructure costs related to the future development.

## 9.0 IMPLEMENTATION

The purpose of the Secondary Plan is to guide the detailed planning and development of the East Smithville Lands over the next 20 years. The approval of plans of subdivision, and other development applications, that are consistent with the Secondary Plan will be the primary implementation mechanism.

## 9.1 Non-Conforming Land Uses

1. Any land use existing on the date of approval of this plan that does not conform with the land use designations as shown on Schedule A of this plan, or the policies related thereto, should as a general rule cease to exist in the long term.
2. Any land use that does not conform to the provisions of the Zoning By-law should, as a general rule, cease to exist in the long term.

## 9.2 Industrial Compatibility Setbacks

The D-6 Compatibility between Industrial Facilities Guidelines identifies the direct interest of the Ministry in recommending separation distances and other control measures for land use planning proposals to prevent or minimize adverse effects from the encroachment of incompatible land uses. The D-6 compatibility guidelines are intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another.

In order to minimize impacts future land use problems between the residential uses in the Secondary Plan area and the industrial uses to the north of the Secondary Plan area, a Holding Zone may be applied by using the Symbol 'H' in conjunction with a land use zoning category under holding symbol to satisfy compatibility concerns. Generally, the Holding By-law shall:

1. Clearly specify the land uses to be permitted in the interim, the conditions for removal of the holding provision and any regulations applying to the lands during the period of time the holding provision is in place.
2. The timing of the removal of the holding provision would be dependent on meeting the conditions identified in the Holding By-law, which shall include, among other things, the following requirement:
  - a. Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing, planned and or permitted industrial uses in proximity to proposed residential uses in the Secondary Plan area.

## 9.3 Amendments to the Plan

1. Applications for development which do not align with the Policies or land use schedule of this Plan shall require an Official Plan Amendment. Amendments to

the Plan shall be subject to the policies of the Official Plan and shall require a planning justification report, along with any other supporting studies identified through the pre-consultation process.

2. The Township will update its zoning By-law to ensure that the land uses and design policies for this Secondary Plan are reflected in the City's zoning By-law.
3. Applications for development within the Secondary Plan Area shall be subject to the policies of this Plan and the Official Plan (where applicable). Amendments to the zoning By-law shall be subject to the policies of this Plan and the Official Plan and shall require a planning justification report, along with any other supporting studies identified through the pre-consultation process.

## 9.4 Future Development Applications

1. The review and approval of future development applications will be based on the Secondary Plan. Applications will be reviewed for conformity and consistency with the Secondary Plan, and other guiding documents.
2. Before submitting a development application, applicants must attend a pre-consultation meeting, in accordance with the policies of Section 18.16 of the Official Plan.
3. As part of future development applications, further detailed studies may be required in support of any application. These studies may include:
  - a. Planning justification report;
  - b. Conceptual Site Plan;
  - c. Land Use/ Market Needs Report;
  - d. Detailed stormwater management study;
  - e. Archaeological Assessment;
  - e-f. Heritage Impact Assessment;
  - f-g. Environmental Impact Study;
  - g-h. Transportation Impact Study;
  - h-i. Noise Study;
  - i-j. Vibration Study;
  - j-k. Detailed Servicing Design Studies;
  - k-l. Detailed Road Design Studies;
  - l-m. Grading Plans;
  - m-n. Urban Design Briefs;
  - n-o. Landscape Plans;
  - o-p. Tree Preservation Plan;
  - p-q. Geotechnical Report;
  - q-r. Functional Servicing Report;
  - r-s. Environmental Assessment;

~~s.t.~~ Hydrogeological Study; and,

~~t.u.~~ Any other study as deemed necessary by the Township of West Lincoln, Regional Municipality of Niagara, the Niagara Peninsula Conservation Authority or any other agency that may have an interest in the application as determined by the Township.

## 9.5 Monitoring

1. The Township will prepare a monitoring program to track the implementation of the Secondary Plan and report on the progress of its implementation. The monitoring program should identify development statistics for residential development to ensure the density target can be achieved.

## 9.6 Updating the Plan

1. The Township will comprehensively review the policies of this Secondary Plan at the 5 year review of the Township's Official Plan. Depending on the outcomes of the review, the Township may decide to update the Plan.

## 9.7 Interpretation

1. In the event of a conflict between the Official Plan and this Secondary Plan, the policies of the Secondary Plan shall prevail.
2. Where the general intent of this Secondary Plan is maintained to the satisfaction of the Municipality, minor ~~boundary~~ adjustments will not require an amendment to this Secondary Plan.

General Comments	Response
<b>Outstanding information:</b> detailed breakdown of units, population and jobs	See attached
<b>Outstanding information:</b> justification demonstrating how the Secondary Plan meets the land use change requirement of providing space for a similar number of jobs per Growth Plan policy 2.2.5.14	A similar number of jobs are provided for through a combination of the policies of the Business Park and Mixed Use designations and consideration of a small amount of employment generated in residential areas. See attached.
<b>Outstanding information:</b> land use Compatibility Assessment between existing employment and more sensitive land uses	To be addressed through application of a holding zone on lands north of the railway.
<b>A Place to Grow:</b> lands south of St. Catharines St are within the Built-up Area. Province requires the Region to achieve 50% intensification. Information is required to confirm the Draft will meet the density target and how it contributes to intensification targets	<p>The Secondary Plan has been updated to clarify that the lands north of St Catharines Street are Designated Greenfield Area and the lands south of St Catharines Street are within the Built Up Area.</p> <p>The Secondary Plan redesignates the Service Commercial lands south of St Catharines Street to Mixed Use. The Mixed Use designation permits high density residential development (whereas the Service Commercial designation does not permit residential uses) allowing redevelopment of the lands to contribute to the intensification target.</p>
<b>Regional Official Plan:</b> recommend that the Secondary Plan achieve or exceed density targets for DGA and the Built-up Area	The anticipated density on the DGA portion of the Secondary Plan is approximately 60 people and jobs per hectare. Minimum density requirements for residential development are identified in the land use policies to ensure that the DGA lands achieve a minimum of 50 people and jobs per hectare.
<b>Employment Lands:</b> The Secondary Plan should ensure provisions for retaining similar number of jobs as prescribed in the growth plan. Distinguish between small scale employment uses and light industrial	See above regarding number of jobs. The uses in the Business Park designation have been refined to prohibit industrial type uses that would conflict with adjacent residential areas.

uses. Refine intent of the Business Park to remove “small scale and self-contained plant or warehouse operations” as it is not consistent with other uses in the Business Park and may result in larger setbacks.	
<b>Land Use Compatibility:</b> Regional staff feel that the minimum separation distances noted in the D-6 guidelines be reflected in the land use schedule for nearby industrial uses. If applied, much of the residential land use and amenity space will be within the 300m MSD. Region has concerns with placing onus on land owners to address compatibility through the holding provision, given that the MSD are not achieved.	
<b>Land Use Compatibility:</b> Layout of Secondary Plan will need to be revised to reflect land use compatibility. If not revised a Land Use Compatibility Assessment will be required.	
<b>Land Use Compatibility:</b> Encourage Township to review proposed Land Use Compatibility Guideline to determine how the area of influence and MSD could affect build-out of the Secondary Plan	
<b>Environmental Feature north of rail line:</b> Environmental feature shown on Harbinson Walker is an extension of the Type 2 fish habitat south of the rail line. This may be modified through future EIS	Noted
<b>Engineering Comments:</b> Servicing easement along St. Catharines Street frontage	The Secondary Plan has been modified to recognize that a servicing easement may be required.
<b>Transportation Comments:</b> Include detail on other sustainable travel modes. Discuss cycling routes and connections to Smithville’s trail network and downtown. Identify deficiencies within the study area and improved connections to areas outside study area	<p>Added to draft Plan:</p> <ul style="list-style-type: none"> <li>• Connections to St. Catharines Street bicycle lanes will be encouraged</li> <li>• Pedestrian linkages to existing trail networks will be encouraged.</li> <li>• Improvements to the existing sidewalk along St. Catharines</li> </ul>



	street to have a sidewalk on both sides of the road
<b>Transportation Comments:</b> future connections to Smithville-Grimsby transit should be mentioned	Section 7.3.3 added.
<b>Transportation Comments:</b> Should mention Transportation Demand Management opportunities	
<b>Transportation Comments:</b> be consistent with the Regions complete streets design manual, with discussion on regional road and street typology	Added to section 7.3
<b>Transportation Comments:</b> identify operational and capital infrastructure improvements to accommodate short and long term development levels consistent with the Niagara Region Master Plan.	Operational and capital infrastructure will be further identified through submission of draft plans of subdivision and the Township's annual capital budgeting exercise.
<b>Transportation Comments:</b> safety assessment should be undertaken to identify and mitigate safety related to concerns on historical collision data and a field investigation	The secondary plan has identified St Catharines Street and Industrial Road have capacity to accommodate the future development of the Secondary Plan area. Transportation impact assessments will be required as part of future draft plan of subdivision applications and any safety improvements to existing streets will be identified then.
<b>Transportation Comments:</b> cut-through traffic from existing commercial area, identify counter measures to mitigate cut-through traffic	Policy has been added to section 7.3.1
<b>Transportation Comments:</b> park located across from Business Park lands. Alternative park locations should be considered	Added to draft: design standards of park to ensure safety.
<b>Stormwater Management comments:</b> west SWM facility located within flood hazard limits be confirmed and if the flood spill area can be eliminated	The Secondary Plan requires that detailed stormwater management plans be submitted as part of development applications.
<b>Stormwater Management comments:</b> Karst SE3 is close to study area,	A policy has been added to require that any application for

would proposed development be impacted by Karst. Mechanism be implemented to ensure unimpeded discharge of stormwater across adjacent lands	development south of St Catharines Street must determine if Karst exists and address appropriately
<b>Urban Design Comments:</b> community structure does not capture the design goals of the Secondary Plan. Schedule A to be updated to reflect design direction including gateway locations, focal points, activity nodes, corridors, pedestrian transit, and other design elements	Gateway locations have been identified on the Community Structure schedule and the policies of the secondary plan require that development in this location be in accordance with the design guidelines for Gateways
<b>Urban Design Comments:</b> existing Smithville Urban Design Manual no longer relevant to Secondary Plan. Update Manual or create Urban Design Guidelines	The Urban Design Manual does apply. The residential, commercial, mixed use and open space guidelines apply to all development of each type within the Township. Policies in the Secondary Plan have been added to clarify that for the purposes of implementing the Urban Design Manual, the lands within the Secondary Plan are considered to be in the Neighbourhood Precinct. Section 5.5 also identifies that the design guidelines for commercial development apply to development within the Business Park designation.
<b>Specific Comments</b>	<b>Response</b>
<b>3.2 Goals</b> – add bullet regarding compatibility for land use arrangement	Added.
<b>4.1 Community Structure:</b> Reference Built-up Area and add high density with mixed uses in Community Structure	Added.
<b>4.1.1 Land Use Designations:</b> add the Region to last paragraph.	Added.
<b>4.2 Community Design:</b> underline safety and accessibility and open space network and connectivity	Connectivity and accessibility are referenced in the design guidelines and policies of the secondary plan
<b>4.2.1 Design Principles:</b> Bullet 2 refers to a design concept that considers railway-oriented impacts. Expand to include compatibility with adjacent employment uses.  <b>Bullets 7-10:</b> these design principles would be expanded upon in an	Added.  Stand alone urban design guidelines are not needed. The existing Urban Design Manual applies.

urban design guideline document, land use compatibility assessment. Additional detail on sustainable design	
<b>4.2.2 Urban Design Principles:</b> gateway locations identified on the Schedule, urban design brief for individual mixed-use sites and business park area, add “with buildings addressing the street”, and add “expected to prohibit loading and garage type doors from facing residential lands”	Gateway locations have been identified, and urban design brief requirements have been added to future mixed-use and business park developments.
<b>5.1 General policies:</b> revise states to include MECP noise guidelines. Add policy related to compatibility between existing employment and proposed residential	Added.
<b>5.2 Low Density:</b> add policy that requires a mix of low density residential. Add a minimum density target	Density targets are included.
<b>5.3 Medium Density Residential:</b> urban design guidelines, add a limit to amount of low density allowed in medium density, and have minimum density. Add private amenity space policy	Reference to low density development in medium density has been removed, and minimum density requirements have been added. The Secondary Plan contains a policy regarding private amenity area – 5.6.1.11
<b>5.4 Mixed-use:</b> add minimum requirement for commercial uses; why is retail excluded; allow for stand alone res only if commercial is provided elsewhere on site.	Retail is not excluded as a use, but it is limited in size to prohibit big floorplate retail stores. Policy 5.4.4 allows for standalone residential if it is a mixed use site (i.e. with commercial uses on site).
<b>5.5 Business Park:</b> reference class 1 employment, reference at grade, add urban design brief requirement, develop urban design guidelines	Uses have been clarified to prohibit industrial uses that may conflict with adjacent residential areas. The existing Urban Design Manual applies and provides for detailed design guidance.
<b>5.6 Parks and Natural Features:</b> SWM should not contribute to parklands and may provide <u>passive recreation</u>	Policies modified to clarify.
<b>6.0 Sustainability:</b> add <u>green energy</u> , add design or multi-purpose	Green energy is not defined in the Official Plan. Added a policy

buildings and flex spaces, consider adding green walls with green roofs, add LID	encouraging Low Impact Development.
<b>7.0 Servicing and Transportation Strategy:</b> revise to include all development not plans of subdivision	Revised.
<b>7.1 SWM Strategy:</b> strategy for parcel south of RR20, implement LID, consideration to climate change when sizing infrastructure	Added policy encouraging LID.
<b>8.0 Development Phasing:</b> add policy for cost sharing agreements	Added.
<b>9.2 Industrial Compatibility Setbacks:</b> require land use compatibility assessment for these policies	
<b>9.4 Future Development Applications:</b> built and cultural heritage consideration	Cultural heritage was assessed in the Background Study. There are no identified cultural heritage resources within the Secondary Plan area. Requirement for an HIA has been added to section 9.4 should there be cultural heritage resources within or adjacent to lands proposed for development.
<b>Schedule A:</b> Revise title	Changed title to Community Structure Plan.

Table 1: Land Use Calculations

East Smithville Secondary Plan - Total

Land Use	Area (m)	Area (ha)
Residential - LD	61,735.03	6.17
Residential - MD	40,831.63	4.08
Business Park	45,926.27	4.59
Mixed Use	35,233.45	3.52
Natural Heritage	49,670.71	4.97
Stormwater Management	21,110.88	2.11
Park	7,628.21	0.76
Proposed Roads	41,364.00	4.14
Remaining (Existing Roads, Setbacks)	13,488.02	1.35
TOTAL	316,988.20	31.70

East Smithville Secondary Plan - North Side (DGA)

Land Use	Area (m)	Area (ha)
Residential - LD	61,735.03	6.17
Residential - MD	40,831.63	4.08
Business Park	45,926.27	4.59
Mixed Use	25,000.00	2.50
Natural Heritage	20,700.00	2.07
Stormwater Management	21,110.88	2.11
Park	7,628.21	0.76
Proposed Roads	41,364.00	4.14
Remaining (Existing Roads, Setbacks)	0.00	0.00
TOTAL	264,296.02	26.43

East Smithville Secondary Plan - South Side (BUA)

Land Use	Area (m)	Area (ha)
Residential - LD	0.00	0.00
Residential - MD	0.00	0.00
Business Park	0.00	0.00
Mixed Use	10,200.00	1.02
Natural Heritage	29,000.00	2.90
Stormwater Management	0.00	0.00
Park	0.00	0.00
Proposed Roads	0.00	0.00
Remaining (Existing Roads, Setbacks)	13,488.02	1.35
TOTAL	52,688.02	5.27

East Smithville Secondary Plan - Target Density											
Density Calculations											
Land Use Designation	Area (ha)	Density (units/ha)	Units	PPU <sup>4</sup>	People	Jobs - Business Park		Jobs - Mixed-Use		Land Area	
Low Density Residential <sup>1</sup>	6.17	25.00	154	2.91	449	Area (ha)	4.59	Area (ha)	2.50	Total Area (ha)	26.43
Medium Density Residential <sup>2</sup>	4.08	45.00	184	2.12	390	<sup>5</sup> Job Factor	40.00	<sup>6</sup> Mixed-Use Job Factor	assuming 15 jobs per 100 residents	Area of Natural Heritage Features (ha)	2.07
Mixed-Use <sup>3</sup>	2.50	80.00	200	1.88	376			People	376.00	Net Area (ha)	24.36
TOTALS	12.76		538		1215	Total Jobs	183.60	Total Jobs	56.40		
<div>TOTAL DENSITY (people + jobs/ha)</div> <div>61.44</div>						TOTAL	240.00				
						Work From Home Factor (5%)	41.93				
						TOTAL JOBS	281.93				
Density Assumptions											

<sup>1</sup>The Low Density Residential units/ha assumption of 25 assumes a mix of single-detached dwellings and street-fronting townhouse dwellings.

<sup>2</sup>The Medium Density Residential units/ha assumption of 45 assumes a mix of street-fronting townhouse dwellings and stacked townhouse dwellings.

<sup>3</sup>The Mixed-Use residential component units/ha assumption of 80 assumes primarily low-rise apartment buildings.

<sup>4</sup>The Person Per Unit (PPU) values are based on the 2017 Niagara Region Development Charges Background Study.

<sup>5</sup>The Job Factor is based on the Draft 2021Regional Employment Policy Paper with typical density of 40 p-j/ha for Dynamic Employment uses.

<sup>6</sup>The Mixed-Use Job Factor is based on both the Niagara Region's job factor average and typical employment densities for mixed-use development of a similar scale.

East Smithville Secondary Plan - Target Density											
Density Calculations											
Land Use Designation	Area (ha)	Density (units/ha)	Units	PPU <sup>4</sup>	People	Jobs - Business Park		Jobs - Mixed-Use		Land Area	
Low Density Residential <sup>1</sup>	6.17	20.00	123	2.91	359	Area (ha)	4.59	Area (ha)	2.50	Total Area (ha)	26.43
Medium Density Residential <sup>2</sup>	4.08	35.00	143	2.12	303	<sup>5</sup> Job Factor	30 j/ha	<sup>6</sup> Mixed-Use Job Factor	<i>assuming 15 jobs per 100 residents</i>	Area of Natural Heritage Features (ha)	2.07
Mixed-Use <sup>3</sup>	2.50	75.00	188	1.88	353			People	352.50	Net Area (ha)	24.36
TOTALS	12.76		454		1015	Total Jobs	137.70	Total Jobs	52.88		
TOTAL DENSITY (people + jobs/ha)						TOTAL		190.58			
						Work From Home Factor (5%)		33.11			
						TOTAL JOBS		223.69			
Density Assumptions											

<sup>1</sup>The Low Density Residential units/ha assumption of 20 assumes a mix of single-detached dwellings and street-fronting townhouse dwellings.

<sup>2</sup>The Medium Density Residential units/ha assumption of 35 assumes a mix of street-fronting townhouse dwellings and stacked townhouse dwellings.

<sup>3</sup>The Mixed-Use residential component units/ha assumption of 75 assumes primarily low-rise apartment buildings.

<sup>4</sup>The Person Per Unit (PPU) values are based on the 2017 Niagara Region Development Charges Background Study.

<sup>5</sup>The Job Factor is based on the Draft 2021Regional Employment Policy Paper with typical density of 40 p-j/ha for Dynamic Employment uses.

<sup>6</sup>The Mixed-Use Job Factor is based on both the Niagara Region's job factor average and typical employment densities for mixed-use development of a similar scale.





Employment Jobs Comparison Existing Land Use Designations vs. East Smithville Secondary Plan							
Existing Land Use Designations				East Smithville Secondary Plan			
Service Commercial		Employment Area		Business Park Designation		Mixed-Use Designation	
Area (ha)	2.50	Area (ha)	15.60	Area (ha)	4.59	Area (ha)	2.50
<sup>7</sup> Job Factor	16.00	<sup>8</sup> Job Factor	16.00	<sup>5</sup> Job Factor	40.00	<sup>6</sup> Mixed-Use Job Factor	<i>assuming 15 jobs per 100 residents</i>
Total Jobs	40.00	Total Jobs	249.60			People	376.00
TOTAL EMPLOYMENT	290			Total Jobs	183.60	Total Jobs	56.40
				TOTAL	240.00		
				Work From Home Factor (5%)	41.95		
				TOTAL EMPOLYMENT	282		

Density Assumptions

<sup>5</sup>The Job Factor is based on the Draft 2021Regional Employment Policy Paper with typical density of 40 p-j/ha for Dynamic Employment uses.

<sup>6</sup>The Mixed-Use Job Factor is based on both the Niagara Region's job factor average and typical employment densities for mixed-use development of a similar scale.

<sup>7</sup>The Job Factor is based on average employment density for Smithville Industrial Park identified in Draft 2021Regional Employment Policy Paper

<sup>8</sup>The Job Factor is based on on average employment density for Smithville Industrial Park identified in Draft 2021Regional Employment Policy Paper

**DATE:** September 13, 2021

**REPORT NO:** PD-95-2021

**SUBJECT:** **Recommendation Report**  
**Site Plan Approval Authorization**  
**5138 Concession 4 Road – Niagara Regional Sportsman Club**  
**File No. 2100-011-21**

**CONTACT:** Gerrit Boerema, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An Application for Site Plan Approval has been made by John Verdonk of Verdonk Construction on behalf of the Niagara Regional Sportsman Club located at 5138 Concession 4 Road.
- The 10.6 hectare property which contains the gun club is proposing to replace an existing building on the property with a new 155.6 square metre building to be used as part of the gun club.
- Site Plan approval is required as the proposed development is located within the site plan approval area identified in the Township's site plan control bylaw and the proposed commercial related development is not exempt from site plan control.
- This would be the first site plan registered on the subject property as there is no current site plan on file.
- Staff are recommending that Council authorize the Mayor and Clerk to sign a site plan agreement permitting the development, once Staff complete the review of the site plan submission and determine it is satisfactory to the Township.

**RECOMMENDATION:**

1. That, report PD-95-2021, regarding "Recommendation Report, Site Plan Approval Authorization, 5138 Concession 4 Road, Niagara Regional Sportsman Club, File No. 2100-011-21" dated September 13, 2021, BE RECEIVED; and,
2. That, a Bylaw be passed to authorize the Mayor and Clerk to sign a Site Plan Agreement with the Niagara Regional Sportsman Club, and any mortgagees, once all site plan details are completed to the satisfaction of the Planning Department.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- Strategic Responsible Growth

## **BACKGROUND:**

An application for site plan has been made by John Verdonk of Verdonk Construction on behalf of the Niagara Regional Sportsman Club, located at 5138 Concession Road 4. The property is zoned a mix of environmental zones and Agricultural 'A-7' which permits a gun club to operate on the property. The current gun club has a number of smaller buildings on the property and firing ranges.

The gun club is proposing to replace one of the existing buildings that is in poor condition and construct a new 155.6 square metre building to be used as part of the gun club's regular activities.

The applicants attended a pre-consultation meeting and Township and Regional staff visited the site in early 2021. A site plan and landscape plan drawing was prepared and an application submitted on July 30, 2021.

Planning staff have also reviewed this application against the applicable planning policy and zoning regulations. A summary of that review is found below.

## **CURRENT SITUATION:**

### **Provincial Policy Statement 2020 (PPS) & A Place to Grow Plan (Growth Plan)**

The subject lands are located within the Prime Agricultural land designation which promotes agricultural and agriculturally related land uses. The PPS does not support the creation of new non-agricultural land uses unless they meet a number of criteria, however, the current gun club on the property has been operating for a number of decades and is a recognized permitted use in the Township's zoning bylaw.

The property is also impacted by Natural Heritage Features including Provincially Significant Wetlands. The proposed building is located outside of those wetlands and is also located outside of any buffer areas. Additionally, the applicants have provided a landscape plan that shows new plantings that will take place within the 30 metre vegetative protection zone in the general area of the development.

### **Niagara Region Official Plan**

The Niagara Region Official Plan in alignment with the Provincial Growth Plan and PPS, also encourages the protection of agricultural lands for agricultural uses, however, they do recognize existing non-agricultural land uses within the agricultural area.

The Regional Official Plan also provides policy with regards to natural heritage features. As there are Provincially Significant Wetlands on the property, the majority of this property has been designated as Environmental Protection Area 'EPA' and Environmental Conservation Area 'ECA'. The proposed building does not fall within these designations, however, since it is nearby a Provincially significant wetland, the applicants have completed a landscape plan showing the 30 metre vegetative protection zone.

### **Township Official Plan**

The subject property is located within the Good General Agricultural area of the Township of West Lincoln. In this area agricultural and agriculturally related uses are to be promoted and non-agricultural uses discouraged. The Official Plan does recognize that there are existing non-agricultural uses within the Good General Agricultural area in Policy 4.4.2 g), and that expansions to these uses can be considered through a Zoning Bylaw Amendment and site plan.

As this is not an expansion but only a replacement of an existing building, only site plan review and approval is required.

The replacement generally meets the intent of the Official Plan agricultural policies as well as the natural heritage policies as it remains outside of any significant environmental features and buffers.

### **Township Zoning Bylaw 2017-70 as Amended**

The subject property is currently zoned Environmental Protection 'EP', Environmental Conservation 'EC' and Agricultural 'A-7'. The Environmental Protection zone does not permit any new development or uses but does allow for passive recreation. The Environmental Conservation Zone permits accessory buildings and structures if there are no alternative non-environmental zone locations. The Agricultural 'A-7' zone permits agricultural uses and a gun club use. The area where the new building and parking is proposed is within the Agricultural 'A-7' zone and is therefore permitted as a main building and meets all required setbacks.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

### **INTER-DEPARTMENTAL AND AGENCY COMMENTS:**

The site plan application has been circulated to agencies and internal departments.

The Region and the NPCA both have commented with regards to the environmentally sensitive areas and regulations on the site. They have no objections with the plan as presented. The Township Public Works department also does not have any objections.

### **CONCLUSION:**

An application for site plan amendment has been submitted by John Verdonk on behalf of the Niagara Regional Sportsman Club located at 5138 Concession 4 Road. The site plan approval is required to permit the Gun Club to construct a new 155.6 square metre building for the gun club. This building is proposed to replace a slightly smaller building in the same area.

Planning Staff recommend that the Mayor and Clerk be authorized to sign the site plan agreement and any other documents needed to facilitate the approval of the site plan once the site plan review is completed and satisfactory to the Director of Planning and Building.

**ATTACHMENTS:**

1. Proposed Site Plan
2. Proposed Landscape Plan
3. Draft Site Plan Control Bylaw – 5138 Concession 4 Road

**Prepared & Submitted by:**



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**Gerrit Boerema**  
Planner II

**Approved by:**



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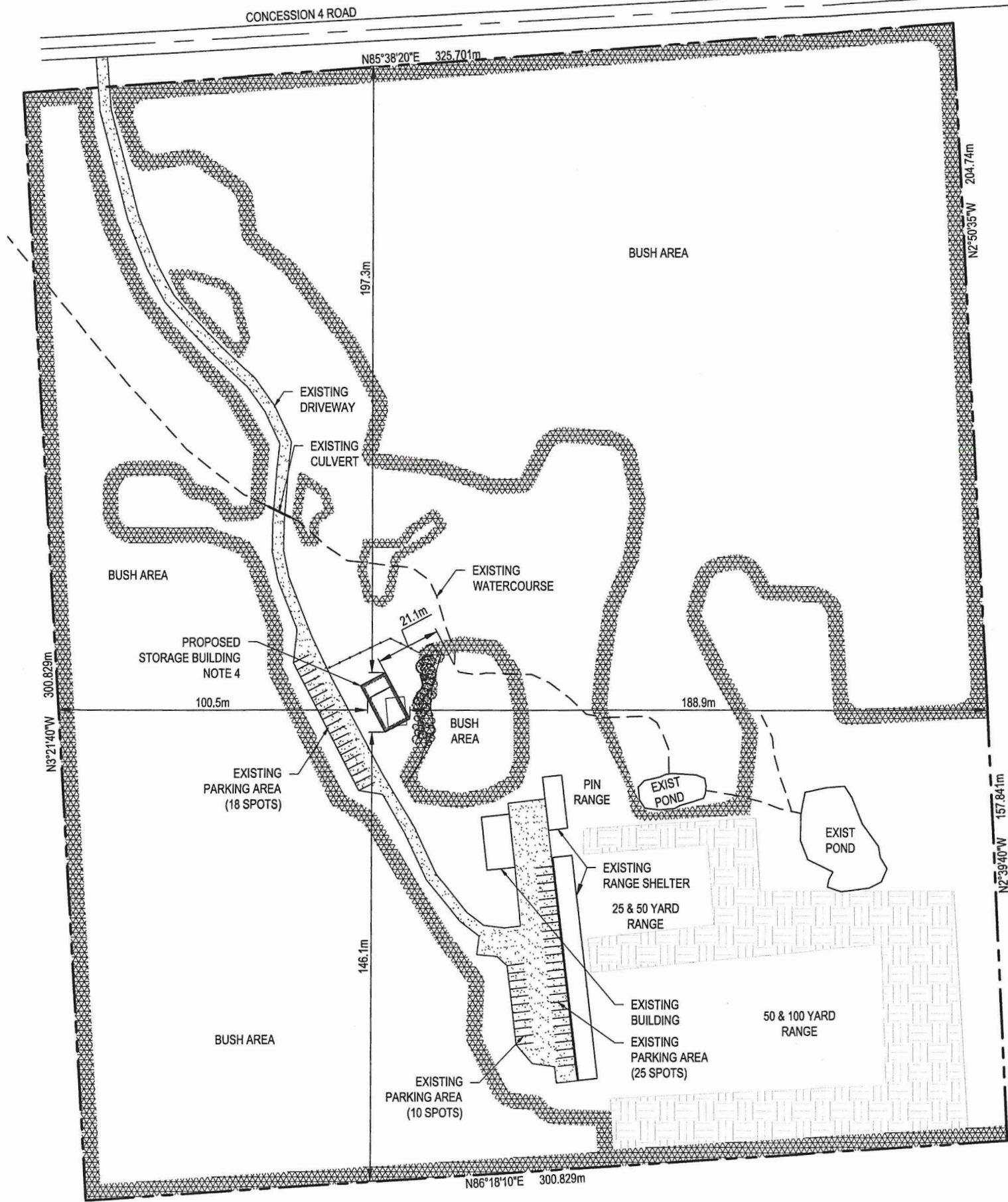
**Brian Treble**  
Director of Planning & Building



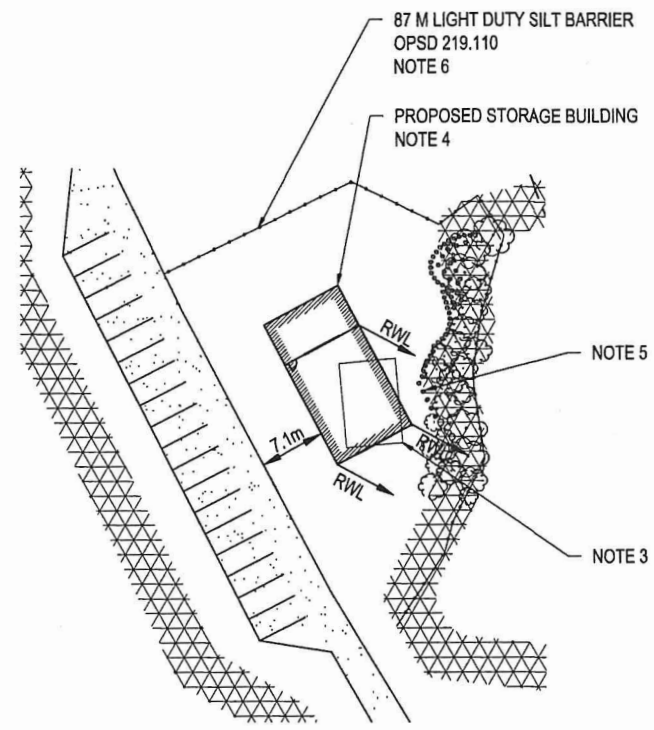
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**Bev Hendry**  
CAO





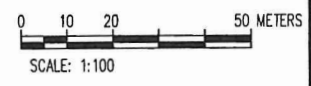
SITE PLAN  
SCALE: 1:1000



PROPOSED BUILDING & PLANTING- DETAIL  
SCALE: 1:500



- LEGEND:
- RAIN WATER LEADER
  - WATERCOURSE
  - BRUSH LINE
  - GRAVEL DRIVEWAY/PARKING
  - BERM
  - SILT BARRIER
- NOTES:
- THIS SITE SKETCH IS NOT A PLAN SURVEY. INFORMATION FOR THE SKETCH WAS DERIVED FROM ORIGINAL SURVEY, MATHEWS, CAMERON, HEYWOOD, KERRY T, HOME SURVEYING LTD, FILE #SC-2014-127
  - ALL LOCATIONS TO BE CONFIRMED BEFORE CONSTRUCTION.
  - EXISTING SHED TO BE REMOVED
  - PROPOSED STORAGE BUILDING 17.1m x 9.1m (56'x30') 155.6m<sup>2</sup> SEE JV HOME DESIGN DWG PACKAGE FOR DETAILS
  - FOR RE-PLANTING DETAILS REFER TO LANDSCAPE PLAN DWG No 081521-1P
  - SILT BARRIER TO BE INSTALLED PRIOR TO CONSTRUCTION, MAINTAINED DURING CONSTRUCTION & REMOVED UPON CONSTRUCTION COMPLETION



B	2021-06-30	ISSUED FOR PERMIT
A	2021-05-14	ISSUED FOR PERMIT
REV	DATE	DESCRIPTION
N.S.G.C.		
5138 4th CONCESSION		
ST ANNS, ON		
LOR 2J0		
SITE PLAN		
CON 4 PT LOT 15		
DATE: APRIL 30, 2021		
DWG No.		
NRSGC-SK-001		
SHEET 1 OF 1		





**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2021-###**

**A BY-LAW TO AUTHORIZE A SITE PLAN AGREEMENT WITH NIAGARA REGIONAL SPORTSMAN CLUB AND ANY MORTGAGEES, IF APPLICABLE, ON LANDS DESCRIBED AS CONCESSION 4 PART LOT 15; WEST LINCOLN THIS PLAN IS NOT A PLAN OF SUBDIVISION WITH THE MEANING OF THE PLANNING ACT. PIN 46079-0104 (LT)**

**WHEREAS** the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with the Niagara Regional Sportsman Club, and any Mortgagees, if applicable, on lands described as Concession 4, Part Lot 15, West Lincoln this plan is not a plan of subdivision with the meaning of the Planning Act. PIN 46079-0104 (LT)

**AND WHEREAS** approval and authority for such Agreement is required;

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:**

1. That the Council of the Corporation of the Township of West Lincoln enter into a Site Plan Agreement with the Niagara Regional Sportsman Club, and any Mortgagees, if applicable, on lands described as Concession 4, Part Lot 15, West Lincoln this plan is not a plan of subdivision with the meaning of the Planning Act. PIN 46079-0104 (LT).
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Plan Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Plan Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. That a copy of the said Site Plan Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A" and shall form part of this By-law.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS 27<sup>th</sup>  
DAY OF SEPTEMBER, 2021**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**



**DATE:** September 13, 2021

**REPORT NO:** PD-101-2021

**SUBJECT:** Recommendation Report – Official Plan Amendment No. 61 –  
Garden Suite Official Plan Policy Amendment

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- In 2014, Official Plan Amendment No. 44 was approved by by-law 2014-102 on November 10th, 2014 as recommended by planning staff through report PD-146-14 dated November 3, 2014.
- The above Official Plan Amendment added a new section to the Official Plan on Affordable Housing policies (OPA 44) by the creation of a new Section 17. The Staff reports at the time of the affordable housing amendments made reference to the garden suite policies and Provincial changes in the temporary bylaw timeline from 10 years to 20 years. Yet Section 18.4 (Temporary Use Zoning By-law and Garden Suites) was not changed from 10 to 20 years as part of that amendment process.
- This staff report is written to advise that staff have now completed the public meeting process to change Section 18.6 of the Township of West Lincoln Official Plan to change the 10 year limitation to 20 years to bring the Township's policy into alignment with Provincial policy.
- Township staff have worked closely with Regional Staff and other Township departments to finalize an amendment to these policies.
- Township staff are recommending approval of Official Plan Amendment No. 61, as attached, immediately following the September 13<sup>th</sup> 2021 Public Meeting.

**RECOMMENDATION:**

1. That, Report PD-101-2021, regarding "Garden Suite Official Plan Policy Amendment – Official Plan Amendment No. 61", dated September 13<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Application 1701-003-21 (#61) for Official Plan Amendment, BE APPROVED and that the necessary bylaw be prepared at the Township Council Meeting and that staff circulate Notice of Approval in accordance with the Planning Act.
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #3**

- Strategic, Responsible Growth

## **BACKGROUND:**

Numerous reports were written in 2014 to implement affordable housing policies within the Township of West Lincoln Official Plan. Official Plan Amendment No. 44 was approved by by-law 2014-102 on November 10th, 2014. Regional staff supported the Official Plan Amendment and advised that it was exempt from Regional Council approval.

Reference was made in that amendment process to the Provincial change in the garden suite time limitation of 10 years shifting to 20 years; yet the Township policy as contained in Section 18.4 was not changed at that time. This report is written following a report in July 2021 to recommend that an official plan amendment be approved to adjust the 10 year limitation as contained in Section 18.4 to 20 years.

The Planning Act has changed Section 37 to permit temporary zoning by-laws for garden suites for up to 20 years in the first instance. This Planning Act change was referenced by Township of West Lincoln staff reports in 2014, but never implemented.

This report is written to recommend an Official Plan Amendment Policy change which would change the time limitation as currently referenced in Section 18.4 of the Township of West Lincoln Official Plan from 10 years to 20 years.

## **CURRENT SITUATION:**

Township Staff have reviewed and are providing the relevant Provincial, Regional and Local policy surrounding a Garden Suite Official Plan Policy Amendment:

### **1. Provincial Policy Statement (PPS)**

The PPS does not speak to Garden Suites, but does provide general direction to provide a range of housing types in a municipality. The direction which requires municipalities to include policies for garden suites comes from the Planning Act, which allows municipalities to pass by-laws that will permit garden suites to be on a property for not more than 20 years. The Planning Act defines a “garden suite” as a one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

The Planning Act was changed by the Province in or around 2014 and Section 37 now permits temporary zoning by-laws for garden suites for up to 20 years in the first instance. This Planning Act change was referenced by Township of West Lincoln staff reports in 2014, but was never implemented.

### **2. A Place to Grow – Provincial Growth Plan (P2G)**

Applications filed after June 16, 2006 must conform to the A Place to Grow – Provincial Growth Plan. Section 1.2.3 of the P2G provides direction on how to read the Growth

Plan, specifically noting that: *This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography.* Since there are no applicable policies within the P2G for this particular situation, the PPS will be the only set of provincial policies to apply.

### **3. Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the PPS is the provincial policy that applies in this situation.

### **4. Regional Policy Plan (RPP)**

The RPP does not speak specifically to garden suites, however, does support temporary dwelling units in the agricultural area for relatives of the occupants of the principle dwelling. The RPP relies on the local Official Plan and By-law to provide more detailed policies regarding garden suites. As such, the Township policies are what will direct the development of the garden suite.

Planning staff have been in consultation with Regional planning staff in regards to the change for the maximum amount of time for a temporary use garden suite to be increased from ten (10) years to twenty (20) years. The Regional Official Plan, 2014 (ROP) supports development that contributes to a range of housing types, including housing that is affordable, accessible, and suited to the needs of different household and income groups. Please see attached Official Plan Amendment and By-Law for more details. (Attachment 2)

### **5. Township of West Lincoln Official Plan (OP)**

The Township OP currently provides the following requirements for garden suites:

- i. *The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;*
- ii. *The lot size/layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;*
- iii. *Compatibility of the garden suite with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance;*
- iv. *Adequacy of site access and on-site parking;*
- v. *The unit is not placed in the front yard of the lot or the required front yard as established by the Zoning By-law;*
- vi. *No additional access is provided to the lot from a public road;*
- vii. *Placement of the unit is not exclusively removed from the existing dwelling;*
- viii. *The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot.*
- ix. *The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.*
- x. *The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.*

### **FINANCIAL IMPLICATIONS:**

Discussions with the Treasury Department has identified that a garden suite will be

taxed as part of the property taxes on the parcel of land on where the garden suite is situated and for the period of time that it is on the property.

**INTER-DEPARTMENTAL COMMENTS:**

Notice of Public Meeting was circulated to all relevant agencies on July 16<sup>th</sup> 2021. The NPCA, Township Building Department, Septic Inspector, Public Works Department, and Drainage Superintendent have no objection to amendment as proposed.

The Niagara Region have provided comments regarding this Official Plan amendment. These comments can be found as attachment 2 to this report.

**PUBLIC COMMENTS:**

A Notice of Public Hearing was posted on the Township's website and on the Township's newspaper on July 28<sup>th</sup> 2021. No comments have been received as of September 8<sup>th</sup> 2021.

**CONCLUSION:**

Township staff have completed a draft Official Plan Amendment regarding the Garden Suite Policy that changes the policy of Section 18.4 from a maximum of 10 years to a maximum of 20 years. Planning staff feel that this proposed change is necessary to properly align with Provincial planning policies and can therefore recommend approval.

Once a bylaw is proposed by Township Council to adopt OPA #61 and notice of decision is circulated without appeal than the new Official Plan is in full force and effect. The application by Richard and Anita Merritt can be approved any time after the approval of Official Plan Amendment #61 as amended for approval through this report.

**ATTACHMENTS:**

1. DRAFT Official Plan Amendment No. 61
2. Draft By-law
3. Agency comments

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building



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**Madyson Etzl**  
Planner II

**Approved by:**



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**Bev Hendry**  
CAO

**AMENDMENT NUMBER 61  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN**

**AMENDMENT NUMBER 61**  
**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWNSHIP OF WEST LINCOLN**  
**AS AMENDED**

**PART 1 – THE PREAMBLE**

**1.1    TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 61 to the Official Plan of the Township of West Lincoln.

**1.2    COMPONENTS**

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

**1.3    PURPOSE**

The purpose of this Amendment is to revise the Policies for the future of Temporary Use/ Garden Suite Policies within West Lincoln by changing the length of approval from 10 years to 20 years.

**1.4    BASIS OF THE AMENDMENT**

The Township of West Lincoln is proposing to amend the Official Plan to introduce an extended period of time to allow Temporary Garden Suites to be located on a property from a maximum of 10 years to a maximum of 20 years to align with the Planning Act.

## **PART 2 – THE AMENDMENT**

### **2.1 PREAMBLE**

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitutes Amendment No. 61 to the Official Plan of the Township of West Lincoln.

### **2.2 DETAILS OF THE AMENDMENT**

- 2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by replacing “Ten (10) Years” with “Twenty (20) Years”; and as revised, it will read as follows:

#### **18.4.1 Temporary Use By-law**

Council may, in a by-law passed under the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. Such a by-law may be in effect for a maximum period of three years for all temporary uses, except garden suites. Garden suites may have by-laws passed to be in effect for up to twenty (20) years from the date of passage. Council may extend the term of the by-law, by further by-law amendment, for additional three (3) year (maximum) terms.

Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Temporary uses not allowed by the applicable policies of this Plan will not be permitted. Temporary uses, buildings and structures that are not farm-related shall not be permitted in the Unique or Good General Agricultural Areas.

Upon expiry of a Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as non-conforming uses. The type of uses envisaged by Council as requiring a temporary use by-law include, but shall not be limited to: temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

### **2.4 IMPLEMENTATION**

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval unless a Regional exemption has been provided. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk's department to all interested agencies of the decision to approve.

If no appeals are received within the appeal period, the amendment will be in full force and effect.



**AMENDMENT NUMBER 61**  
**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWNSHIP OF WEST LINCOLN**  
**AS AMENDED**

Official Plan Amendment Number 61 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2021-XX in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the 27<sup>th</sup> day of September, 2021

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Joanne Scime, Clerk

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Mayor Dave Bylsma

I, Joanne Scime, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 61.

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Joanne Scime, Clerk

## THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

### BY-LAW 2021-XX

#### BEING A BY-LAW ADOPT AMENDMENT NO. 61 TEMPORARY USE BY-LAW AND GARDEN SUITES POLICIES TO THE OFFICIAL PLAN FOR THE TOWNSHIP OF WEST LINCOLN

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. THAT, Amendment No. 61 (Temporary Use By-Law and Garden Suite Policies) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted and implemented as detailed in Schedule 'A'.
2. THAT, staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended, based on a Regional Municipality of Niagara exemption.
3. AND THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
27<sup>th</sup> DAY OF SEPTEMBER, 2021.**

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**DAVE BYLSMA, MAYOR**

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**JOANNE SCIME, CLERK**

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

August 27, 2021

File No.: D.10.12.OPA-21-0044

Ms. Madyson Etzl  
Planner II  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Etzl:

**Re: Provincial and Regional Comments  
Township Initiated Official Plan Amendment  
Township File No.: 1701-003-21  
Proposed Revised Garden Suite Policies  
Township of West Lincoln**

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Regional Planning and Development Services staff reviewed the information circulated for the above noted Official Plan Amendment. As described in the Notice of Hearing, the purpose of the amendment is to update the Township of West Lincoln Official Plan to align with Section 39.1 (3) of the *Planning Act*, as amended, which permits garden suites for a period of 20 years. As proposed, the Official Plan Amendment seeks to extend the permission period for garden suites in the Township from 10 to 20 years.

Regional Planning and Development Services staff offer the following comments from a Provincial and Regional perspective to assist the Township in their consideration of the application.

**Provincial and Regional Policies**

Provincial policies outline the need for an appropriate range and mix of housing options. To achieve this, the Provincial Policy Statement, 2020 (PPS) directs planning authorities to permit all types of residential intensification, including additional residential units. Similarly, the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) support the achievement of complete communities that provide a diverse range and mix of housing options. The proposed Garden Suite Official Plan Amendment will support residential intensification and diversification of the Township's housing stock by permitting garden suites for a period of up to 20 years. The existing permissions for garden suites and the proposed policy revision are

D.10.12.OPA-21-0044

August 27, 2021

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consistent with the policy intent of the PPS and conform with the policies of the Growth Plan (2020), which support intensification, and a diverse mix of housing options.

The Regional Official Plan, 2014 (ROP) supports development that contributes to a range of housing types, including housing that is affordable, accessible, and suited to the needs of different household and income groups. As proposed, the draft Official Plan Amendment conforms with the policies of the ROP, which support all types of residential intensification, including the creation of additional residential units (i.e. garden suites and secondary suites).

## Conclusion

Regional Planning and Development Services staff commend the Township for its ongoing efforts to update the Township of West Lincoln Official Plan to implement changes to the *Planning Act*, Provincial Policy Statement, and provincial plans. As discussed above, Regional staff is satisfied that the proposed Garden Suite Official Plan Amendment, which will support the provision of additional residential units in the Township, is consistent with the PPS (2020) and conforms with the policies of the Growth Plan (2019) and ROP (2014).

Regional staff requests that a copy of the draft Official Plan Amendment be provided for review prior to adoption.

In accordance with the Memorandum of Understanding, the proposed Official Plan Amendment is exempt from Regional Council approval. Please send a copy of the notice of Township Council's decision on the application and a copy of the amendment as adopted.

Should you have any questions or wish to discuss these comments, please contact the undersigned at [siobhan.kelly@niagararegion.ca](mailto:siobhan.kelly@niagararegion.ca) or Aimee Alderman, MCIP, RPP, Senior Development Planner, at [aimee.alderman@niagararegion.ca](mailto:aimee.alderman@niagararegion.ca)

Kind regards,



Siobhan Kelly  
Development Planning Student

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region

**DATE:** September 13, 2021

**REPORT NO:** PD-102-2021

**SUBJECT:** **Recommendation Report- Zoning By-Law Amendment  
(Temporary Use By-law) Richard and Anita Merritt- Garden  
Suite Application**

**CONTACT:** Madyson Etzl, Planner II  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An application for a temporary use by-law to permit a Garden Suite has been submitted by Richard and Anita Merritt for the property located at 9397 Twenty Road.
- The applicant wishes to place a modular home on the property for their son to reside in and contribute to the work on the farm.
- The applicants are requesting authority to place the garden suite on the property temporarily for twenty years, with the option of an extension every three years after the initial time period.
- The applicants are requesting a front yard setback of 20 metres, whereas the dwelling has a front yard setback of 43 metres.
- Accessory buildings on an agricultural zone shall be located behind or in line of the front wall of the main building on the property, unless an exception is granted.
- The garden suite provisions of the Planning Act and the Township of West Lincoln Official Plan permit secondary residential units on a parcel of land to assist with the needs of the family.
- The applicant has requested that the temporary use exist on the property for a 20 year timeframe. However, the Township's Official Plan currently states that temporary uses shall exist for a maximum of 10 years.
- Section 39.1(3) of the Planning Act allows the Council of a municipality to grant the temporary use of a Garden Suite for up to 20 years, subject to the policies of the Township of West Lincoln Official Plan.
- Currently, if the use is required for more than 10 years, the temporary use can be renewed on a 3 year basis, as needed.
- Planning staff have been jointly working with the Region to amend the Township's Official Plan policies to extend from 10 years to a maximum of 20 years. Regional staff are in support of this change. Regional comments can be found as Attachment 3 to this report.
- A public meeting was held via Zoom on July 26th 2021. No public comments were received during this meeting. Staff have reviewed the proposed zoning by-law amendment against the relevant Provincial, Regional and Local policy and can recommend approval of this application.
- Approval for 20 years can occur after staff report PD-101-2021 is approved by Township Council to change the Official Plan Policy from ten (10) years to twenty (20) years.

**RECOMMENDATION:**

1. That, Report PD-102-2021, regarding “Zoning By-law Amendment (Temporary Use By-law) –Richard and Anita Merritt Garden Suite Application”, dated September 13<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-011-21 submitted by Richard and Anita Merritt and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- Strategic, Responsible Growth

**BACKGROUND:**

An application has been submitted by Anita Merritt to request the use of a temporary 1,070 square foot (100 square metre) modular home on the property municipally known as 9397 Twenty Road. The applicants wish to have their son live in the temporary home and contribute to the farm. The temporary use provisions of the Planning Act permit a garden suite to be located on the property for a maximum of twenty years, however the Township’s Official Plan only permits a temporary use to be on a property for a maximum of 10 years. Both timeframes allow a possibility of extension after the initial time period of 3 years.

The applicants are requesting to construct a 100 square metre home on the property with a 20 metre setback from the front lot line whereas the main dwelling is located with a 43 metre setbacks. All accessory buildings shall be located in line with or behind the front wall of the main building on the property.

As a result of the Pre-Consultation meeting on August 6<sup>th</sup> 2020. The applicant was provided the information that the Garden Suite Zoning would be for a period of 20 years and the owners would have to complete a temporary use agreement/site plan for the garden suite. It was later discovered that the Township’s Official Plan does not align with the max number of years as permitted by the Planning Act, and only has a Temporary use provision for Garden Suites for a period of 10 years, with the option of an extension to the temporary use by-law of not more than three years at a time, whereas the Planning Act states a period of up to 20 years with the possibility of extension of no more than three years at a time.

A public meeting was held for the proposed application on July 26<sup>th</sup> 2021. No written or verbal comments were received in regards to this application.

**CURRENT SITUATION:**

Township Staff have reviewed and are providing the relevant Provincial, Regional and

Local policy surrounding Garden Suites below:

### 1. Provincial Policy Statement (PPS)

The PPS does not speak to Garden Suites, but does provide general direction to provide a range of housing types in a municipality. The authority to provide opportunity for municipalities to include policies for garden suites comes from the Planning Act, which allows municipalities to pass by-laws that will permit garden suites to be on a property for not more than 20 years. The Planning Act defines a “garden suite” as a one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

The proposed structure meets this definition as it is a modular home to be put on the property (attachment 1), but there are updates required to be made to the existing septic system before the garden suite can be accommodated on-site. The purchased modular home will be 6.7 feet by 16 feet, 1072 square metres in ground floor area.

There will be a site plan application to follow this rezoning application should it be approved and within that agreement a required \$5000 security deposit must be submitted as well as a requirement to be included to update the septic system to meet the necessary requirements to accommodate the temporary garden suite.

### 2. A Place to Grow – Provincial Growth Plan (P2G)

Applications filed after June 16, 2006 must conform to the A Place to Grow – Provincial Growth Plan. Section 1.2.3 of the P2G provides direction on how to read the Growth Plan, specifically noting that: *This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography.* Since there are no applicable policies within the P2G for this particular situation, the PPS will be the only set of provincial policies to apply.

### 3. Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the PPS is the provincial policy that applies in this situation.

### 4. Regional Policy Plan (RPP)

The subject property is within the prime agricultural area according to the Provincial Policy Statement, and the Good General Agricultural Area according to the Regional Official Plan. The Planning Act permits temporary uses (garden suites) for up to 20 years. Garden suites are to be designed to be portable and will therefore not result in intensive/extensive ground disturbance. The parcel contains and is adjacent to portions of the Regional Core Natural Heritage System, including the Lower Twenty Mile Creek Provincially Significant Wetland Complex, Significant Woodlands, Significant Valley land and two watercourses (Critical and Important Fish Habitats). As the location of the garden suite has not changed since the Pre-consultation meeting on August 6<sup>th</sup> 2020, Regional Staff did not require circulation of the proposal.



The RPP does not speak specifically to garden suites, however, does support temporary dwelling units in the agricultural area for relatives of the occupants of the principle dwelling. The RPP relies on the local Official Plan and By-law to provide more detailed policies regarding garden suites. As such, the Township policies are what will direct the development of the garden suite.

Planning staff have been in consultation with Regional planning staff in regards to the change for the maximum amount of time for a temporary use garden suite to be increased from ten (10) years to twenty (20) years. Please see another staff report on this agenda and the corresponding attached Official Plan Amendment and By-Law.

## 5. Township of West Lincoln Official Plan (OP)

The Township OP provides the following current requirements for garden suites:

- i. *The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;*
- ii. *The lot size/layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;*
- iii. *Compatibility of the garden suite with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance;*
- iv. *Adequacy of site access and on-site parking;*
- v. *The unit is not placed in the front yard of the lot or the required front yard as established by the Zoning By-law;*
- vi. *No additional access is provided to the lot from a public road;*
- vii. *Placement of the unit is not exclusively removed from the existing dwelling;*
- viii. *The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot.*
- ix. *The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.*
- x. *The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.*

The following is Planning Staff's observations in relation to the above noted policies:

- i. The proposed garden suite must be removed after it has served its purpose. As such, the use will be temporary in nature.
- ii. The garden suite will not adversely impact the surrounding neighborhood.
- iii. The garden suite will be accessed by a driveway branching off of the existing driveway.
- iv. No additional access will be provided to the lot from a public road.
- v. The subject lands are not currently capable of providing the required septic needs of the garden suite, but do have the room to accommodate a new septic bed to accommodate the garden suite. If the rezoning is approved, a site plan application will follow requiring that the septic system and cistern be updated to accommodate the garden suite on the property.
- vi. The garden suite is proposed to be clustered within the existing buildings on the property.

## **6. Township of West Lincoln Zoning By-Law (ZBL)**

The property is zoned Agricultural in the Township's ZBL. This zone allows for agricultural and residential uses, as well as uses accessory thereto. The Agricultural zone permits a garden suite on the property as an accessory use, subject to the provisions of the Township's Garden Suite regulations. The location of the proposed garden suite is required to meet the setbacks of the Agricultural (A) zone for a dwelling unit. The applicants are requesting the accessory building to be located closer to the front lot line than the main dwelling on the property. The garden suite is proposed to be located with a 20 metre setback from the front lot line whereas the main dwelling is located with a 43 metre setback.

The modular home is proposed to be located to the north west of the existing single detached dwelling. Approximately 20 metres from the front lot line, whereas the existing dwelling is located 43 metres from the front lot line. The application meets all other zoning provisions for an accessory building at this time. This front yard setback deficiency will be recognized in the Temporary use site specific provision.

The property will continue to be zoned Agricultural (A) with a Temporary Use Provision number which will be outlined as T-# for a period of twenty (20) years. The start date will be September 27<sup>th</sup> 2021 and it will expire on September 27<sup>th</sup> 2041. Regulations include "As per the parent zone, except: the garden suite shall be limited to a one-unit detached residential structure containing a bathroom and kitchen facilities. As well as a front yard setback of 20 metres whereas 43 metres is required.

Planning staff have included an authorizing by-law into this report to authorize Township's Mayor and Clerk to sign the Site Plan Agreement for Richard and Anita Merritt should this Zoning Amendment be approved and once the 20 day appeal period for this zoning application is over. This by-law is attached to this report as attachment number 3.

### **FINANCIAL IMPLICATIONS:**

A \$5,000.00 security will be obtained as part of the site plan process. This will be held by the Township until the temporary structure is removed. This money is held as security to ensure the use is removed after it is no longer needed.

Discussions with the Treasury Department has identified that the garden suite will be taxed as part of the property taxes for the period of time that it is on the property.

### **INTER-DEPARTMENTAL COMMENTS:**

Notice of Public Meeting was circulated to all relevant agencies on June 30<sup>th</sup> 2021. A yellow sign was posted on the property and a notice of hearing was posted to the website. The Niagara Region, Township Building Department, Septic Inspector, Public Works Department, and Drainage Superintendent have no objection to application as proposed.

The Niagara Regional Planning Staff have provided comments relating to the Garden Suite Official Plan Amendment recommendation report that is being presented in conjunction with this report. Their comments are attached.

**CONCLUSION:**

Township staff have completed a preliminary review of this application against the applicable planning policy.

The lot as a whole will need to be rezoned to Agricultural (A) with a Temporary Use Provision (T-11) to recognize the Garden Suite for twenty (20) years, with a start date of September 27<sup>th</sup>, 2021 to an expiry date of September 27<sup>th</sup>, 2041. Planning staff can recommend the approval of this application as it meets the intent of the applicable Provincial, Regional and Local planning policies.

**ATTACHMENTS:**

1. Site Sketch
2. Draft By-law
3. Authorizing By-law

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building



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**Madyson Etzl**  
Planner II

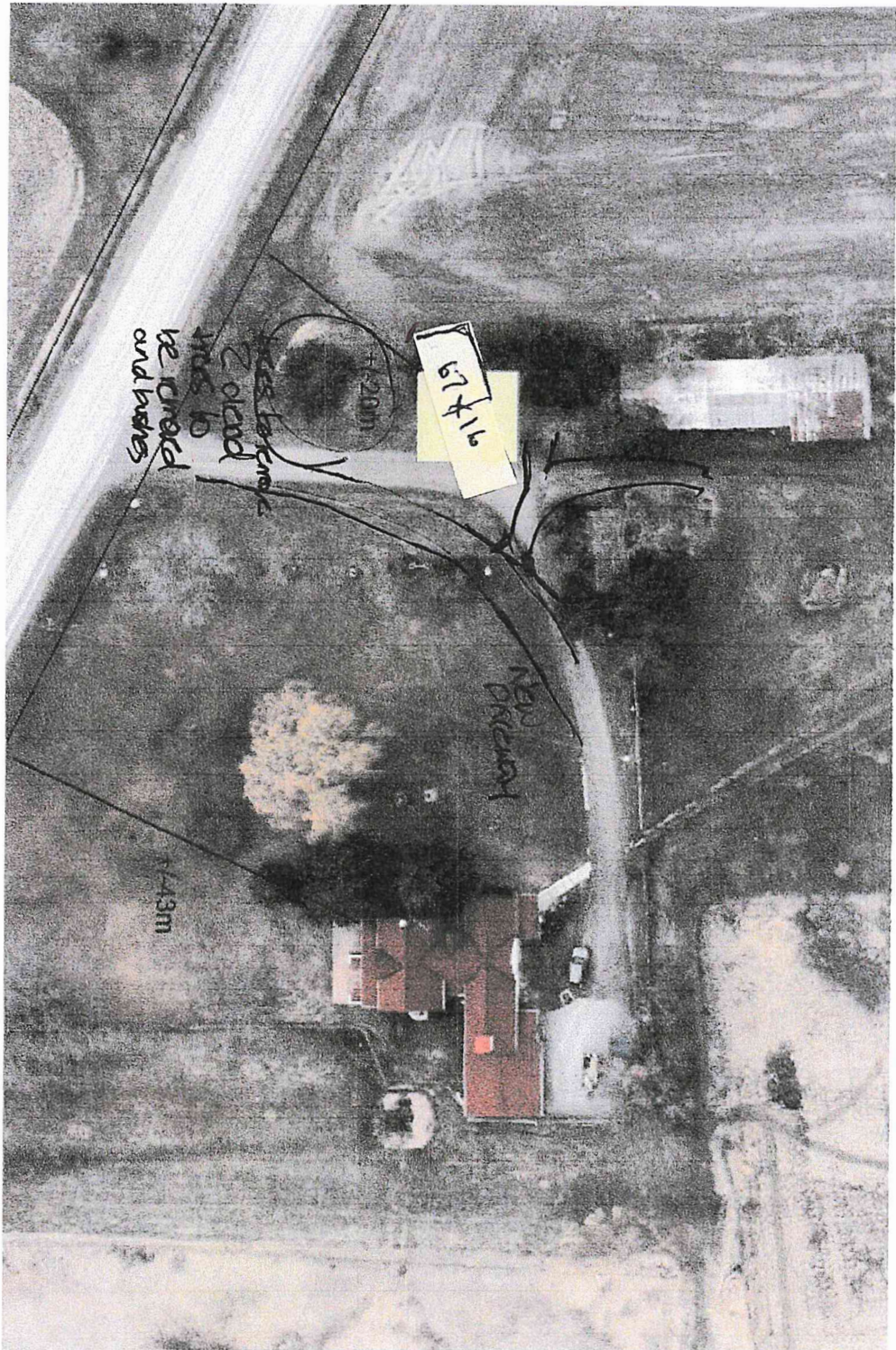
**Approved by:**



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**Bev Hendry**  
CAO





**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2021- ##**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017- 70, AS  
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 AND 39 OF THE PLANNING ACT, 1990;**

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:**

1. THAT Schedule ‘A’ Map ‘B1’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 7 Part Lot 17 and Part Lot 18, RP30R10048, PTS 2, 4 and 5. Township of West Lincoln, municipally known as 9397 Twenty Road, shown as the subject lands on Schedule ‘A’ attached hereto and forming part of this By-law.
2. THAT Map ‘B1’ to Schedule ‘A’ to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural ‘A’ zone to an Agricultural zone with a site specific temporary use number A(T-11) and an exception of a front yard setback to no less than 20 meters.
2. THAT for the purpose of this By-law a garden suite shall be defined as follows:

Garden Suite:

A one-unit detached residential structure containing bathroom and kitchen facilities, ancillary to an existing residential structure and is designed to be portable.

3. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3:

Temporary Use Provision #10	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-11	B1	A	Concession 7 Part Lot 17 and Part Lot 18, RP30R10048, PTS 2, 4 and 5.	Garden Suite	As per the parent zone. Except a front yard setback of not less than 20 metres applies.	September 27, 2021	September 27 <sup>th</sup> , 2041

4. AND THAT this By-law shall become effective from and after the date of passing hereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
27<sup>th</sup> DAY OF SEPTEMBER, 2021.**

**DAVE BYLSMA, MAYOR**

**JOANNE SCIME, CLERK**

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2021-XX**

### **Location:**

The subject lands are located on the north side of Twenty Road, situated east of Westbrook Road and West of Abingdon Road. The lands are described as Concession 7 Part Lot 17 and Part Lot 18, RP30R10048, PTS 2, 4 and 5. Township of West Lincoln, municipally known as 9397 Twenty Road

### **Purpose & Effect:**

This By-law has been enacted to permit a garden suite to facilitate common living. This By-law provides for such use for a temporary period commencing September 27, 2021 and expiring September 27<sup>th</sup> 2041, which will permit a garden suite to be located on the property for Twenty Years with a front yard setback of no less than 20 metres.

Any extension to the time limit set out in this By-law will require the passage of a further By-law by the Council for the Township of West Lincoln. Such request for an extension must be made in writing to the Township no later than 3 months prior to the expiration of this By-law.

### **Public Consultation:**

The Public Meeting was held on July 26<sup>th</sup>, 2021. The Township did not receive any oral or written comments.

File: 1601-011-21

Applicant: Anita Merritt

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2021-##**

**A BY-LAW TO AUTHORIZE A SITE PLAN AGREEMENT  
BETWEEN THE CORPORATION OF THE TOWNSHIP OF  
WEST LINCOLN AND RICHARD AND ANITA MERRITT  
FOR LANDS DESCRIBED AS CONCESSION 7, PART LOT  
17 AND PART LOT 18, RP30R10048, PTS 2, 4, AND 5, IN  
THE FORMER TOWNSHIP OF CAISTOR, NOW IN THE  
TOWNSHIP OF WEST LINCOLN.**

**WHEREAS** the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with Richard and Anita Merritt for lands described as Concession 7, Part Lot 18, RP30R10048, PTS, 2, 4 and 5 in the former Township of Caistor, now in the Township of West Lincoln.

**AND WHEREAS** approval and authority for such amending Agreement is required;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:**

1. THAT the Council of the Corporation of the Township of West Lincoln enter into a Site Plan Agreement with Richard and Anita Merritt for lands described as Concession 7, Part Lot 18, RP30R10048, PTS, 2, 4 and 5 in the former Township of Caistor, now in the Township of West Lincoln.
2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Plan Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Plan Agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto and deliver the same to the appropriate parties.
3. That a copy of the said Site Plan Agreement and any supplementary Agreements, when executed by the said parties shall be attached hereto as "Schedule A", and shall form part of this By-law, upon registration on title.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
\_\_\_\_<sup>TH</sup> DAY OF \_\_\_\_, 2021.**

\_\_\_\_\_  
**DAVE BYLSMA, MAYOR**

\_\_\_\_\_  
**JOANNE SCIME, CLERK**

**DATE:** September 13, 2021

**REPORT NO:** PD-106-2021

**SUBJECT:** Recommendation Report  
Giro Estates - Zoning By-law Amendment  
File No. 1601-010-21

**CONTACT:** Meghan Birbeck, Planner I  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- An application for rezoning was submitted by Upper Canada Consultants on behalf of the owners of the property.
- The applicants are referring to this development as 'Giro Estates'.
- The subject property is municipally known as 5482 Twenty Mile Road/ Regional Road 69.
- This application for rezoning is required as a condition within each of the four consents for lot creation severance applications (B04/2021WL, B05/2021WL, B06/2021WL, and B07/2021WL) that were conditionally approved by the Township of West Lincoln's Committee of Adjustment on May 12<sup>th</sup>, 2021 for the Giro Estates development.
- The proposed development design is depicted in the attachment.
- This rezoning application proposes to rezone 2.1 hectares of the land from Development 'D' to Residential Low Density – Type 1A 'R1A', with a site specific exception to reduce the minimum frontage for the three new lots that fronts onto Meadow Court to 6.4 metres each.
- In addition, this application proposes to rezone the remaining land zoned Development 'D' to Environmental Protection 'EP'.
- A public meeting was held via Zoom on July 26<sup>th</sup> 2021. One member of public commented during this meeting.
- The comment was in regard to the setback of a possible dwelling to their property at 2480 Meadow Court.
- Staff have reviewed the proposed zoning by-law amendment against the relevant Provincial, Regional and Local policy and can recommend approval of this application.



**RECOMMENDATION:**

1. That, report PD-106-2021, regarding “Giro Estates Zoning By-law Amendment File No. 1601-010-21”, dated Sept 13<sup>th</sup> 2021, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Zoning By-law Amendment 1601-010-21 submitted by Upper Canada Consultants and a corresponding Zoning By-law be APPROVED and passed; and
4. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- Strategic, Responsible Growth

**BACKGROUND:**

An application has been submitted by Upper Canada Consultants on behalf of the Giro Estate to request a Zoning By-law Amendment. The subject lands that the Zoning By-law Amendment applies to are legally described as Concession 6, Part of Lot 22, Reference Plan No. 30R-3739 Part 1 in the former Township Gainsborough, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Twenty Mile Road/ Regional Road 69 (see attachment 1 for a survey sketch).

This application for rezoning has been submitted as it is required as a condition within each of the four consents for lot creation severance applications (B04/2021WL, B05/2021WL, B06/2021WL, and B07/2021WL) that were conditionally approved by the Township of West Lincoln’s Committee of Adjustment on May 12th, 2021 for the Giro Estates development.

The Zoning By-law Amendment proposes to rezone 2.1 hectares of the land from Development ‘D’ to Residential Low Density – Type 1A ‘R1A’, with a site specific exception to reduce the minimum frontage for the three new lots that front onto Meadow Court to 6.4 metres. In addition, the application proposes to rezone the remaining land zoned Development ‘D’ to Environmental Protection ‘EP’.

A public meeting was held for the proposed application on July 26<sup>th</sup> 2021. One member of the public submitted both a written comment and spoke at the public meeting. This member of the public shares a property line with lot 3 of the Giro Estate and are located at 2480 Meadow Court. The comments that were provided asked that the Township consider adding a site specific provision onto the rezoning to prevent a future dwelling on lot 3 from being able to see into their rear yard.

Township staff aimed to address this comment during the properties consent application by adding into the conditions the requirement of a privacy fencing along the lot boundaries of 2480 and 2481 Meadow Court, but not extending into the floodplain. Further to this, the agent at Upper Canada Consultants put together a new map that

identifies where the dwelling on 2480 Meadow Court is located in relationship to Lot 3. The map shows that Lot 3 of the Giro Estate does not in fact look into the rear yard of 2480 Meadow Court and show a possible dwelling being located 66.87 m (219.39 ft) from the dwelling at 2480 Meadow Court.

## **CURRENT SITUATION:**

### **1. Provincial Policy Statement (PPS) (2020)**

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS.

Policy 1.1.3.1 identifies *“settlement areas shall be the focus of growth and development.”* This is expected to be done to manage and direct land use to achieve efficient and resilient development and land use patterns. Settlement areas are urban areas and rural areas, and include cities, towns, villages and hamlets.

The property in question which is proposed to be rezoned is within the Township’s St. Ann’s Hamlet and therefore one of the Province’s intended areas to increase growth, when possible.

Policy 1.1.3.2.a. identifies that the *“land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources.”* As growth is to be focused in settlement areas, including hamlets, where possible lot creation should then occur to efficiently use the land for growth. The property in question is very large in relation to the neighbouring properties and underutilized for residential use. Rezoning the property in question to permit residential lots similar to those found in the neighbourhood would then be in alignment with the PPS.

Policy 1.1.4.1.h. identifies that *“healthy, integrated and viable rural areas should be supported by conserving biodiversity and considering the ecological benefits provided by nature.”*

The applications are in accordance with this policy as the proposed rezoning will conserve the biodiversity and natural areas located on site through the application of appropriate development setbacks and the naturalization of the Provincially Significant Wetland buffer.

Section 2.1 of the PPS, natural features and areas are to be protected for the long term. These features include significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands. The subject property includes a portion of the Lower Twenty Mile Creek Provincially Significant Wetland Complex and a small portion of a Provincially Significant Woodland. Significant Wildlife Habitat associated with two snapping turtle nests was also identified through the field studies conducted by the consulting biologist. Natural features on the site will be protected for the long term through site design and the implementation of the mitigation measures recommended in the Environmental Impact Study.

*Policy 2.2.1.f.* indicates that “*Planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions.*”

In relation to this policy, sensitive surface water features are to be protected from the impacts of development. The subject property is located within a Highly Vulnerable Aquifer and is adjacent to a sensitive surface water feature. The hydrogeological study and Environmental Impact Study have demonstrated that the proposed rezoning and development will not affect these features or their hydrologic functions with the implementation of the proposed mitigation measures and recommendations.

Section 3.1 requires that development shall generally be directed to areas outside of hazardous lands adjacent to rivers and streams, which are impacted by flooding hazards. The area of the property below the 1-in-100-year flood line would meet this definition. As all proposed development, including the creation of new lot lines is proposed outside of this area; the consent applications and rezoning are consistent with Provincial Policy 3.1.

## **2. A Place to Grow – Provincial Growth Plan (P2G) (2019)**

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 2. of the Growth Plan provides policy direction related to where and how to grow throughout the Greater Golden Horseshoe (GGH). In relation to the proposed severance applications Section 2.2. (Policies for Where and How to Grow) of the P2G applies.

*Policy 2.2.1.2.b.* identifies that “*growth will be limited in settlement areas that: i. are rural settlements; ii. are not serviced by existing or planned municipal water and wastewater systems; or iii. are in the Greenbelt Area.*”

The introduction of four new residential building lots on an infill basis is considered limited residential development and therefore conforms to the policy.

*Policy 2.2.1.2.e.* identifies “*development will be generally directed away from hazardous lands.*”

The flood plain of the Twenty Mile Creek is considered hazardous lands. As no development is proposed within the flood plain therefore the consent applications conform to the policy.

*Policy 2.2.9.6* identifies “*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.*”

The four consecutive multiple lots for residential development is in alignment with this policy because while the property in question is part of Township's rural landscape it is also part of one of the Township's settlement areas.

### 3. Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the Greenbelt Plan does not apply.

### 4. Regional Policy Plan (RPP)

The Regional Official Plan (ROP) is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's Hamlets are contained within Section 4 of the ROP.

*Policy 4.H.1.1 identifies that "Hamlets are settlement areas that play an important housing, social, cultural, and economic role for the people within the hamlet community and in the surrounding Agricultural and Rural Areas. Hamlets shall provide for the range of housing, social, cultural and economic land uses within their boundaries".*

The applications will facilitate the rezoning and development of a total of five (5) residential lots. These new lots will provide additional housing supply in a Hamlet area and therefore conform to the policy.

Policy 4.H.1.3 identifies that *"Hamlets are currently serviced by sustainable on-site private services..."*

The proposed residential lots will have private septic systems and cisterns for potable water. A hydrogeological assessment was completed that verified that the proposed lot sizing is adequate for the provision of on-site private services without impact to the environment or public health and safety. The recommendations of the hydrogeological study will be implemented on each lot through the development agreement indicated in the conditions.

Policy 4.H.1.4 identifies that *"Hamlets are generally lower density communities designed to support the surrounding agricultural and rural landscape and to service the historical development that has occurred in the Hamlet Community. Hamlet design shall maintain and enhance the distinctive character of the hamlet, maintain and enhance a recognizable image for the hamlet and municipality, enhance the quality of life through appropriate design of commercial and public space areas, and promote greater economic vitality. Municipalities are encouraged to create and implement hamlet secondary plans with specific land use designations and hamlet design policies."*

The rezoning application will facilitate an infill development that is consistent with the existing character of the St. Ann's Hamlet. The proposed lots on Twenty Mile Road will appear as a continuation of the residential development along this road. The lots with frontage on Meadow Court will appear as a continuation of the development of the Meadow Court Subdivision by completing development around the cul-de-sac at the terminus of the street. The rezoning application is therefore considered to conform to the policy.

Policy 4.H.3.3 identifies that *“development in Hamlets will be permitted by plan of subdivision or by consent. Development will be encouraged in depth rather than in strips along roads...”*

The proposed rezoning and development is infilling in nature and while it is along two existing roads, it fills in an underutilized area in a pattern that is not characteristic of strip development. The consent application is therefore considered to conform to the policy.

Policy 4.H.3.4 identifies that *“proposals for development will be carefully reviewed by both the local municipality and the Region to ensure that the development is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added development will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated.”*

The rezoning application will not have a negative impact on the provisions of community services like bussing or fire, or negatively affect the roadway. The proposed development will result in one new driveway access onto Twenty Mile Road and three new driveway accesses to Meadow Court. These driveway accesses will not have any significant impact on these roadways. The rezoning application is therefore considered to conform to the policy.

Policy 4.H.3.5 identifies that *“development must be on lots having an adequate water supply and suitable for private waste disposal systems in accordance with the requirements of the Ministry of the Environment and the Medical Officer of Health. The minimum lot size for new lots in Villages and 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, a minimum of 1 acre of useable lot area for septic system purposes shall be provided.”*

As noted, the conclusion of the Hydrogeological study was in support of the rezoning application. The potable water supply for the new lots will be provided by cisterns. The rezoning application is therefore considered to conform to the policy.

Section 5 identifies that some opportunities for development, including residential, commercial, industrial, and recreation uses compatible with the rural environment are possible alongside agriculture in Hamlets. Hamlets and other small rural settlement areas offer a distinctive small town lifestyle to Niagara residents. Therefore, when new lots are created within hamlets it is important that they meet the same characteristics as the ones already in existence. Low density development is permitted on private services in all of these areas.

Policy 5.C.6.4.i. identifies that *“proposals for rural residential development must ... have a minimum lot size shall normally be about 0.4 hectares (1 acre) and the minimum frontage 46 metres (150 feet), but this is variable depending on local conditions or on special design proposals. For residential development consisting of up to three lots the*



*minimum lot size will be 1 hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long term operation. Applications for three lots or less should be accompanied by a drainage plan and should be subject to site plan approval.”*

As noted, the conclusion of the Hydrogeological study was in support of the rezoning application. The potable water supply for the new lots will be provided by cisterns. The rezoning application is therefore considered to conform to the policy

Section 7 employs environmental policies that consider a broad Healthy Landscape approach to environmental conservation and restoration.

Policies 7.A.1 identifies that *“in making decisions concerning planning, development and conservation the Region shall employ an ecosystem approach addressing: a) the interrelationships among air, land, water, plant and animal life, and human activities; b) the health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions; and c) the long term and cumulative impacts on the ecosystem.”*

Policy 7.A.2 identifies that *“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.”*

Policies 7.A.1 and 7.A.2 of the Region of Niagara Official Plan relate to Policies for a Healthy Landscape. The development proposal is consistent with these policies as it will maintain and enhance the integrity of the natural landscape. The proposed rezoning and development avoids all Significant Natural Features. All development on the subject property, including lot lines, will be setback a minimum of 30 m from the Provincially Significant Wetlands and significant wildlife habitat, and outside of the woodlot and flood plain. These features will be protected through the existing restrictive zoning, which is not proposed to be changed. The buffer of the Provincially Significant Wetland will be enhanced. While this area is currently subject to agricultural operations with ploughing right to the edge of the wetland, the area will be naturalized through regeneration.

ROP Policies contained in Section 7.A.2 pertain to Water Resources. Policy 7.A.2 states that development or site alteration shall only be permitted if it will not have negative impacts on water resources.

Policy 7.A.2.1 identifies that *“development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on: a) The quantity and quality of surface and ground water; b) The functions of ground water recharge and discharge areas, aquifers and headwaters; c) The natural hydrologic characteristics of watercourses such as base flow; d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components; e) Natural drainage systems, stream forms and shorelines; and f) Flooding or erosion.”*

The proposed rezoning and development conforms to this policy as the hydrogeological study completed by Tera-Dynamics concludes that the proposed severances will not result in negative impacts with the implementation of the measures outlined in the report being implemented through a development agreement. In addition, the Environmental Impact Study completed by LCA Environmental concludes that with the implementation of the proposed mitigation measure to naturalize the 30 m buffer of the Provincially Significant Wetland, the function and health of this feature will be improved.

The findings of the EIS completed by LCA Environmental identifies the Provincially Significant Wetland and the area surrounding the nests of snapping turtles within the wetland buffer as Environmental Protection Area. No development or site alteration are proposed within lands identified as Environmental Protection. The EIS concludes that with the implementation of the mitigation measures proposed by the EIS, development on lands adjacent to the Environmental Protection Areas will not result in significant impacts to the Environmental Protection Areas and with the proposed mitigation measures will actually enhance the function of the wetland buffer. Based on the assessment of the function of the stream corridor included in the EIS completed by LCA Environmental, it is concluded that the proposed development outside of the flood plain will not have any significant impact on the function of the Environmental Conservation Area. The proposed development can therefore be considered consistent with Regional Policy 7.B.1.10, 7.B.1.11 and 7.B.1.13 as it relates to Environmental Protection Areas and Natural Heritage Corridors.

### **5. Township of West Lincoln Official Plan (OP)**

The subject lands are designated as a Hamlet with Natural Heritage System overlay in the Township's Official Plan (OP). Section 7 of the Township Official Plan identifies that the purpose of the Township's Hamlet Settlement Areas is to provide residential and associated commercial, institutional, recreational and open space land uses within existing and established hamlet settlement areas. The OP further identifies that the predominant use of land in this category shall be single-detached dwellings.

Policy 7.2.3.e. identifies that *“new development that proposes to create multiple new lots shall be by plan of subdivision and shall be in accordance with the policies of this plan including Section 17.6. Residential development shall be low density, shall proceed in a controlled and progressive manner so that new development will be contiguous to existing development and every lot in such Plan of Subdivision shall be of an area deemed sufficient to provide an adequate supply of potable water and an adequate area for septic disposal. Infill opportunities may be supported through the Consent process where deemed appropriate and shall be subject to Section 18.13 of this plan. This shall include a minimum lot area requirement of 1.0 hectares per lot unless a hydrogeological assessment determines that a smaller lot size is adequate as outlined in 18.13.5.a.”*

The agent chose to proceed with the consent application process as opposed to a subdivision plan and has submitted a hydrogeological assessment along with their applications. The municipal and public interest with respect to private sewage and water services and lot grading and drainage can be assured through the consent and development agreement process. These processes are the appropriate means to

implement the lot grading and drainage plan and the recommendations of the hydrogeological study. The appropriate process for the development to proceed is therefore consent with an associated development agreement and therefore the applications for consent and rezoning are consistent with this policy.

Policy 7.2.3.g. identifies that *“all development within the Hamlet designation shall be supported by private waste sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln and/or the applicable Ministry.”*

The Hydrogeological Study submitted with these applications supports the proposed lot sizes so the rezoning application conform to this policy. The recommendations within the hydrogeological study will be registered on each individual property through the development agreement required in the conditions of consent.

Policy 7.2.3.h. identifies that *“lots that exist on the date of passage of Official Plan Amendment 15 (OPA #15), shall generally have a minimum frontage of 45 metres and be a minimum of 0.4 hectares in size or an alternative size as required for the adequate provision of services and protection of the environment. Existing lots which are deficient from these provisions can be recognized in the Zoning By-law.”*

A condition of the consent applications is that the applicants apply, pay, and receive a Zoning Bylaw Amendment. It will be a condition that Lots 3, 4, and 5 receive a site specific provision allowing their frontages to be less than 45 metres. Through this rezoning application the applicants are moving forward to meet the conditions of the consent applications.

Policy 7.2.3.i. identifies that *“development shall comply with Natural Heritage policies of this plan and Schedule ‘C’ (‘C-1’ to ‘C-4’). Where detailed natural heritage and natural hazard mapping is not currently available, development applications may be required to complete necessary studies and analysis prior to development approval. In addition, all development will be subject to Regulation 155/06 of the Niagara Peninsula Conservation Authority when development is within or adjacent to the lands that are subject to their regulation.”*

The Environmental Impact Study submitted with the application confirms that the development conforms to applicable natural heritage policies.

Policy 8.3.5 requires an archaeological survey of lands proposed for development that exhibit archaeological potential as well as the preservation or rescue excavation of significant archaeological resources. A Stage 1-2 Archaeological Assessment accompanied the applications for consent. A condition for the consent applications was that the applicant conduct a Stage 3 Archaeological Assessment and submit it to the Ministry of Heritage Sport, Tourism and Cultural Industries for clearance.

Section 18.13 of the Township Official Plan identifies the policies associated with land severances throughout the Township of West Lincoln.



Policy 18.13.1.a. identifies that *“development will be in accordance with the designated uses as shown on the Official Plan Land Use Maps and the provisions of the Zoning Bylaw.”*

The proposed development is permitted by the Hamlet Residential designation of the Official Plan. The subject Application for Zoning By-law Amendment requests a change in Zoning to a site-specific R1A Zone that will permit the proposed single detached dwellings and will address the proposed lot frontages that are deficient from the requirements of the R1A Zone for lots on private services. Through this rezoning application the applicants are moving forward to meet their conditions of the consent applications.

Policy 18.13.1.b. identifies *“any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.”*

Two proposed lots have frontage on Twenty Mile Road, which is a Regional Road (#69), and two proposed lots and the remnant lot have frontage on Meadow Court, which is a local road. Both roads are maintained all year and are of an adequate standard for the proposed residential use. A condition of the consent applications is for the properties that have frontages on Meadow Court to receive a site specific provision in their zoning by-law amendment as they will not meet their frontage requirements. Through this rezoning application the applicants are moving forward to meet their conditions of the consent applications.

Policy 18.13.1.c. identifies that *“no land severance shall create a traffic hazard, or have limited sight lines on curves or grades.”*

The proposed accesses do not appear to create any traffic hazards associated with sight lines or road geometry. Three of the new accesses are proposed at the terminus of a low volume local road. The one new and one existing access on Twenty Mile Road are not in an area that would cause a traffic hazard.

Policy 18.13.1.d. identifies that *“access to a Provincial Highway, a Regional road or a local road shall be in accordance with the access provisions of the appropriate road authority.”*

A condition for the consent applications is that any new accesses will be subject to entrance permits either with the Township or Region.

Policy 18.13.1.e. identifies that *“consents will not be granted when any parcel involved requires access to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades or in proximity to intersections. The geometric and safety requirements of the applicable road authority shall apply.”*

As stated above, the consents do not result in a traffic hazard.

Policy 18.13.1.f. identifies that *“consents will be granted only when it has been established that for all parcels involved, soil and drainage conditions are suitable to*

*permit the proper siting of a building, to obtain a sufficient and potable water supply where applicable and permit the installation of an adequate means of sewage disposal. Consents requiring installation of septic tank systems, or other private sewage disposal systems will meet appropriate standards of the Ontario Building Code.”*

The hydrogeological study that accompanies this application substantiates that the proposed lots have suitable soil conditions for the installation of private septic systems in accordance with Ontario Building Code requirements.

Policy 18.13.1.g. identifies that *“consents will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.”*

This policy is not applicable, as the proposed lots will not be connected to municipal services.

Policy 18.13.1.h. identifies that *“no land severance shall be permitted in any hazardous area that is subject to flooding, erosion or steep slopes except for a severance, which meets the satisfaction of the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority. This may include a requirement for an adequate setback from stable top of slope.”*

The proposed lots are not located in a hazardous area. The remnant lot contains a portion of the flood plain associated with the Twenty Mile Creek but adequate space (i.e. 0.42 ha) is available outside of the flood plain for the proposed single detached dwelling, associated amenity area and private services. No development is proposed within the flood plain.

Policy 18.13.1.i. identifies that *“no land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.”*

A condition for the consent applications is that the Public Works Department identifies that there is adequate lot grading and drainage on these lots. This will be implemented through the development agreement review process.

Policy 18.13.1.j. identifies that *“any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-law.”*

Policy 18.13.1.k. identifies that *“where a consent is granted which does not conform with the Plan or Zoning By-law, the Municipality may appeal the decision to the Ontario Municipal Board.”*

The Application for Zoning By-law Amendment has been submitted concurrently with the Applications for Consent to bring the proposed severances into conformity with the Zoning Bylaw to address Official Plan policies 18.13 j) and k).

Policy 18.13.5.a. identifies that *“the minimum lot size for lots created in a Hamlet designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department and Part 8 of the Ontario Building Code for long term operation of a waste disposal system, unless a hydrogeological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities.”*

The Hydrogeological Assessment completed by Terra-Dynamics and submitted with the applications has determined that the proposed 0.42 ha lot sizes will be adequate to accommodate private water and sewage treatment facilities.

## **6. Township of West Lincoln Zoning By-Law (ZBL)**

The property is currently zoned Development ‘D’. Severing the existing property in the way that the agent has proposed has the effect then of creating four new lots on the property. As the property is currently zoned Development ‘D’ the applicant has submitted this rezoning application as a condition of their consents so that the new lots and remnant lot will match the zoning of the area. Specifically, it is the intent of Township Staff that the lots proposed to be severed be re-zoned to Residential Low Density – Type 1A ‘R1A’.

As Policy 7.2.3 of the Township’s OP identifies that lots shall have a general frontage of 45 metres and the site drawing provided indicates that Lots 3, 4, and 5 will not be meeting this frontage requirement, Township Staff are requiring that the agent further request a Site Specific Provision that addresses the required frontage not being met. The approximate frontage for these lots are just over 6 metres each.

Specifically, the Zoning By-law Amendment proposes to rezone 2.1 hectares of the land from Development ‘D’ to Residential Low Density – Type 1A ‘R1A’, with a site specific exception to reduce the minimum frontage for the three new lots onto Meadow Court to 6.4 metres. In addition, the application proposes to rezone the remaining land zoned Development ‘D’ to Environmental Protection ‘EP’.

## **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application.

## **INTER-DEPARTMENTAL COMMENTS:**

Agencies were notified by way of e-mailed and mailed notice on Friday July 2<sup>nd</sup> 2021. Notice was also posted on the Municipality’s website and through the posting of a Yellow Sign on the subject property once the notice was sent out to the public. The Niagara Region, Township Building Department, Septic Inspector, Public Works Department, and Drainage Superintendent have no objection to the application as submitted.

## **PUBLIC COMMENTS**

Public Notice was provided via regular mail to all property owners within a 120m distance of the property lines on July 8<sup>th</sup> 2021.

A public meeting was held for the proposed application on July 26<sup>th</sup> 2021. A member of the public submitted both a written comment and spoke at the public meeting. This member of the public shares a property line with lot 3 of the Giro Estate development and is located at 2480 Meadow Court. The comments that were provided asked that the Township consider adding a site specific provision onto the rezoning to prevent a future dwelling on lot 3 from being able to see into their rear yard.

Township staff had previously aimed to address this comment during the creation of the lots by consent application by adding into the conditions the requirement of a privacy fence along the lot boundaries of 2480 and 2481 Meadow Court, but not extending into the floodplain. Further to this, the agent at Upper Canada Consultants put together a new map that identifies where the dwelling on 2480 Meadow Court is located in relationship to Lot 3. The map shows that Lot 3 of the Giro Estate does not in fact look into the rear yard of 2480 Meadow Court and shows that a new dwelling is likely to be located approximately 66.87 m (219.39 ft) from the dwelling at 2480 Meadow Court. The concerned neighbour has been shown the updated sketch and the neighbour has indicated that the updates helps to ease the worry that they initially were concerned about.

Therefore, staff advise that application should proceed as initially submitted, without any additional site specific provisions.

**CONCLUSION:**

Township staff have completed a preliminary review of this application against the applicable planning policy.

Township Staff believe that 2.1 hectares of the recently severed parcel of land will need to be rezoned from Development 'D' to Residential Low Density – Type 1A 'R1A', with a site specific exception to reduce the minimum frontage for the three new lots onto Meadow Court to 6.4 metres. In addition, the application proposes to rezone the remaining land zoned Development 'D' to Environmental Protection 'EP'.

**ATTACHMENTS:**

1. Survey Sketch
2. Comments
3. Draft By-law
4. New survey sketch showing the relationship with the dwelling on 2480 Meadow Court

**Prepared & Submitted by:**



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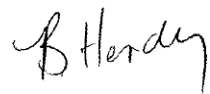
**Meghan Birbeck**  
Planner I



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**Brian Treble**  
Director of Planning & Building

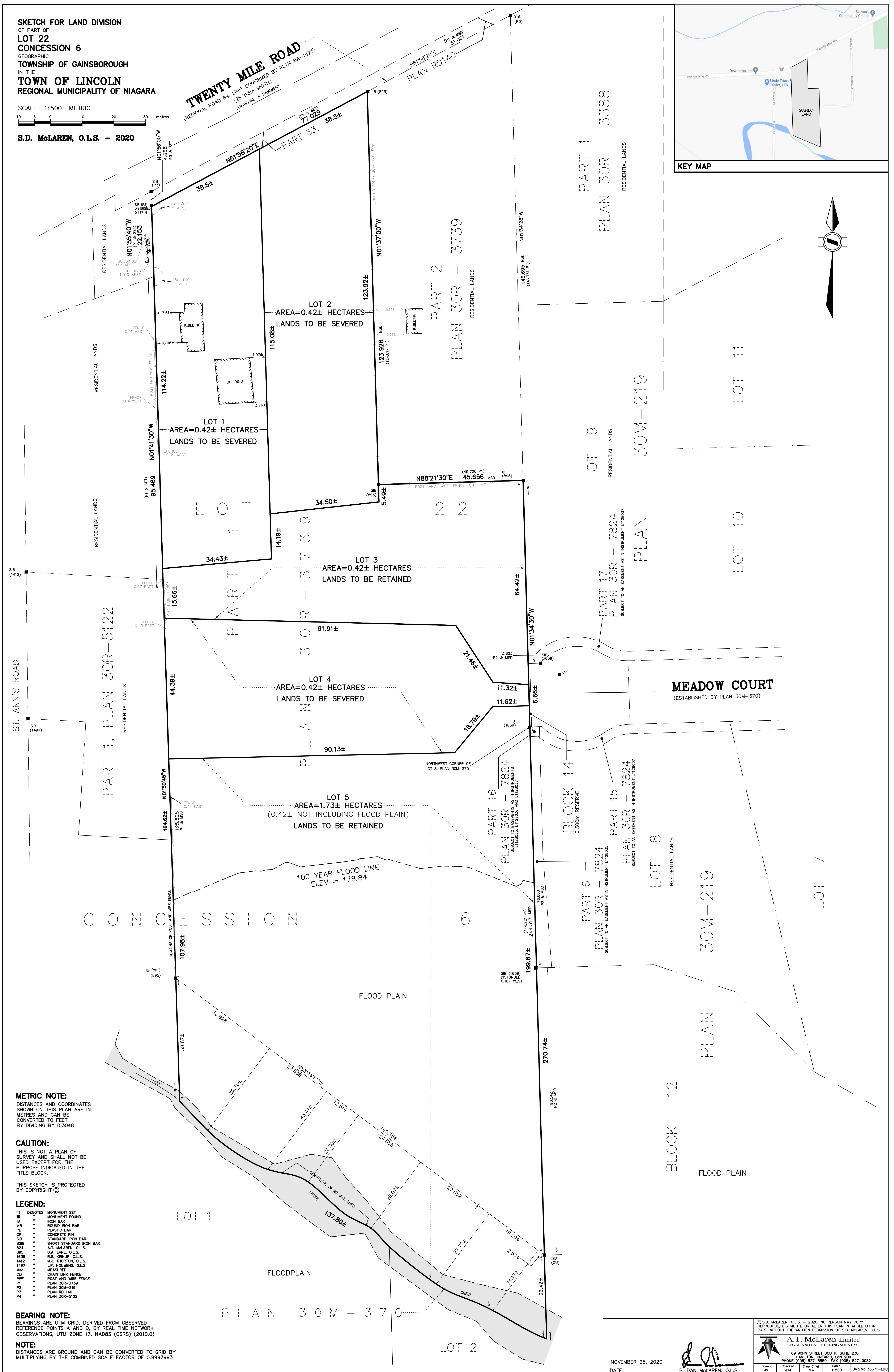
**Approved by:**



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**Bev Hendry**  
**CAO**





# Attachment No. 1 to PD-106-21

## GIRO ESTATES TOWNSHIP OF WEST LINCOLN





## Meghan Birbeck

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**From:** Lyle Killins [REDACTED]  
**Sent:** July 14, 2021 9:51 AM  
**To:** Meghan Birbeck  
**Subject:** Re: Notice of Public Meeting - Rezoning Giro Estates

Hello Meghan,  
No objection to the rezoning application as proposed.  
Documents previously submitted by the applicants indicated Part 8, Ontario Building Code requirements could be fulfilled regarding on-site sewage system requirements.  
Please contact should additional information be required.  
Regards,  
Lyle Killins C.P.H.I.(c)  
BCIN# 11112

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**From:** Meghan Birbeck <[mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)>  
**Sent:** July 8, 2021 8:30 AM  
**To:** [REDACTED]

**Subject:** Notice of Public Meeting - Rezoning Giro Estates

Good afternoon,

Attached is a Notice of Public Meeting for a Rezoning application for the Giro Estates to be held over zoom with the Township of West Lincoln's on July 26.

Please see find the Notices for the applications attached.

Best,  
Meghan

	<p><b>Meghan Birbeck</b></p> <p><b>Planner I</b></p> <p>Tel: 905-957-3346 ext. 5140 Email: <a href="mailto:mbirbeck@westlincoln.ca">mbirbeck@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a></p> <p>  </p>
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**Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** July 21, 2021 3:41 PM  
**To:** Meghan Birbeck  
**Subject:** NPCA Comments - Rezoning Giro Estates  
**Attachments:** 1. Full Package - Notice of Public Meeting - 1601-010-21 (Giro) (2).pdf

Hello Meghan,

I can confirm that the NPCA will not object to the proposed Zoning By-law Amendment as described in the attached Notice of Public Meeting. The NPCA is satisfied that the regulated features on site will remain zoned as Environmental Protection (EP).

Please note that the NPCA will still need to review and approve any development or site alteration which is proposed on the newly severed lots. I note that the Grading Plan entitled "Giro Estates St. Ann's, West Lincoln" prepared by Upper Canada Consultants and dated November 11th, 2020 is included as part of the notice of public meeting. NPCA staff note that the proposed septic system shown on Lot 5 may fall within 30 metres of a Provincially Significant Wetland (PSW). NPCA staff note that NPCA policy does not support new septic systems which are proposed within 30 metres of a PSW.

NPCA staff request that a revised Grading Plan be submitted for the NPCA's review and approval. The revised Grading Plan shall indicate that the septic system proposed on Lot 5 is located outside of the flood hazard as well as at least 30 metres from the PSW to the south.

Sincerely,

**Nikolas Wensing, B.A., MPlan**  
**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 228  
[nwensing@npca.ca](mailto:nwensing@npca.ca)  
[www.npca.ca](http://www.npca.ca)

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you

**Meghan Birbeck**

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**From:** Alderman, Aimee <Aimee.Alderman@niagararegion.ca>  
**Sent:** July 21, 2021 4:59 PM  
**To:** Meghan Birbeck  
**Cc:** Development Planning Applications; Boudens, Adam  
**Subject:** RE: Notice of Public Meeting - Rezoning Giro Estates  
**Attachments:** Regional Comments.pdf

Hi Meghan,

Regional Planning and Development Services staff has reviewed the proposed Zoning By-law Amendment for lands at 5482 Twenty Mile Road in West Lincoln. The rezoning has been submitted to fulfill a condition of the associated severance files (B04/2021WL, B05/2021WL, B06/2021WL and B07/2021WL), and proposes to rezone 2.1 hectares of land from Development (D) to Residential Low Density – Type 1A (R1) with site specific exceptions to reduce lot frontage. In addition, the application proposes to rezone the remaining land from Development (D) to Environmental Protection (EP).

Staff provided comments on the associated severance applications, on May 10, 2021 (refer to attached comments), which offered support for the lot creation subject to the satisfaction of a number of conditions, including entering into a Development Agreement, the submission of a Stage 3 Archaeological Assessment and associated acknowledgement from the Ministry of Heritage, Sport, Tourism and Culture Industries. As these conditions will satisfy most of the Regional requirements/concerns, the rezoning application was reviewed from an environmental perspective:

The Environmental Impact Study (EIS) prepared for 5482 Twenty Mile Road, WL confirmed the presence of a Provincially Significant Wetland (PSW), Critical (Type 1) Fish Habitat, Significant Wildlife Habitat (SWH), and foraging habitat for Barn Swallow (Threatened species) on the subject lands. As a result, the EIS recommended that a 30 m naturally vegetated buffer be maintained from the boundary of the mapped PSW. Regional Environmental Planning staff have reviewed Schedule 'A' of the proposed Zoning By-law Amendment (ZBA) which adequately places Regionally designated natural heritage features and their recommended buffers in an appropriately restrictive environmental zone.

Given the above information, and associated consent applications, Regional Planning and Development Staff offer no objections to the proposed rezoning from a Provincial or Regional perspective. Staff are satisfied that the proposal is consistent with the Provincial Policy Statement and conforms with the Regional Official Plan.

Should you have any questions regarding the above comments, please contact me.

Thank you,

**Aimee Alderman, MSc, MCIP, RPP**

**Senior Development Planner**

Planning and Development Services

Regional Municipality of Niagara | [www.niagararegion.ca](http://www.niagararegion.ca)

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

Phone: 905-980-6000 ext. 3352 | Toll-free: 1-800-263-7215

Email: [aimee.alderman@niagararegion.ca](mailto:aimee.alderman@niagararegion.ca)

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## Memo

**To:** Meghan Birbeck, Planner I  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** May 7, 2021  
**Re:** File B04/2021WL, B05/2021WL, B06/2021WL & B07/2021WL – Giro Estates – 5482 Twenty Mile Road

---

A review has been completed of the applications for consent for 5482 Twenty Mile Road to create four lots each at 0.42 hectares in size. The retained land will be Lot 5 and be 1.73 hectares in size. Lots 3, 4 and 5 are proposed to front the Township road, Meadow Court.

The proponent will be required to complete the road design, in consultation with Public Works staff, for improvements to the bulb of Meadow Court. The bulb will need to be widened and road dedications to the Township will be required on Lots 3, 4 and 5 to acquire the proper road allowance.

The design will meet Township standards for road design and drainage. A geotechnical report is required for the road improvement area and an illumination review is to be undertaken to confirm if a streetlight is required. The proponent will be responsible for all road design and construction costs.

The driveway entrance locations need to be shown with properly sized culverts. The driveway entrances will be paved from the road to the property line.

One tree will be required per lot.

A stormwater management plan must be submitted for review.

Finally, the Engineering submission will include the road design, grading plan, erosion & sediment control plan and a landscaping plan.

## **Via Email Only**

May 10, 2021

File No.: D.06.12.CS-21-0033  
D.06.12.CS-21-0034  
D.06.12.CS-21-0035  
D.06.12.CS-21-0036

Meghan Birbeck  
Secretary Treasurer of the Committee of Adjustment  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Ms. Birbeck:

**Re: Regional and Provincial Comments  
Proposed Consent (Severance) Applications  
Township File Nos.: B04/2021WL, B05/2021WL, B06/2021WL, B07/2021WL  
Agent: Upper Canada Consultants (Matt Kernahan)  
Address: 5482 Twenty Mile Road (Giro Estates)  
Township of West Lincoln**

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Regional Planning and Development Services staff has reviewed the information circulated for the above noted consent applications. The applications propose the creation of four (4) new rural residential lots (Lots 1-4), with one lot (Lot 5) retained for residential purposes. Lots 1-4 are proposed to be 1.04 acres (0.42 hectares) in area, and Lot 5 will be 4.3 acres (1.73 hectares) in area. The subject lands will require a future Zoning By-law Amendment, due to their current Development 'D' zoning. It is noted that a draft Zoning By-law Amendment was provided with the Planning Justification Report (dated January 15, 2021, prepared by Upper Canada Consultants); however, Regional staff note that the subject application is only proposing land severances.

A pre-consultation meeting for this proposal was held on October 15, 2020, with staff from the Region and Township, Niagara Peninsula Conservation Authority (NPCA), and the agent in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Committee in considering this application.

## **Provincial and Regional Policies**

According to the Provincial Policy Statement (PPS), the subject lands are located within the Settlement Area and are designated as Hamlet (St. Ann's) in the Regional Official Plan (ROP). Hamlets are designated in local Official Plans for further development of a low-density nature without the provision of municipal water and sewer services. Development in the Hamlet area must be on lots that have an adequate water supply and are suitable for private waste disposal systems.

The ROP requires that the minimum lot size for new lots within Hamlets shall be 1 hectare, unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment systems for long term operation. The proposed new lots (Lots 1-4) are approximately 0.42 hectares in area and, accordingly, a Hydrogeological Assessment (prepared by Terra-Dynamics Consulting Inc., dated November 4, 2020) was submitted with the consents to support the reduced lot area. This Assessment is discussed in more detail in the Hydrogeological Review section below.

Regional staff consider the creation of the new lots to be consistent with the Provincial Policy Statement and conform with the Regional Official Plan.

## **Hydrogeological Review**

Regional staff has reviewed the Hydrogeological Assessment (by Terra-Dynamics Consulting Inc., dated November 4, 2020) and offer no objections to the recommendations of the report. Staff acknowledge that the proposed lots are to use cisterns for private water supply. The proposed septic systems will require 75% nitrogen removal (denitrification system) and be located approximately as shown in Figure 7 and Appendix A of the submitted report to ensure sufficient dilution is achieved. The locations of the septic systems should be controlled through Development Agreements registered for each lot; refer to the conditions of consent outlined in the Conclusion.

## **Natural Heritage**

The subject property is impacted by the Regional Core Natural Heritage System (CNHS), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW) and Type 1 (Critical) Fish Habitat. Regional Environmental Planning staff has reviewed the Environmental Impact Study (EIS), prepared by LCA Environmental Consultants (dated October 2020) that was submitted in support of the Consent applications.

As discussed below, Regional Environmental Planning staff are satisfied that the results, proposed mitigation measures, and recommendations identified in the EIS sufficiently address Provincial and Regional environmental policies. As such, Environmental Planning staff offer no objections to the development proposal, provided

all mitigation measures identified in the EIS and further described below are implemented. Additionally, a Development Agreement is required for Lot 5 which requires the active restoration of the 30 metre (m) PSW buffer.

### **Core Natural Heritage Features (CNHF)**

The EIS confirms the presence of PSW and Type 1 Fish Habitat on the property, and states that Significant Wildlife Habitat (SWH) for Turtle Nesting Area and Habitat of Species of Special Concern is present on the property (both related to Snapping Turtle). General foraging habitat for Barn Swallow (Threatened) was also identified within the PSW.

The EIS recommends a 30 m buffer be applied to the PSW. All CNHF, including the 30 m PSW buffer, are located within the NPCA Floodplain Hazard Zone, which is the greatest development constraint on the property. The EIS also recommends that maintenance and plowing of the 30 m PSW buffer cease, which will allow for natural revegetation, improve the function of the buffer and filter overland flow to the PSW.

While staff recognize the benefit of allowing the buffer to regenerate naturally, it is recommended that a Landscape Planting Plan is prepared to include shrubs and wildflowers, and potentially trees. The purpose of the planting plan is to provide immediate protection for the natural heritage features, rather than allowing the buffer to regenerate slowly. The goal of the planting plan is to create a naturalized buffer area that is not maintained by future landowners.

### **Mitigation Measures**

Staff note that the following mitigation measures were recommended in the EIS:

1. During development of the site plan for Lot 5, the perimeter of the 30 m PSW buffer should be clearly delineated and all building footprints and septic systems shall be located outside of the buffer and floodplain hazard zone.
2. Throughout the duration of the construction phase, sediment and erosion control fencing should be installed and properly maintained along the boundary of the PSW buffer.

### **Summary**

Regional Environmental Planning staff are satisfied that the EIS demonstrates that the development can be accommodated without negative impact to the natural heritage features. Regional staff require that a Landscape Planting Plan for the 30 m PSW buffer on Lot 5, as well as a Sediment and Erosion Control Plan, be prepared in accordance with the future Development Agreement on the lot.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should continue to be consulted with respect to their comments and permit requirements pursuant to Ontario Regulation 155/06.



## **Archaeological Potential**

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP 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.

The subject lands exhibit potential for the discovery of archaeological resources due to proximity to the Welland River and a number of registered archaeological sites. A Stage 1 & 2 Archaeological Assessment (prepared by Earthworks Archaeological Services Inc., dated October 26, 2020) was submitted with the consents. The Assessment identified three locations of cultural heritage value and interest, and recommends a Stage 3 site-specific assessment of these locations. As a condition of consent, Regional staff will require that the Stage 3 Archaeological Assessment (and any other required assessments) be completed for the subject lands, to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

Regional staff will also require the submission of an acknowledgement letter from the MHSTCI to confirm that the Archaeological Assessments align with Provincial guidelines and protocols. A condition requiring the submission of the acknowledgement letters has been included in the Conclusion.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff also recommends the inclusion of a standard warning clause in the development agreement for each lot, relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

## **Regional Permit Requirements**

Region staff acknowledge that a new residential lot is proposed along the frontage of Regional Road 69 (Twenty Mile Road). This proposed lot requires the construction of a new access. Please be advised that prior to any construction taking place within the Regional road allowance, the applicant is required to obtain the necessary Regional Construction Encroachment and Entrance permits from Niagara Region's Transportation Services Division, Public Works Department. Construction specifications and design requirements will be addressed through the Regional Permit process. Regional Road Permit applications can be made online through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposed residential lots are eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are met:

- Recycling: No limit blue/grey boxes collected weekly;
- Organics: No limit green bins collected weekly; and,
- Garbage: Two (2) garbage bags/cans collected every-other-week.

## **Conclusion**

Regional Planning and Development Services staff is not opposed to the subject consent applications, as provided, subject to the satisfaction of any local requirements and conditional on:

1. That the applicant enter into a Development Agreement for each lot (Lots 1 to 5, inclusive), to be registered on title which requires the following:
  - a. That the recommendations of the Hydrogeological Assessment (prepared by Terra-Dynamics Consulting Inc., dated November 4, 2020) be implemented for all lots.
2. That the Development Agreement require the following for Lot 5:
  - a. That a Landscape Planting Plan be prepared for the 30 metre Provincially Significant Wetland buffer, to the satisfaction of the Niagara Region, prior to any site alteration.
  - b. That a Sediment and Erosion Plan be prepared illustrating that sediment and erosion control and limit of development fencing to be installed between the proposed development and site alteration and the adjacent natural heritage features, to the satisfaction of the Region, prior to any site alteration.
3. That the applicant submit a Stage 3 Archaeological Assessment (and any required subsequent archaeological assessments), prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and receive an acknowledgement letter from MHSTCI (copied to Niagara Region) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry through Niagara Region confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
4. That the applicant receive acceptance from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for the Stage 1 & 2 Archaeological

Assessment (prepared by Earthworks Archaeological Services Inc., dated October 26, 2020).

If you have any questions or wish to discuss these comments, please contact the undersigned at [aimee.alderman@niagararegion.ca](mailto:aimee.alderman@niagararegion.ca), or Lola Emberson, MCIP, RPP, Senior Development Planner, at [lola.emberson@niagararegion.ca](mailto:lola.emberson@niagararegion.ca).

Please send notice of the Committee's decision on these applications.

Best regards,

A handwritten signature in black ink, appearing to read 'Aimee Alderman', with a stylized, flowing script.

Aimee Alderman, MCIP, RPP  
Development Planner

cc: Mr. R. Alguire, C.E.T., Development Approvals Technician, Niagara Region  
Mr. P. Lambert, P.Eng., Director, Niagara Region  
Ms. L. Karlewicz, Planning Ecologist, Niagara Region  
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region

**Meghan Birbeck**

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**From:** Nikolas Wensing <nwensing@npca.ca>  
**Sent:** May 10, 2021 10:19 AM  
**To:** Meghan Birbeck  
**Subject:** Re: Notice of Hearing - B04, B05, B06, B072021WL - Giro Estates - Extra COA Hearing for May 12

Hello Meghan,

No problem! Thank you for confirming this for me, I appreciate it.

The NPCA will have no objections to the proposed severances, as the proposed lot lines will not bisect any NPCA regulated features, hazards, or other NPCA regulated areas.

However, I note the presence of numerous NPCA regulated features and hazards on the subject property. While the NPCA will not object to the proposed severances, we would like to request that any future applications, proposed development and/or site alteration on the subject property be circulated to the NPCA for review and approval. I note the presence of regulated Watercourses, Provincially Significant Wetlands, and a Flood Hazard on the subject property.

Regarding the Watercourses on the property, please note that development or site alteration within 15 metres of a watercourse requires a work permit from the NPCA, and possibly studies to be provided to the NPCA depending on the scope, nature and location of what is being proposed.

Regarding the Wetlands on the property, please note that the NPCA cannot support development within a Wetland. In addition, please note that development is generally not permitted within 30 metres of a Wetland, and that limited development may be permitted in accordance with NPCA policies.

Regarding the Flood Hazard on the property, please note that the NPCA generally does not support development or site alteration within a Flood Hazard. Floodplain mapping may be required to be generated (at the landowner's expense), and submitted to the NPCA for review and approval should any new development or site alterations be proposed within the flood hazard. This would be to ensure no new development or site alterations that could have a negative impact to the floodplain are located within the flood hazard.

Sincerely,

**Nikolas Wensing, B.A., MPlan**

**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2

905-788-3135, ext. 228

[nwensing@npca.ca](mailto:nwensing@npca.ca)

[www.npca.ca](http://www.npca.ca)

**Meghan Birbeck**

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**From:** Gordon, Carrie <carrie.gordon@bell.ca>  
**Sent:** May 5, 2021 11:09 AM  
**To:** Meghan Birbeck  
**Subject:** RE: Notice of Hearing - B04, B05, B06, B072021WL - Giro Estates - Extra COA Hearing for May 12 - 905-21-192

Hi Meghan,

Re: Severance application B04, B05, B06, B072021WL

Subsequent to review of the abovementioned severance application at Giro Estates, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

If you have any questions regarding this response, please do not hesitate to contact me.

Kind regards,

*Carrie Gordon*



Associate, External Liaison  
Right of Way Control Centre  
140 Bayfield St, Fl 2  
Barrie ON, L4M 3B1  
T: 705-722-2244/844-857-7942  
F :705-726-4600

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**From:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Sent:** Wednesday, April 28, 2021 6:34 PM  
**To:** Meghan Birbeck <mbirbeck@westlincoln.ca>  
**Subject:** [EXT]Notice of Hearing - B04, B05, B06, B072021WL - Giro Estates - Extra COA Hearing for May 12

Good afternoon,

Please find attached the above mentioned Notice of Hearing for the Consent application for **Giro Estates:**

- **B04/2021WL - Giro Estates**
- **B05/2021WL - Giro Estates.**
- **B06/2021WL - Giro Estates.**
- **B07/2021WL - Giro Estates.**

If you have any new comments regarding this application I would appreciate if I could get them to me by Monday, May 12th, 2021.

If you have any questions, please contact myself at 905-957-5140 or by email at [mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)

Sincerely,  
Meghan Birbeck

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**BUILDING DEPARTMENT  
MEMO**

**DATE:** MAY 7, 2021

**TO:** Planning Department (Committee of Adjustment)  
Meghan Birbeck - Secretary Treasurer

**FROM:** Lyle Killins, Septic Inspector

**SUBJECT:** File(s) B04/2021WL, B05/2021WL, B06/2021WL & B07/2021WL  
Giro Estates - 5482 Twenty Mile Road

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Dear Ms. Birbeck,

Please be advised the submitted application, pertinent files and supporting documentation have been reviewed relating to this file.

The scoped hydrogeological study relating to the proposed residential development of four (4) newly created lots at 5482 Twenty Mile Road has been received and reviewed relating to on-site sewage system disposal. The report prepared by Mr. Jayme Campbell of Terra Dynamics Consulting Inc., was provided for review. Upon review of the submitted report, the following is provided relating to Part 8 (Sewage Systems), Ontario Building Code:

1. Cistern water supply provided;
2. Design to include treatment tank (septic) level IV treatment unit;
3. Treatment unit to be equipped with approved N-I nitrate reduction capability;
4. Installation of type A disposal area;
5. Each sewage disposal bed and down gradient area be equal to 500 sq. m. or greater.

In conclusion with regards to implementation of the preceding, it would appear that the applications and data submitted would be satisfactory to allow for compliance with Part 8 (Sewage Systems) Ontario Building Code for the creation of the four proposed lots. The four sewage system locations as proposed appear to fulfill the intent of the minimum separation distances as specified within Table 8.2.1.6 A&B, Ontario Building Code.

Further information is required for the existing Class 4 sewage system servicing the premise at 5482 to determine that it is wholly located within the newly created 5482 lot boundaries.

Thus, it is requested that the Committee consider the following as a Condition of Severance: confirmation from a qualified engineer, licensed sewage system designer and/or contractor be provided indicating that the current sewage system servicing the newly created 5482 lot is wholly located within the lot boundaries to the satisfaction of the Township of West Lincoln Building Department.

Please note the preceding is meant to address these severance application proposals only. As with these applications all future building applications must adhere to current Ontario Building Code requirements and pertinent regulation and/or by-laws pertaining thereto.

We trust the preceding serves as required; however, should additional information be required please contact this office at 905-957-3346.

Yours truly,

A handwritten signature in black ink, appearing to read 'Lyle Killins', is written above the typed name.

Lyle Killins C.P.H.I.(c)  
BCIN # 11112  
/jk



To the Township of West Lincoln:

We are writing to you today in regard to the Application for Consent for the following file number:



We have a few concerns that we would like to bring forward with regards to the properties being developed for residential use.

Our main issue is drainage. We live in an older home that has natural drainage and therefore we do not have sub pumps. We are concerned that with new development properties that will be lining the rear of our property, this could lead to water leakage and lot drainage problems. There is currently a natural swale drainage lining the rear of our property going down to the creek, and we want to ensure this will remain. We want to confirm that these properties will not be built up to compromise the drainage.

Our second concern we have was road frontage to property. Can you confirm if there is a by-law stating if each property requires a certain amount of road frontage to property?

Lastly, we were concerned about house sizes. Cosmetically, we are hoping that the houses being built will align in size and fit in with the existing houses in the subdivision.

Thank-you for taking the time to review our concerns.

Sincerely,  
Jonathan and Robin Jorritsma

May 1, 2021

Meghan Birbeck  
Secretary Treasurer of the Committee of Adjustment  
Township of West Lincoln  
318 Canborough St.  
Smithville, ON  
[REDACTED]  
[mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)

Alf Connell  
[REDACTED]  
St. Anns, ON  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Meghan:

I received the Notice of Public Hearing you sent me a few days ago. Your attached site plan sketch of the proposed severance to my neighbour's property was barely legible and contained some terminology not familiar to me. Nevertheless, it's what comes after the severance procedure that concerns me, and I would like to share that with you.

There are four areas of concern:

1. Surface and sub-surface drainage, including septic bed location for any future buildings.
2. Size and type of buildings that might be constructed.
3. Traffic access if pertaining to Meadow Court.
4. Potential need for a privacy wall on the west side of my property, southern section (dependant on item 2 above).

What concerns me the most is item 1. If there are buildings planned for the severed or retained lots indicated on the sketch, then there must be adequate and effective drainage away from my property. Such drainage on these lots must have an engineered solution, possibly requiring separate ditches or channels that would take the discharge south to 20-mile Creek.

The reason for this statement? Already, my basement sump-pump runs constantly during Springtime and other times of the year. Winter-melt is responsible for the early seasonal spike, but high-water tables from rainfall can occur at other times, causing my sump pump to operate constantly. Specifically, in one instance, rainwater flowed like a small stream onto my property from my neighbour's backyard to the west (Plan 30R – 3739) and I was forced to paddle the rising pool into the ditch nearby. There is a mound directly south of that property that likely contributed to the channeling of water onto my property. The lay of the land to the west of my house is poorly graded and over the years I came to realize that this might have been done to provide adequate slope for my neighbour's septic bed discharges and groundwater.

I feel that my present system is maxed-out and further discharges might seriously challenge the systems capability to cope.

Generally, the information sent to me is too meagre to assess these issues, and I am left wondering what the impact this proposal might have.

My 2nd concern involves the type, size and location of buildings envisaged for these lots. What will be the location of any septic tile beds? Are multi-occupancy buildings being considered for these lots? If so, how might it affect property values?

My 3rd concern is that traffic access is being planned for Meadow Court in this proposal. Any increased flow and noise would decrease my quiet occupancy, especially if multi-residence units are constructed. When planning my house location in 1998, it was mentioned to me by the City that any development would not be considered due to road safety reasons and unsafe access onto Hwy # 69. Has the situation changed and is additional traffic flow now being considered along Meadow Court?

My 4th concern involves the proximity of future buildings close to my property as regards privacy (or lack of). I would not normally want a barrier wall, but too close is too much. Distance may solve the perceived problem.

I would certainly like to attend the virtual meeting on May 12<sup>th</sup> and, because of my hearing impairment, would like my son-in-law to attend also as my second pair of ears.

Please call me if information is available that addresses the above concerns, and I will gladly pick up the information from you. My number is at the top of this letter.

Yours sincerely:

Alf Connell

May 11, 2021

Meghan Birbeck  
Secretary Treasurer of the Committee of Adjustment  
Township of West Lincoln  
318 Canborough St.  
Smithville, ON  
LOR 2A0  
[mbirbeck@westlincoln.ca](mailto:mbirbeck@westlincoln.ca)



Dear Meghan:

Thank you for the information sent to me yesterday. It provided information that lessened some of my concerns. My follow-up e-mail to you on May 2<sup>nd</sup> regarding drainage was not included in the package but is still relevant - hopefully it will not be dismissed lightly for the following reason:

My neighbour's letter (redacted but assumed to be 5472 Twenty Mile Road) states a 'natural swale going down to the creek'. In reality, their backyard drainage water empties predominantly onto my property to the east. The mound and lay-of-the-land (mentioned in my earlier letter) mostly restricts flow from going south from their property at this point. The grading plan for my property was supposed to send water further eastward (north of my house) toward properties #2490 and # 2484 Meadow Court, and **only then**, go southward toward the creek. This can be seen from the original survey/grading plans.

All I am saying is that grading on my property barely covers present drainages but may not cover future loads. Terra-Dynamics may not be aware of the situation and hence their assessment that site drainage is suitable. (Ref agenda pages 44 & 45). In my mind, until the exact location, building size and septic beds for Lots 2 and 3 are fully known, will I be fully comfortable regarding drainage. Perhaps, it will become clearer at the meeting tomorrow.

As mentioned previously, I will make myself available for a site visit to verify any statements I make, either prior to our Zoom meeting or later. Masking and distancing will be respected. Please don't let this 'fall through the cracks'...oversights do happen.

My concern about increased traffic is no longer valid. Also, as any proposed buildings will be single/detached houses (presumably 2 levels max. above ground), this too will not be contested, only their proximity to my home and drainage effects are of concern. A shortened barrier will also be considered depending on the proximity of future buildings and the view; which should lessen developer costs.

Yours sincerely:

A black rectangular redaction box covering the signature of the sender.

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

**BY-LAW NO. 2021- XX**

**A BY-LAW TO AMEND ZONING BY-LAW NO. 2017- 70, AS  
AMENDED, OF THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE PLANNING ACT, 1990;**

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY enacts as follows:**

1. THAT Schedule 'A' Map 'C7' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 6, Part Lot 22, Reference Plan No. 30R-3739 Part 1 in the former Township Gainsborough, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Regional Road 69, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'C7' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the north 0.84 hectares of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Development 'D' zone to a Residential Low Density – Type 1A 'R1A' zone.
3. THAT Map 'C7' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the centre 1.26 hectares of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Development 'D' zone to a Residential Low Density – Type 1A 'R1A-###' zone with a site specific exception.
4. THAT Map 'C7' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the remaining portion of land of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Development 'D' zone to an Environmental 'EP' zone.
5. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:

R1A-###

Permitted Uses:  
As per the parent zone.

Regulations:  
As per the parent zone, except: a minimum frontage of 6.4 metres.
6. THAT all other provisions of By-law 2017-70 continue to apply.
7. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
# DAY OF \_\_\_\_, 2021.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**

**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2021-XX**

**Location:**

This By-law involves a parcel of land located on the south side of Regional Road 69, legally known as Concession 6, Part of Lot 22, Reference Plan No. 30R-3739 Part 1 in the former Township Gainsborough, Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5482 Regional Road 69.

**Purpose & Effect:**

8. The subject lands were zoned Development ‘D’. The rezoning for the subject parcel proposes to rezone the north 0.84 hectares of the subject lands to a Residential Low Density – Type 1A ‘R1A’ zone, the centre 1.26 hectares of the subject lands to a Residential Low Density – Type 1A ‘R1A-###’ zone with a site specific exception that recognizes a minimum frontage of 6.4 metres, and the remaining portion of land of the subject lands to an Environmental ‘EP’ zone.

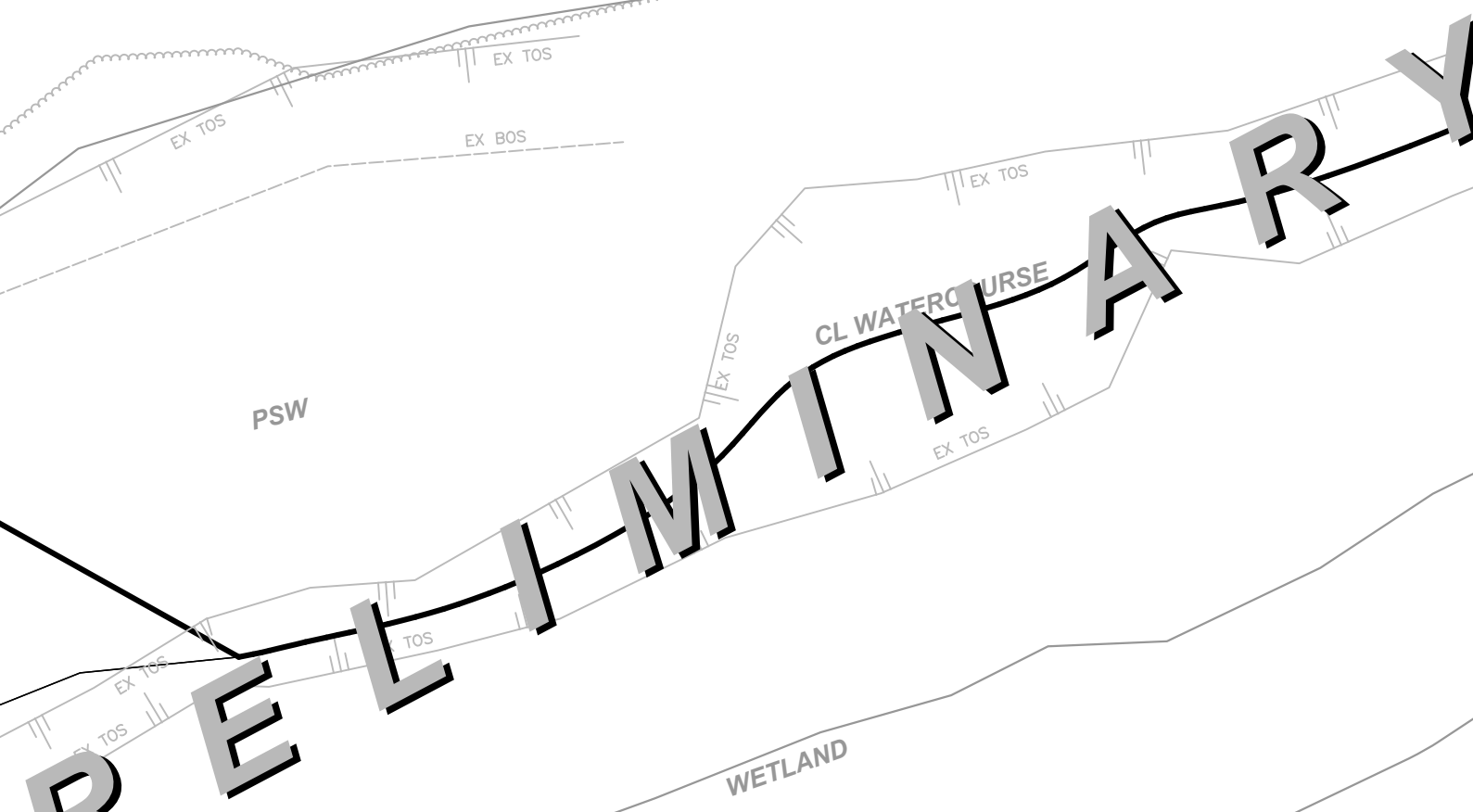
**Public Consultation:**



The Public Meeting was held on Monday July 26<sup>th</sup> 2021. The Township received written comments from # neighbour regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-010-21

Applicants: Giro Estates

DRAFT



				<b>NOTES:</b> 1. THE POSITION OF POLE LINES, CONDUITS, WATERMAINS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HANDOFF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM. 2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD, TO VERIFY THE ACCURACY OF THESE PROPERTY LINES. A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION. 3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.		DRAFTING KA/TA DESIGN J.S CHECKED BY J.S APPROVED BY J.S		 <b>West Lincoln</b> Your Future Naturally  <b>UPPER CANADA CONSULTANTS</b> ENGINEERS / PLANNERS		OWNER  <b>BRUNO AND ANTIONETTA GIRO</b> 5482 REGIONAL ROAD 69, ST-ANNS', ON		<b>GIRO ESTATES</b> <b>ST. ANNS, WEST LINCOLN</b>  <b>PRELIMINARY SITE PLAN</b>		CONSULTANT FILE No. 2052 DATE 2021-08-10 PRINTED 2021-08-10 SCALE 1:500 m REF No. DWG No. <b>2052-PRESP</b> REV 0	
0 ISSUED FOR DISCUSSION 2021-08-10 TA # REVISION DATE INIT															



**DATE:** September 13, 2021

**REPORT NO:** PD-108-2021

**SUBJECT:** Recommendation Report - Approval of a new by-law: Non-Parking Administrative Penalty By-law

**CONTACT:** Brian Treble, Director of Planning & Building  
Tiana Dominick, By-law Enforcement Officer

**OVERVIEW:**

- **Currently, the Township of West Lincoln uses Provincial Offences Court for the judicial process of non-compliance with our municipal by-laws. This process can take months to years, and is completed through utilizing our Township legal counsel, and issuing a Part III Notice; ultimately summoning the defendant.**
- **The Administrative Monetary Penalty System, also known as “AMPS,” is legislated under the Municipal Act, 2001, and is used for the Parking By-law 89-2000. AMPS is a faster, more flexible process for payment, appeal, and collection of penalties as it completely avoids the court setting, and has been proven to be a more effective method of enforcement.**
- **Many surrounding municipalities are transferring their prosecution method for all municipal by-laws from Provincial Offences Court to the Administrative Monetary Penalty System in order to streamline the process, and to establish a more customer service focused approach while also holding defendants accountable by issuing a monetary penalty notice immediately upon identifying the violation.**

**RECOMMENDATION:**

1. That, Report PD-108-2021, regarding “Recommendation Report - Approval of a new Non-Parking Administrative Monetary Penalty By-law”, dated September 13<sup>th</sup>, 2021, be RECEIVED; and,
2. That, a by-law be adopted at Council with multiple short form schedules in the form found at attachment 1 to this report including Clean Yards, Site Alteration, Boulevard, Swimming Pool, Sign, with potentially more amendments in the near future.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #2 and 3**

- **Support for Business and Employment Opportunities for residents**
- **Strategic, Responsible Growth**

## **BACKGROUND AND CURRENT SITUATION:**

Currently, the Township of West Lincoln only uses AMPS for parking enforcement. Other by-laws such as Clean Yards, Property Standards, and Site Alteration are prosecuted through the Provincial Offences Court process with the assistance of Township legal counsel.

The Administrative Monetary Penalty System (AMPS) is a faster, more flexible process for payment, appeal, and collection of penalties. AMPS can replace the judicial appeal process, avoiding the Provincial Offences court process which can take months to years. In Ontario, the use of municipal AMPS is legislated under the Municipal Act, 2001. This measure was introduced to assist the over-burdened courts by streamlining the process and allowing municipalities to handle their by-law infractions internally.

With AMPS replacing our current judicial process for laying Provincial Offence charges, valuable court time will be freed up and utilized by the courts for more serious matters. Presently, with COVID-19 enforcement, it is even more likely that the Provincial court system will reveal long waiting times for alternate municipal matters as they navigate through new legislation with no precedents, brought on by the coronavirus pandemic. The AMPS process can also provide the public with greater flexibility as to where, when and how they can interact with our Township in resolving their violations and penalty notices, creating a more streamlined, customer-focused service approach.

The penalty notice (similar format to a parking ticket) is issued to the registered owners on the tax roll. The reason for this is that all property owners are responsible for what occurs on their property. If only one person receives a penalty notice, a reasonable defense is that the other owner was responsible. The ticket may be served via. in person, through regular mail or registered mail to the individual's last known address, by facsimile (fax) to the individual's last known transmission number, by email to the individual's last known email address, or on a vehicle (if parking enforcement related). The recipient of the penalty notice has two options: to either voluntarily pay the fine, or to proceed with a screening with a Screening Officer.

After 15-days post issuance, a late fee and letter is then sent out. There will then be 30 days to pay in full at that point. This is the same process as parking tickets. If still not paid, then the penalty can be added to the municipal tax roll and is collected in this matter. These penalties are also considered a priority lien, meaning if the property sells, the municipality will be paid for the taxes and these penalties.

## **FINANCIAL IMPLICATIONS:**

Schedule "A" of the said by-law institute an administrative monetary penalty, which would likely cover the administration of the by-law. Furthermore, defendants are subject

to late fees, hearing fees, and screening fees. There will be a small fee to have additional ticket books printed for the enforcement of the by-law. Staff have sourced a supplier who can customize 50 perforated, carbonless ticket books for the price of \$219.00 + HST.

**INTER-DEPARTMENTAL COMMENTS:**

Township Planning and By-law Enforcement staff have had discussions about this report, as well as staff from the Clerk's Department, Public Works Department and Township legal counsel.

**CONCLUSION:**

Ultimately, staff recommend that a Non-Parking Administrative Monetary Penalty By-law (AMPS) be enacted to transfer the prosecution of enforcement from Provincial Offences Court to AMPS, an internal process which creates a more streamlined, customer service approach- while also holding defendants accountable through the issuance of a penalty notice.

**ATTACHMENTS:**

1. Draft By-law - Non-Parking Administrative Monetary Penalty By-law (AMPS) and corresponding Schedules
2. Draft of the proposed Penalty Notice format

**Prepared & Submitted by:**



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**Tiana Dominick**  
**By-law Enforcement Officer**



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**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



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**Bev Hendry**  
**CAO**

## THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

### BY-LAW NO. 2021-XXX

#### A BY-LAW TO ESTABLISH A SYSTEM OF ADMINISTRATIVE PENALTIES FOR NON-PARKING OFFENCES WITHIN THE TOWNSHIP OF WEST LINCOLN

**Whereas** sections 8, 9 and 11 of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended* (the “Municipal Act”) authorizes the Township of West Lincoln to pass by-laws necessary and desirable for municipal purposes;

**And Whereas** section 434.1(1) of the Municipal Act provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

**And Whereas** section 434.1(2) of the Municipal Act provides that the purpose of a system of administrative penalties established under this section shall be to assist the municipality in promoting compliance with its by-laws;

**And Whereas** Section 15.4.1 of the *Building Code Act, 1992* as amended, authorizes a municipality to pass a by-law that may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Building Code Act, 1992, as amended, or an order of an officer authorized under 15.2(2) or 15.3, 2017, c.34, Sched. 2, s.10 of the Building Code Act, 1992, as amended; and

**And Whereas** the Township of West Lincoln considers it desirable to enforce and seek compliance with designated by-laws or portions thereof through an administrative monetary penalty system.

**Now therefore** the Municipal Council of the Corporation of the Township of West Lincoln enacts as follows:

#### **1.0 SHORT TITLE AND SCOPE**

- 1.1 The Short Title of this by-law is the “Administrative (Non-Parking) Penalty By-Law.”
- 1.2 This By-law applies to all Designated By-laws.
- 1.3 The *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended continues to apply to Designated By-laws.
- 1.4 In carrying out their duties under this By-law, Screening Officers and Hearing Officers do not have jurisdiction to consider any question relating to the validity of a statute, regulation or by-law, including but not limited to constitutional questions.

#### **2.0 DEFINITIONS**

- 2.1 The following terms are defined for the purposes of this by-law:
- 2.2 **“Administrative Fee”** means any fee specified in this by-law listed in Schedule “F” of this by-law;
- 2.3 **“Administrative Penalty”** means a monetary penalty as set out in the Schedules “A” to “E” to this by-law and approved by Council for a contravention of a Designated By-law;
- 2.4 **“By-law”** means this by-law and any Schedule attached hereto as they may from time to time be amended;
- 2.5 **“Township”** means The Corporation of the Township of West Lincoln;
- 2.6 **“Clerk”** means the municipal Clerk of the Township;
- 2.7 **“Council”** means the elected Council of the Township;
- 2.8 **“Designated By-law”** means a by-law, or provision of a by-law that is designated under this or any other by-law, as a by-law or provision of a by-law to which this By-law applies and is listed in Schedule “A” to “S” attached to this By-law;
- 2.9 **“Director”** means the Director of Planning or his or her designate;
- 2.10 **“Hearing Officer”** means the Hearing Officer appointed by Council from time to time pursuant to the Screening and Hearing Officer By-law and as may be amended or replaced;
- 2.11 **“Officer”** means each of:
- i. the Director;
  - ii. a Municipal Law Enforcement Officer appointed by or under the authority of a Township by-law to enforce a Designated By-law;
  - iii. a police officer;
  - iv. a licensed agent of the Niagara SPCA appointed by or under the authority of a Township by-law to enforce a Designated By-law.
- 2.12 **“Penalty Notice”** means a notice given to a Person pursuant this by-law;
- 2.13 **“Penalty Notice Date”** means the date specified on the Penalty Notice;
- 2.14 **“Penalty Notice Number”** means the number specified on the Penalty Notice;
- 2.15 **“Person”** includes an individual partnership, association, firm or corporation.

**2.16 “Request for Screening Form”** means the request form that must be filed by a Person under this By-law to request a screening;

**2.17 “Request for a Hearing Form”** means the request form that must be filled out by a Person under this By-law to request a hearing;

**2.18 “Screening Decision”** means a decision made by a Screening Officer;

**2.19 “Screening Officer”** means a person who performs the functions of a Screening Officer in accordance with this By-law;

### **3.0 DESIGNATED BY-LAWS**

**3.1** Township by-laws, or portions thereof, that are listed in schedule “A” to “S” of this By-law shall be and are hereby designated as Designated By-laws.

**3.2** The provisions of the By-law may apply to any contravention of a Designated By-law as set out in the attached Schedules.

### **4.0 PENALTY NOTICE**

**4.1** Every Person who contravenes a provision of a Designated By-law shall be liable, upon the issuance of a Penalty Notice, to pay to the Township an Administrative Penalty in the amount specified in Schedule “A” to “T” of this By-law.

**4.2** An Officer who has reason to believe that a Person has contravened any provision of a Designated By-law may issue a Penalty Notice to the Person.

**4.3** The Director may, before 4:00 pm of the tenth (10<sup>th</sup>) day after a Penalty Notice Date, cancel an Administrative Penalty.

**4.4** A Penalty Notice shall include the following information:

- a) the date of the contravention;
- b) the date of the issuance of the Penalty Notice;
- c) the location of the contravention;
- d) name of Person to whom the notice is issued;
- e) Penalty Notice Number;
- f) particulars of the contravention;
- g) the amount of the Administrative Penalty;

- h) such information as the Director determines is appropriate respecting the process by which the Person may exercise the right to request a review of the Administrative Penalty;
- i) a statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt of the Person to the City; and
- j) signature of the Officer.

## **5.0 REVIEW BY SCREENING OFFICER.**

**5.1** A person who is given a Penalty Notice shall:

- a) pay the Administrative Penalty within 15 days; or
- b) request that the Administrative Penalty be reviewed by a Screening Officer.

**5.2** A Person's right to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 4:00 p.m. on the fifteenth (15<sup>th</sup>) day after the Penalty Notice Date.

**5.3** A Person's right to request an extension of the time to request a review expires if it has not been exercised in the manner prescribed in Subsection 5.4 before 4:00 p.m. on the Thirtieth (30<sup>th</sup>) day after the Penalty Notice Date at which time:

- a) the Person shall be deemed to have waived the right to request a review;
- b) the Administrative Penalty shall be deemed to be affirmed; and
- c) the Administrative Penalty shall not be subject to review, including review by any Court.

**5.4** A Person's right to request a review or to request an extension of time to request a review are exercised by giving to the Township written notice of the request to review by:

- a) submitting a Request for Screening Form available on the Township's web page as set out in the Penalty Notice, by mail, fax or email and scheduling the time and place for the review; or
- b) attending in person at the location listed on the Penalty Notice to complete a Request for Screening Form and scheduling the time and place for the review.

**5.5** The Request for a Screening Form shall include the following Information:

- a) the Penalty Notice Number;



- b) the Person's mailing address and, if applicable, facsimile transmission number and e-mail address;
- c) in the case of a request to extend the time to request a review, the reasons, if any, for having failed to exercise the right to request a review within the time limit prescribed in this By-law;
- d) particulars of all grounds upon which the request to review is based; and
- e) the Person's election to:
  - i. meet with a Screening Officer for the review in person or virtually, or
  - ii. have the review undertaken by a Screening Officer in writing in respect of the particulars provided by the Person.

**5.6** Where the Person elects to meet with a Screening Officer, the Person shall be given notice of the date, time, place and/or mode the review by facsimile, e-mail or mailing address as provided by the Person in the Request for Screening Form.

**5.7** Where the Person elects to meet with a Screening Officer and the Person fails to appear at the time and place scheduled for a review or fails to remain at such place until the Screening Officer has made a Decision respecting the Administrative Penalty:

- a) the Person shall be deemed to have abandoned the request for the review;
- b) the Administrative Penalty shall be deemed to be affirmed;
- c) the Administrative Penalty shall not be subject to review, including review by any Court; and
- d) the Person shall pay to the Township a Fee – Screening No-Show.

**5.8** Subject to Subsection 5.3 and 5.7, the Screening Officer may:

- a) deny an extension of time for a review in which case the Administrative Penalty is deemed to be affirmed; or
- b) grant an extension of time for a review.
  - i. For the purposes of Section 5.8 b), the Screening Officer may only extend the time to request a review of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the existence of extenuating circumstances that warrant the extension of time.
- c) cancel, reduce or extend the time for payment of the Administrative Penalty and any Administrative Fees respecting that Administrative Penalty, where the Screening Officer is satisfied that doing so would maintain the general intent and purpose of the Designated By-law and that:

- i. there is reason to doubt that the Person contravened the Designated By-law;
- ii. the Person took all reasonable steps to prevent the contravention; or
- iii. that the cancellation, reduction or extension of the time for payment is necessary to relieve undue financial hardship.

**5.9** After a Review is complete, the Screening Officer shall serve the Person with a Screening Decision.

## **6.0 APPEAL TO HEARING OFFICER**

- 6.1** A Person who has received a decision from a Screening Officer may appeal to a Hearing Officer against the Screening Decision.
- 6.2** A Person's right to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.4 before 4:00 p.m. on the fifteenth (15<sup>th</sup>) day after the Screening Decision Date.
- 6.3** A Person's right to request an extension of the time to appeal expires if it has not been exercised in the manner prescribed in Subsection 6.4 before 4:00 p.m. on the thirtieth (30<sup>th</sup>) day after the Screening Decision Date at which time:
- a) the Person shall be deemed to have waived the right to appeal;
  - b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed; and
  - c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and not subject to any further review, including review by any Court.
- 6.4** A Person's right to request an Appeal of a Screening Officer's decision or to request an extension of time to Appeal to a Hearing Officer are exercised by giving to the Township written notice by:
- a) submitting a Request for Hearing Form available at the Township's web page as set out in the Penalty Notice by mail, fax or email and scheduling the time and place for the review; or
  - b) attending in person at the location listed on the Penalty Notice to complete a Request for Hearing Form and scheduling the time and place for the review.
- 6.5** The Request for Hearing Form shall include the following Information:
- a) the Penalty Notice Number;
  - b) the Person's mailing address, fax or email address;

- c) in the case of a request to extend the time to appeal, the reasons, if any, for having failed to exercise the right to appeal within the time limit prescribed by Subsection 6.4;
  - d) particulars of all grounds upon which the Appeal is made; and
  - e) a copy of the Person's completed Request for Screening Form and the Screening Decision of the Screening Officer.
- 6.6** The Person shall be given no fewer than seven (7) days' notice of the date, time and place of the hearing of the appeal.
- 6.7** A request for Hearing or a request for an extension of time appeal shall only be scheduled by the Township if the Person has submitted the request within the time limits set out in Subsections 6.4 and 6.5.
- 6.8** Where the Person fails to appear at the time and place scheduled for a hearing of the Appeal:
  - a) the person shall be deemed to have abandoned the Appeal;
  - b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be affirmed;
  - c) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and are not subject to any further review or appeal, including review or appeal by any Court; and
  - d) the Person shall pay to the Township the Fee – Hearing No-Show.
- 6.9** A Hearing Officer shall not make any decision respecting an Appeal unless the Hearing Officer has given each of the Person, the Director, and the Officer who gave the Penalty Notice an opportunity to be heard at the time and place scheduled for the hearing of the Appeal.
- 6.10** A Hearing Officer may amend a simple error or omission on the Penalty Notice provided the amendment is minor in nature and the appellant is given an opportunity to be heard on the request to amend.
- 6.11** Subject to Subsections 6.3 and 6.8 the Hearing Officer may:
  - a) deny an extension of time for a Hearing in which case the Administrative Penalty including any Administrative Fees are deemed to be affirmed;
  - b) grant an extension of time for a Hearing;
    - i. for the purposes of Subsection 6.11(a) the Hearing Officer may only extend the time to request a Hearing of an Administrative Penalty where the Person demonstrates, on a balance of probabilities, the

existence of extenuating circumstances that warrant the extension of time.

- c) affirm, cancel, or vary the Screening Officer's Decision and extend the time for payment of the Administrative Penalty, including any Administrative Fee, on the following grounds:
  - i. where the Person establishes on a balance of probabilities, that he or she did not contravene the Designated By-law as described in the Penalty Notice; or
  - ii. where the Person establishes on a balance of probabilities, that the reduction or extension of time for payment of the Administrative Penalty including any Administrative Fee, is necessary to relieve any undue hardship.

**6.12** All hearings conducted by the Hearing Officer shall be in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended.

**6.13** After a hearing is complete, the Hearing Officer shall immediately serve the Person with a Hearing Decision.

**6.14** The decision of a Hearing Officer is final.

## **7.0 SERVICE OF DOCUMENTS OR NOTICE**

**7.1** Service of any document or notice, including a Penalty Notice, under this By-law may be given in any of the following ways, and is effective:

- a) when a copy is immediately served on the Person to whom it is addressed;
- b) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to the Person's last known address;
- c) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
- d) upon the sending of the notice or document or a copy thereof by e-mail transmission to the Person's last known e-mail address.

**7.2** For the purpose of Subsection 7.1(b), (c) and (d), a Person's last known address, last known facsimile transmission number and last known e-mail address are deemed to include those provided by the Person pursuant to Subsections 5.5(b) and 6.5(b).

**7.3** Any notice or document respecting this By-law to be given to the Township shall be in writing, shall be given in any of the following ways, and is effective:

- a) When a copy is delivered to the Township Clerk at the Township's municipal offices at 318 Canborough Street during normal business hours;
- b) on the fifth (5th) day after a copy is sent by registered mail or by regular letter mail to "Att: Enforcement Department at the Township of West Lincoln, 318 Canborough Street, Smithville, ON L0S 1E6";
- c) upon the sending a Request for Screening by e-mail transmission to: [ampsappeals@westlincoln.ca](mailto:ampsappeals@westlincoln.ca)

## **8.0 FINANCIAL ADMINISTRATION**

- 8.1 No Officer may accept payment of the Administrative Penalty.
- 8.2 An Administrative Penalty constitutes a debt to the Township of each Person to whom or to which the Penalty Notice was given.
- 8.3 Where a Person has paid an Administrative Penalty or an Administrative Fee that is then cancelled or reduced pursuant to this By-law, the Township shall refund the amount cancelled or reduced.
- 8.4 Where an Administrative Penalty or any Administrative Fee respecting that Administrative Penalty are not paid within fifteen (15) days after the date that they become due and payable, a Person to whom the Penalty Notice was given shall pay to the Township a Fee – Late Payment.
- 8.5 Where a Person provides a payment to the Township for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, shall pay to the Township a Fee – NSF.

## **9.0 ADMINISTRATION**

- 9.1 The Director shall administer this By-law and establish any practices, policies and procedures necessary to implement this By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary.
- 9.2 The Director shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-law and may amend such forms and notices from time to time as the Director deems necessary.
- 9.3 The Director may designate areas within the Township for conducting screening reviews and hearings under this By-law.

## **10.0 GENERAL PROVISIONS**

- 10.1** If an Administrative Penalty is paid, then a person is deemed to have waived their right to a review or appeal, and the matter is not subject to any further review or appeal including review or appeal by a Court.
- 10.2** Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, any Administrative Fee(s) are also cancelled.
- 10.3** A Person claiming financial hardship under this By-law shall provide documented proof of the financial hardship to the Director, the Screening Officer or the Hearing Officer, as applicable.
- 10.4** Any schedule attached to this By-law forms part of this By-law.

#### **11.0 COMPLAINTS AND COMMENTS**

- 11.1** Complaints and comments respecting the administration of the City's system of Administrative Penalties may be given to the Director of Planning. The Director can consider each such complaint or comment in relation to the Director's consideration of opportunities for improvements to the Township's system of Administrative Penalties.

#### **12.0 VALIDITY**

- 12.1** If a court or tribunal of competent jurisdiction declares any provision or part of a provision of this By-law to be illegal or unenforceable, then that particular provision or provisions or part of the provision shall be severed and the remainder of this By-law shall continue to remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

#### **13.0 EFFECTIVE DATE**

- 13.1** This by-law shall come into force on XXXXXX.

READ A FIRST, SECOND AND THIRD TIME and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Dave Bylsma, Mayor

\_\_\_\_\_  
Joanne Scime, Clerk

**SCHEDULE “A”**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
SITE ALTERATION BY-LAW 2016-41/2017-81/2018-80/2019-68/2020-80**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Site Alteration By-law 2016-41/2017-81/2018-80/2019-68/2020-80, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

<b>ITEM</b>	<b>Column 1 Designated Provision</b>	<b>Column 2 Short Form Wording</b>	<b>Column 3 Administrative Penalty</b>
1	Part IV, Section 4.	Cause, permit, perform or carry out Site Alteration without permit	\$275.00
2	Part IV, Section 5.	Fail to comply with plans, conditions or provisions of Site Alteration permit	\$200.00
3	Part IV, Section 6.	Modify Site Alteration permit without approval	\$200.00
4	Part IV, Section 7.	Operate a Commercial Fill Operation within the Township	\$400.00



**SCHEDULE “B”**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
BOULEVARD BY-LAW 2016-64**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Boulevard By-law 2016-64, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

<b>ITEM</b>	<b>Column 1 Designated Provision</b>	<b>Column 2 Short Form Wording</b>	<b>Column 3 Administrative Penalty</b>
1	3.1	Fail to keep boulevard neat and free of any / and or all rubbish or debris	\$50.00
2	3.2(a)	Fail to maintain herbaceous ground cover under 20 cm (8 inches)	\$50.00
3	3.6	Fail to obtain permission from the Township for the removal and / or plating of trees within the boulevard	\$200.00
4	5.1	Damage, construct or reconstruct a sidewalk, curb, apron driveway or boulevard without written permission of the Director	\$200.00

**SCHEDULE “C”**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
CLEAN YARDS BY-LAW 2019-38**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Clean Yards By-law 2019-38, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

<b>ITEM</b>	<b>Column 1 Designated Provision</b>	<b>Column 2 Short Form Wording</b>	<b>Column 3 Administrative Penalty</b>
1	2.1.1	Fail to maintain vegetation – exceed size allowance	\$200.00
2	2.1.2	Fail to maintain vegetation – create hazard	\$200.00
3	2.1.2	Fail to maintain vegetation – obstruct view	\$200.00
4	2.1.2	Fail to maintain vegetation – impact traffic	\$200.00
5	2.1.2	Fail to maintain vegetation – interfere with sign	\$200.00
6	2.1.2	Fail to maintain vegetation – interfere with utility	\$200.00
7	2.1.2	Fail to maintain vegetation – encroach on public property	\$200.00
8	2.1.2	Fail to maintain vegetation – overhang public property	\$200.00
9	2.1.3	Fail to remove weeds	\$200.00

10	2.2.1	Fail to maintain property free of standing water	\$200.00
11	2.2.2	Fail to contain drainage and prevent improper discharge	\$200.00
12	2.2.3	Fail to maintain watercourse free of obstruction	\$200.00
13	2.3.1	Fail to maintain property free of fill	\$200.00
14	2.4.1	Fail to maintain property free of movable concrete barriers	\$200.00
15	2.6.1	Littering	\$200.00
16	2.7.1	Fail to maintain property free of refuse / waste	\$200.00
17	2.7.7	Fail to suitably place refuse / waste for disposal	\$200.00
18	2.7.9	Fail to screen inoperative motor vehicles / vehicles / vehicle parts for an agricultural operation	\$200.00
19	2.9	Fail to maintain property free of motor vehicle salvage	\$200.00

**SCHEDULE “D”**

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
SWIMMING POOL BY-LAW 2017-48**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Swimming Pool By-law 2017-48, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

<b>ITEM</b>	<b>Column 1 Designated Provision</b>	<b>Column 2 Short Form Wording</b>	<b>Column 3 Administrative Penalty</b>
1	2.1.1	Erect swimming pool without required permit	\$200.00
2	2.2.1	Placement of water prior to approval	\$200.00
3	2.2.2	Placement of water prior to approval – seasonal swimming pool	\$200.00
4	3.1.1	Failure to provide back flow prevention	\$200.00
5	3.1.2	Discharge drainage to unapproved outlet	\$200.00
6	4.1.1	Fail to provide swimming pool enclosure	\$200.00
7	4.4.1	Failure to provide temporary enclosure	\$200.00
8	4.5.1	Failure to maintain swimming pool enclosure	\$200.00
9	4.5.4	Failure to maintain swimming pool / hot tub in good working order	\$200.00

10	4.5.5	Failure to prevent the presence of standing water	\$200.00
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**SCHEDULE “E”**

**TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -  
SIGN BY-LAW 2020-54**

1. For the purposes of section 3.1 of this By-law, Column 1 in the following table lists the provisions in the Sign By-law 2020-54, as amended, that are hereby designated for the purposes of this By-law.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 1.
3. Column 3 in the following table sets out the Administrative Penalty amounts that are payable for contraventions of the designated provisions listed in Column 1.

<b>ITEM</b>	<b>Column 1 Designated Provision</b>	<b>Column 2 Short Form Wording</b>	<b>Column 3 Administrative Penalty</b>
1	2.1.1	Placement of prohibited sign	\$200.00
2	2.1.2	Affix, erect, display or cause to be affixed, erected or displayed a sign without a permit	\$200.00
3	2.1.3	Placement of sign in road allowance	\$200.00
4	2.1.4	Placement of sign on utility pole	\$200.00
5	2.1.5	Placement of sign overhanging onto sidewalk	\$200.00
6	2.1.6	Placement of sign too close to roadway	\$200.00
7	2.1.7	Placement of sign – damage municipal property	\$200.00
8	2.1.8	Placement of sign on vehicle / trailer	\$200.00
9	3.2.1	Fail to comply – setback – ground sign	\$200.00
10	3.2.2	Fail to comply – size – ground sign	\$200.00
11	3.2.3	Fail to comply – quantity – ground sign	\$200.00

12	3.3.2	Fail to comply – setback – portable ground sign	\$200.00
13	3.3.2	Fail to comply – size – portable ground sign	\$200.00
14	3.3.7	Erect / display sign after permit expired	\$200.00
15	3.4.1	Fail to comply – setback – pole sign	\$200.00
16	3.4.2	Fail to comply – size – pole sign	\$200.00
17	3.4.3	Fail to comply – quantity – pole sign	\$200.00
18	3.5.1	Fail to comply – setback – roof sign	\$200.00
19	3.5.2	Fail to comply – size – roof sign	\$200.00
20	3.6.1	Fail to comply – size – wall / fascia sign	\$200.00
21	3.6.2	Fail to comply – quantity – wall / fascia sign	\$200.00
22	3.7.2	Fail to comply – quantity – billboard	\$200.00
23	3.7.3	Fail to comply – size – billboard	\$200.00
24	3.7.3	Fail to comply – set back – billboard	\$200.00
25	3.8.2	Fail to comply – quantity – inflatable sign	\$200.00
26	3.8.3	Fail to comply – setback – inflatable sign	\$200.00
27	3.8.8	Fail to secure inflatable sign	\$200.00
28	3.10.4	Fail to comply – setback – sidewalk sign	\$200.00
29	3.18.1	Fail to comply – size – window sign	\$200.00
30	3.20.1	Fail to maintain sign / advertising device	\$200.00



**SCHEDULE “F”****TOWNSHIP OF WEST LINCOLN ADMINISTRATIVE PENALTY  
(NON-PARKING) BY-LAW NO. 2020-XXX ADMINISTRATIVE FEES**

The table below lists the Administrative Fees as defined in Section 1.2 of this By-law.

<b>Administrative Fee Description</b>	<b>Fee Amount</b>
Late Payment Fee	\$25.00
NSF Fee	\$30.00
Screening Non-Appearance Fee	\$100.00
Hearing Non-Appearance Fee	\$250.00

DRAFT

## Attachment No. 2 to PD108-2021

### ADMINISTRATIVE PENALTY NOTICE

Corporation of  
the Township  
of West Lincoln



Municipal Act, 2001  
**Penalty No.**  
**00000**

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Time: \_\_\_\_:\_\_\_\_ AM / PM  
YYYY MM DD

Issued to: \_\_\_\_\_  
"Person" as defined

\_\_\_\_\_ in West Lincoln, Ontario.  
Address / Roll # / Legal Description

I, \_\_\_\_\_, BELIEVE FROM MY PERSONAL  
KNOWLEDGE AND CERTIFY THAT ON THE DATE SHOWN, A  
CONTRAVENTION OF A DESIGNATED BY-LAW HAS OCCURRED.

Designated by-law, as amended
_____
Short form wording
_____
Administrative Penalty
Section No. _____ \$ Penalty _____

*Payment Due Date: Fifteen (15) days from date of service. If not paid, you will be deemed not to dispute the penalty. You will be subjected to additional administrative fees, if still not paid; fees will be added to the Municipal Taxes.*

Signature of issuing officer \_\_\_\_\_

Officer # \_\_\_\_\_

SEE REVERSE FOR PAYMENT OR DISPUTE OPTIONS

### IMPORTANT

PLEASE READ CAREFULLY

By the payment due date stated on the front of this Notice, you must choose only ONE of the following options.

Complete the selected option (sign where necessary) and deliver it (and payment where applicable) to the Township of West Lincoln.

You can send the notice and payment by mail, place notice and payment into the Township's drop box, or pay the notice in person at the address below:

The Township of West Lincoln  
318 Canborough Street  
Smithville, Ontario  
L0R 2A0  
905-957-3346

#### Option 1: Voluntary Payment

I do not dispute the penalty, and I enclose / pay the amount of the penalty indicated on the front of this Notice.

Signature \_\_\_\_\_

Date (YY/MM/DD) \_\_\_\_\_

*Please ensure that the number of the Penalty Notice is written on the cheque or money order. The Township is not responsible for late payments of Administrative Fees added to the municipal taxes due to payments made by cheque or money order without containing the Penalty Notice number.*

*Post-dated and partial payments are NOT accepted. Credit cards are not accepted.*

#### Option 2: Dispute

To dispute the penalty, you MUST schedule a Screening Review by a Screening Officer. To do this, please email [ampappeals@westlincoln.ca](mailto:ampappeals@westlincoln.ca) to commence the process.

*An administrative penalty will, unless cancelled or reduced pursuant to the review and appeal process, constitute a debt of the person identified on the Penalty Notice to the municipality.*

**DATE:** September 13, 2021

**REPORT NO:** PD-107-2021

**SUBJECT:** Information Report – Regional Official Plan Work and Township led Rural Hamlet/Rural Employment Considerations

**CONTACT:** Brian Treble, Director of Planning & Building  
Gerrit Boerema, Planner II

**OVERVIEW:**

- In June of 2021, two staff reports were presented to Township Planning Committee. Report PD-70-2021 reported on hamlet boundary review requests; while report PD-77-2021 reported on the hiring of Dan Currie of MHBC Planning to assist with the rural employment component of the review of hamlet boundaries.
- The Region's land needs assessment report as part of the Regional new Official Plan Project, which includes the municipal comprehensive review, has identified the need for an additional 370 hectares of land in West Lincoln to accommodate growth along with the need for an additional 45 hectares of land for employment growth.
- This land need is across the Township and includes an additional 24 hectares of rural/estate residential growth and approximately 26 hectares of rural employment growth.
- For the benefit of agriculture, it is better if estate residential and rural employment is clustered into settlement areas and not scattered across the Township.
- Further, due to recent pressures on businesses from Hamilton who have been operating illegally and being forced to relocate by Hamilton by-law enforcement, West Lincoln has seen an increase in scattered non-agricultural uses throughout the West Lincoln area and especially the north west area of West Lincoln. A rural employment "park" and planning for some, to accommodate these non-agricultural uses would be ideal.
- This report identifies preliminary assessments that have occurred in addition to the requests that have been made by property owners and includes the SABR (Settlement Area Boundary Review) criteria that the Region has identified for such a review. Preliminary Draft mapping can be found attached to this report.
- Dan Currie will be in attendance and will present his preliminary employment park findings in advance of a recommendation report at the October Planning/Building/Environmental Committee Meeting.

**RECOMMENDATION:**

1. That, Report PD-107-2021, regarding “Recommendation Report Regional Official Plan Work and Township led Rural Hamlet/Rural Employment Considerations”, dated September 13<sup>th</sup>, 2021, be RECEIVED for INFORMATION PURPOSES; and,
2. That, a final report for endorsement of proposed boundary adjustments and requirements to be provided to the Region, be presented in the fall of 2021 once further consultant, Regional and agency input has been received.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme ##2 and #3**

- **Support for Business and Employment Opportunities for Residents**
- **Strategic, Responsible Growth**

**BACKGROUND:**

The Region of Niagara has been working on a new Regional Official Plan for a number of years. The new Regional Official Plan is expected to be completed in early 2022. As a part of the new Regional Official Plan, the Region is currently undertaking a Municipal Comprehensive Review (MCR) which includes the review of existing settlement area boundaries across the Region, including unserviced rural settlement area boundaries.

West Lincoln has 15 rural settlement areas (also referred to as hamlets), which are not serviced by municipal sewer or water. These rural settlement areas provide an important role in supporting the surrounding agricultural areas by providing residential and commercial opportunities.

As the Region is getting closer to preparing and presenting a draft Official Plan to Regional Council and the public. Township staff want to ensure that the private landowner rural settlement area boundary adjustment requests and Township adjustment considerations (see staff report PD-070-2021) be presented to Committee for endorsement (October) before being formally submitted to the Region for their consideration. As such, staff are recommending that this report and its attachments are circulated to the Region and that a follow up meeting with Regional staff occur before October 12, 2021.

**CURRENT SITUATION:**

Attachment 1 to this report is Appendix 18.1 and 18.3 of the Regional Planning staff report PDS-017-2021 from May of 2021. The criteria contained in attachment 1 of this report must be addressed by the Township in our recommendation report and ultimately our work must be supported by Regional staff, Regional Planning Committee and Regional Council for incorporation into the Regional Official Plan.

Criteria used to evaluate growth in urban settlement areas on full services (such as Smithville) include:

- a) Documentation on need
- b) Existing and planned infrastructure and transportation capacity and proximity

- c) Environmental constraints
- d) The agricultural area (MDS and soil class)
- e) Potential impacts to agri-food sectors
- f) How additional lands contribute to a complete community

For rural hamlet, the criteria, as outline in Appendix 18.3 include:

- a) Contribute to the rural character
- b) Purpose of rural settlement to support agricultural community
- c) Hydrogeological considerations
- d) Impacts to the natural environment systems
- e) Impacts to surrounding agricultural area
- f) Site specific context

Staff have been undertaking various internal discussions and analysis to consider the rural hamlet requirements. The Region has also identified the Requests in their report PDS-017-2021 and will receive input from the Township up until the Planning staff report anticipated for the October 12, 2021 Committee Meeting.

Consulting Teams are assisting Township staff on both the urban analysis (Smithville Master Community Plan) and rural analysis (rural hamlet and rural employment).

Both Dan Currie and Steve Wever will be making presentations to Committee on September 13, 2021 with respect to their work, in advance of the final boundary analysis recommendation reports that will be presented in October of 2021. October's reports will not be the end of either process, but support of boundary change is required before further work is completed.

Attachment 3 to this report provides some preliminary rural settlement area considerations that the Township is currently reviewing to accommodate both the rural employment and rural residential needs. This mapping shows private landowner requests that the Township is aware of and provides some preliminary mapping on what the Township is considering and reviewing. This mapping is in draft form and may be modified by ongoing review by staff, including review of potential agricultural and natural environment impacts.

#### **FINANCIAL IMPLICATIONS:**

This work is covered by the land owners group and a financial allocation from a Rural Employment Capital budget account.

#### **INTER-DEPARTMENTAL COMMENTS:**

Input and comment has been received from numerous agencies and especially the Region as part of this review.

Current analysis has reduced our preliminary focus to the hamlets shown in the attached maps as possibly addressing the SABR criteria. This mapping work will be further refined over the next month in advance of a final recommendation report at the October Planning/Building/Environmental Committee meeting.

**CONCLUSION:**

This report is written to brief Committee on the issue and the work being completed and to introduce the work of Steve Wever and Dan Currie and their presentations to the September 13, 2021 Planning/Building/Environmental Committee Meeting.

Recommendation reports for endorsement of urban boundary work will be presented in October, 2021.

**ATTACHMENTS:**

1. SABR
2. Regional SABR requests
3. Preliminary mapping by Township staff

**Prepared & Submitted by:**



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**Brian Treble**  
**Director of Planning & Building**

**Approved by:**



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**Bev Hendry**  
**CAO**



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**Gerrit Boerema**  
**Planner II**

## Appendix 18.3

### SABR - RURAL SETTLEMENT BOUNDARY REVIEW PROCESS

#### SUMMARY

Rural settlements, also known as Hamlets, play an important role through the provision of housing, social, cultural and economic land uses serving the needs of rural residents within its settlement boundary and the surrounding Agricultural and Rural Areas.

The Region has exclusive approval authority over settlement area boundaries; both urban and rural. The Region may consider rural settlement boundary expansions through the Niagara Official Plan (municipal comprehensive review) process.

The *Growth Plan* directs the majority of growth be accommodated within urban areas. A small percentage of growth will be allocated outside the urban areas, directed primarily to rural settlements.

The *Growth Plan* policy for settlement areas sets out that settlement boundary expansions cannot occur within the *Greenbelt Plan* area. This restricts expansions in northern Niagara communities.

Provincial policy for rural settlement expansions differs from urban area boundary expansions; thus, the criteria and process outlined below are specific to rural settlements.

The following are the draft criteria that will be considered by Regional staff in assessing rural settlement expansion requests:

- Contribution to the rural character: rural settlements are generally lower density communities designed to support the surrounding agricultural and serve the historical development that has occurred in the community. Expansions for new development shall maintain and enhance the distinctive character, enhance the quality of life through appropriate design of commercial and public space areas, and promote greater economic vitality.
- Purpose of rural settlements to support the agricultural community: the rural settlement should have sufficient capacity to accommodate supporting farm-related uses and commercial uses to support the nearby agricultural and rural communities.
- Hydrogeological considerations: whether the expansion is rounding out an undersized lot or where the expansion is proposed for new lot creation, the size of the expansion should result in the ability for viable lots that will ensure adequate water supply and suitable for private waste disposal systems, subject to applicable requirements.



- Impacts to the Natural Environment System: the proposed expansion does not result in negative impact on the natural environment system.
- Impacts to the surrounding agricultural area: expansions should be located so as to minimize and mitigate to the extent feasible the impacts on nearby agricultural operations. This review will include expansion size, adjacent soil class, access, residual access and nearest constraint. This criteria will consider impacts to agricultural infrastructure and livestock facilities. Minimum Distance Separation (MDS) constraints will be considered through this criteria.
- Site-specific context: location considerations may be provided through supporting information or information provided through consultation with the local municipality.

In West Lincoln, the majority of forecasted growth will be directed to the urban area of Smithville. A small percentage of growth will be allocated to the rural settlements/agricultural area.

In Wainfleet, the majority of the growth will be allocated to its rural settlements with the Wainfleet Rural Settlement receiving the higher percentage of growth and a smaller percentage going towards others that can suitably to accommodate private servicing. An even smaller percentage may be allocated to the agricultural area.

The Region's Land Needs Assessment will determine the amount of growth to be directed to rural settlements.

Below is the draft process for consideration of Rural Settlement boundary expansions:

**Step 1.** Consider the details of expansion.

1. Determine the type of request:

- a) Technical adjustment (ex. property already developed and adjacent to current boundary)
- b) Minor rounding out (ex. adding the remainder of a property with minor development potential)
- c) Expansion request (ex. expanding the rural settlement for the explicit purpose of development)



2. Additional information is not required to be submitted to be considered through this process. If provided, review any additional information provided to support the request.

**NOTE: Rural settlements within the *Greenbelt Plan* area cannot be considered for expansion.**

**Step 2.** Prepare and review mapping with local municipality.

1. The Region will prepare mapping that demonstrates the ability to accommodate growth within the existing boundary to generate a potential inventory of available vacant land supply in each rural settlement. The mapping will include constraints that must be considered in determining developable lands within that vacant land supply, as well as the constraints surrounding the rural settlement boundary.

In particular, the following mapping layers will be added to the vacant land mapping:

- Any surrounding agricultural infrastructure, including livestock facilities (based on aerial photography)
- Soil conditions and classification
- Natural environment system constraints
- Any other contextual constraints identified through the review.

**NOTE: The review of recent hydrogeological studies, and discussions with private septic services staff, will assist in determining the average lot size to be applied to the rural settlements to generate a potential inventory of lots that can be accommodated within the existing settlement boundary.**

2. Once the vacant land supply and inventory projection is determined, the Region can establish if an expansion is needed to accommodate growth in rural settlements. If an expansion is required, the Region will consider the requests submitted, as well as the full extent of the rural settlement boundary, to determine the most appropriate location for expansion.
3. The Region will meet with local municipal staff to discuss the mapping, constraints and potential inventory for each rural settlement.

**Step 3.** Evaluate boundaries and expansion requests against the criteria.

The Region will further review the candidate areas against the evaluation criteria to determine the most appropriate location for expansion. This evaluation will be undertaken in consultation with the local municipal planning staff.

This step will result in generating preferred locations for potential expansion based on the distribution of the forecasted allocation determined through the Region's Land Needs Assessment.

At this time, local planning staff would report to their local Council with recommendations that reflect local interests related to which rural settlement areas should receive expansion and where the expansions are most appropriate for each, in relation the existing boundary. Local Council endorsement of preferred locations are targeting to be received by the Region in August 2021.

The results of the evaluation will be finalized by Regional planning staff, having considered the criteria and local Council preferred locations. Regional Planning staff will make recommendations to its Council as part of the Settlement Area Boundary Review component of the new Niagara Official Plan. The recommendation is planned with the release of a consolidated draft Niagara Official Plan in fall 2021.

Minor Rounding-Out

The process and steps outlined above describes the expansion process as part of a Municipal Comprehensive Review ("MCR"). In Niagara, the MCR is the Niagara Official Plan.

The *Growth Plan* now includes a policy which allows municipalities to consider a minor rounding out of a rural settlement boundary outside of the MCR, subject to specific criteria:

2.2.9.7. Notwithstanding policy 2.2.8.2, minor adjustments may be made to the boundaries of rural settlements outside of a municipal comprehensive review, subject to the following:

- a) the affected settlement area is not in the Greenbelt Area;
- b) the change would constitute minor rounding out of existing development, in keeping with the rural character of the area;
- c) confirmation that water and wastewater servicing can be provided in an appropriate manner that is suitable for the long-term with no negative impacts on water; and

d) Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.

In order to submit this request, the Region would require the interested party to make application for a Regional Official Plan Amendment to adjust the rural settlement boundary. The application would need to be supported by a number of studies including, but not limited to, a planning justification report, an agricultural impact assessment, an environmental impact statement and a hydrogeological study. Any other required studies would be determined through pre-consultation and dependent on the location, context and proposal.

Policies related to rural settlements and the minor rounding out are included in the Regional Structure section, **Appendix 4.3**.

## Appendix 18.1 - EXECUTIVE OVERVIEW

### SETTLEMENT AREA BOUNDARY REVIEW (SABR)

At the time of adopting a new Official Plan, the Region can expand or adjust settlement boundaries. Outside of a new Official Plan, there are limited opportunities to do so.

The Region has 3 draft criteria processes included in this section, covering:

- Urban Area Boundary Expansions, for urban areas;
- Rural Settlement Boundary Expansions, for areas designated as rural settlements or hamlets; and
- Technical Mapping Update, to fix mapping errors and similar matters.

Key considerations are as follows:

- The Region has exclusive jurisdiction to make decisions over settlement area boundaries.
- The need for a settlement area boundary expansion is determined through the Land Needs Assessment (LNA), described in **Appendix 3.2**, which sets out the amount of the land required to accommodate growth for each local municipality.
- The draft criteria to evaluate boundary expansions is based on the requirements of the *Provincial Policy Statement, 2020* (“PPS”) and *Growth Plan*. The Region’s decision on expansions must conform to, or be consistent with, those documents.
- The Region is considering all boundary requests received from private owners and local Council endorsed preferences.
- In order to ensure responsible growth, the Region must review the entire settlement area boundary of a candidate municipality to determine the most appropriate location for expansion.
- **The criteria included is draft. The Region will receive feedback for consideration. No boundary recommendations are made at this time.**

Integration Guide for Sub-sections Reported in PDS 17-2021			
<input checked="" type="checkbox"/>	Regional Structure	<input checked="" type="checkbox"/>	Archaeology
<input checked="" type="checkbox"/>	Housing	<input checked="" type="checkbox"/>	Employment
<input checked="" type="checkbox"/>	Land Needs	<input checked="" type="checkbox"/>	Agriculture
<input checked="" type="checkbox"/>	SABR	<input checked="" type="checkbox"/>	Aggregates
<input checked="" type="checkbox"/>	Transportation	<input checked="" type="checkbox"/>	Natural Heritage incl.
<input checked="" type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Water Systems Options
<input checked="" type="checkbox"/>	District/Secondary Plans	<input checked="" type="checkbox"/>	Watershed Planning



Integration Guide for Sub-sections Reported in PDS 17-2021	
<input checked="" type="checkbox"/> Urban Design	<input checked="" type="checkbox"/> Climate Change

The *Growth Plan* directs where and how growth will occur in the Greater Golden Horseshoe. Concentrating development within urban areas and prioritizing intensification will ensure more efficient use of land. The *Growth Plan* requires municipalities review its available land within existing urban boundaries to more efficiently direct investment and development.

The *PPS* requires that municipalities maintain the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment.

Both the *PPS* and *Growth Plan* have specific policies directing how and when boundary expansions may occur. Primarily, settlement area boundary expansions occur through a Municipal Comprehensive Review (“MCR”) process. In Niagara’s case, the MCR is the new Niagara Official Plan.

The SABR process must be considered with the Regional Structure and LNA, amongst other Regional work. It cannot be considered independently.

The Regional Structure provides strategic growth areas where more significant growth will be directed, intensification rates for built-up areas where redevelopment and infilling will occur, and Designated Greenfield Areas where new growth on vacant lands can be planned comprehensively.

The land need of a municipality is determined using a LNA Methodology issued by the Province. Applying the Provincial methodology sets out the amount of land needed to accommodate the forecasted growth to 2051.

The LNA sets out whether a local municipality requires additional lands (or has excess lands) to accommodate forecasted growth.

If a municipality does not have enough land available to accommodate its growth, it may be eligible for an urban area boundary expansion.<sup>1</sup>

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<sup>1</sup> Regardless of need, expansions in to the Greenbelt Plan specialty crop area are not eligible for boundary expansions.

The above discussion relates to the threshold requirement of “need” for an expansion. If this need is met, a boundary expansion requires significant additional justification.

This additional justification is covered in the Region’s draft expansion criteria and process. The criteria is based on the policies of the *PPS* and *Growth Plan*.

In addition to the “need” test, the criteria includes consideration of the following, among others:

- existing and planned infrastructure and transportation capacity and proximity
- environmental constraints
- the agricultural area (including Minimum Distance Separation formulae and soil class)
- potential impacts to the agri-food network
- how the proposed additional lands will contribute to a complete community

As of writing, in March 2021, the Region has received approximately 42 urban area boundary expansion requests. These requests will be considered, along with the Region’s review of additional potential locations that may not have been requested.

The Region must review the full extent of urban area boundaries for municipalities that do not have enough land as identified through the LNA. This complete review ensures boundaries are expanded in the most appropriate location.

The urban area boundary expansion criteria and process is attached as **Appendix 18.2**. The draft was circulated to local municipal planners in February 2021 for review and feedback. Accordingly, some adjustments were made, as provided in the attached document.

The Region will continue to receive input on the draft criteria and will refine as needed following this Report.

The following is a guide to the Region’s SABR program over the coming months:

2021	Task
May	<ul style="list-style-type: none"> <li>• Prepare process administration.</li> </ul>
June	<ul style="list-style-type: none"> <li>• Prepare mapping for municipalities eligible for Urban Area Boundary Review.</li> </ul>

2021	Task
	<ul style="list-style-type: none"> <li>• Organize review team.</li> </ul>
July	<ul style="list-style-type: none"> <li>• Review and organize all requests.</li> <li>• Technical exercise to review applicable requests with review team.</li> <li>• Consultation with local municipal planning staff.</li> </ul>
August	<ul style="list-style-type: none"> <li>• Receive Local Council endorsements.</li> <li>• Any additional consultation with local municipal staff on findings and recommendations.</li> </ul>
September	<ul style="list-style-type: none"> <li>• Finalize process and recommendations to be included in next Niagara Official Plan report.</li> </ul>

In addition to the consideration of urban area boundary expansion discussed above, the Region has developed criteria for rural settlement (hamlet) boundary expansions, attached as **Appendix 18.3**.

Provincial policies sets out that rural settlement areas should not be the focus of growth and therefore rural settlement boundary expansions will be limited. As of writing, in March 2021, the Region has received approximately 22 rural settlement boundary expansion requests.

The Region is working with municipalities that will likely have a need for rural settlement area boundary expansions: Wainfleet and West Lincoln. These municipalities have rural settlement areas outside of the *Greenbelt Plan* area.

For Wainfleet, growth is primarily allocated to its rural settlement areas.

For West Lincoln, the majority of its growth will be directed to Smithville as its only urban area. A small portion of growth will be directed to its rural settlement areas.

The *Growth Plan* also includes policies that allow municipalities to consider a boundary expansion “in advance of” an MCR process, subject to specific criteria. Policies related to this process will be included in the NOP in conformity with the Growth Plan. These policies are found in the Regional Structure section in **Appendix 4.3**.

A municipality may also consider boundary adjustments outside of a MCR process where the result is no net increase in land within settlement areas.

Boundary expansions in advance of an MCR, and adjustments, require extensive study and justification. For this reason, they must be undertaken carefully and under precise circumstances.

The Region is currently in its MCR process. It has not received any of the above-noted requests and, should one be received, it would not process it since such request is not “in advance of” an MCR. All boundary requests can be processed as part of the existing MCR, i.e. the Official Plan process itself.

In addition to the settlement boundary expansions, the Region is considering technical mapping updates. This is needed to fix mapping errors to align Regional and local urban area boundary mapping.

The Region developed criteria for considering technical mapping updates. It includes a GIS-based mapping exercise to identify and fix the errors.

The technical exercise is not directly related to the SABR expansion process as it is not intended for growth management purposes. This is an administrative or housekeeping exercise, but as it deals with urban area boundaries, is being reported with SABR-related matters.

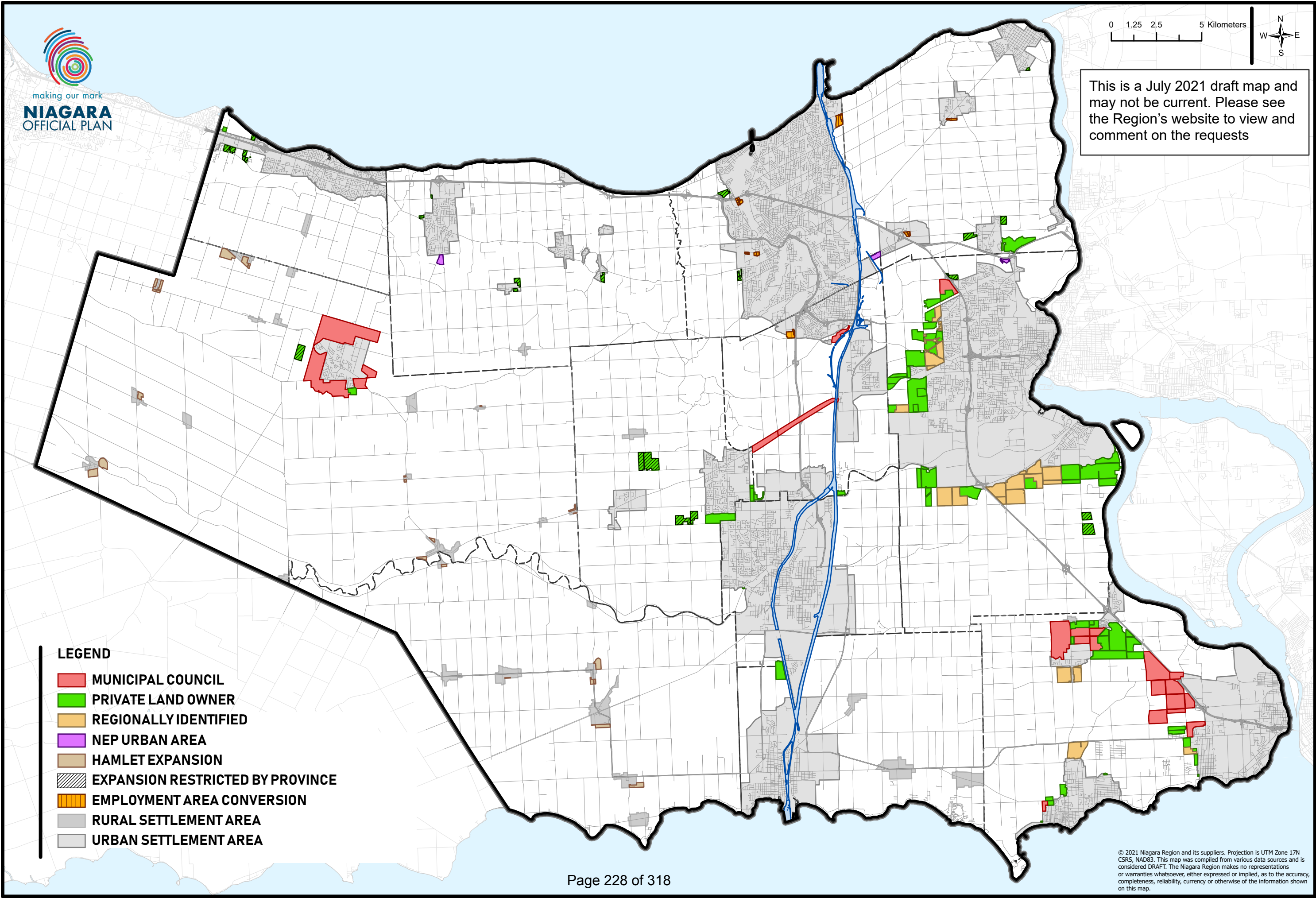
Regional staff are presently working with local municipal planning staff to complete this technical exercise. Additional information on the criteria and process are found in **Appendix 18.4.**

**The Region will continue to accept requests for settlement area boundary expansion following this Report, up until July 2, 2021. Following this date, the Region will Report on the requests and will not review late requests for that Report.**

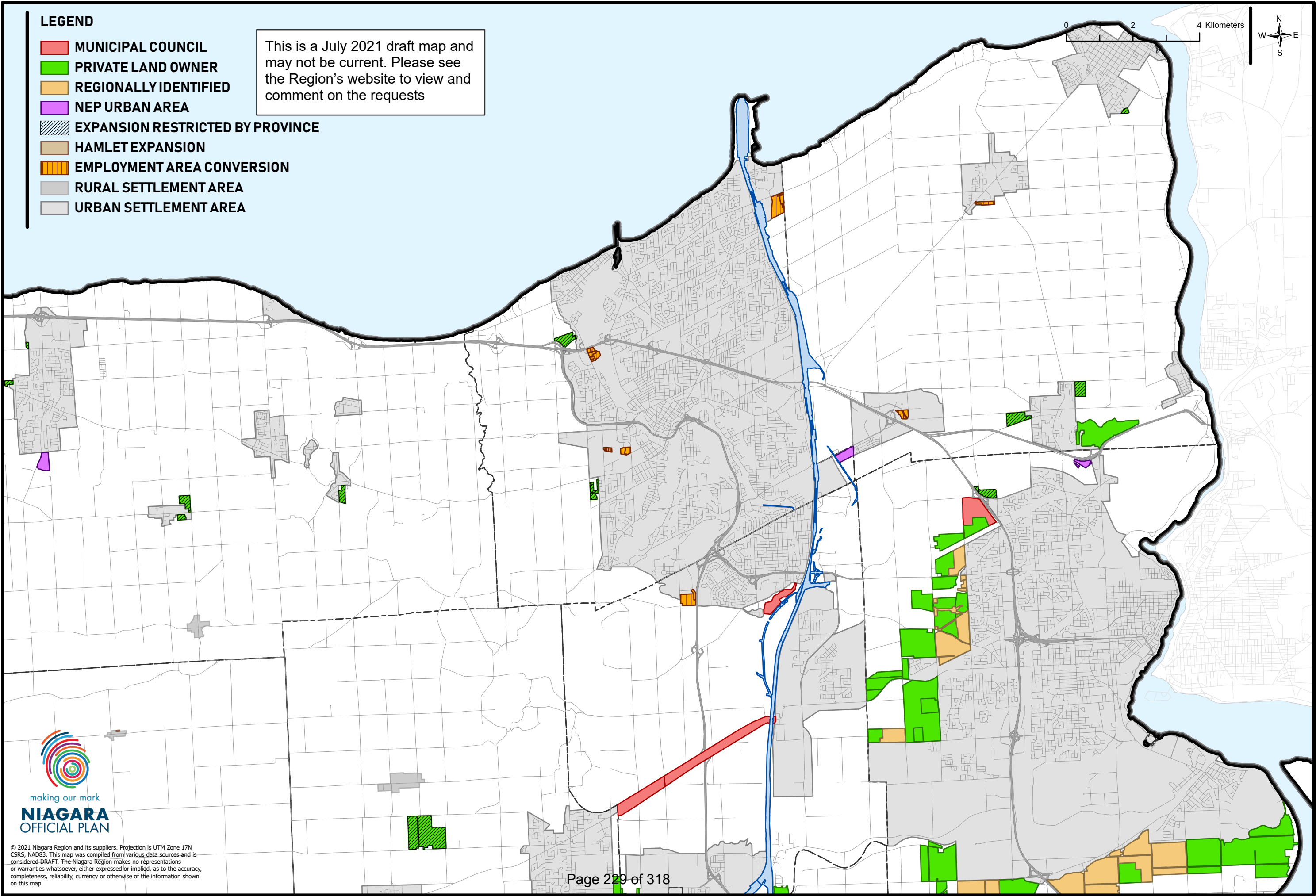
Policies related to the SABR are included with the Regional Structure policies at **Appendix 4.3.**



SETTLEMENT AREA BOUDNARY REVIEW REQUESTS  
JULY 2021

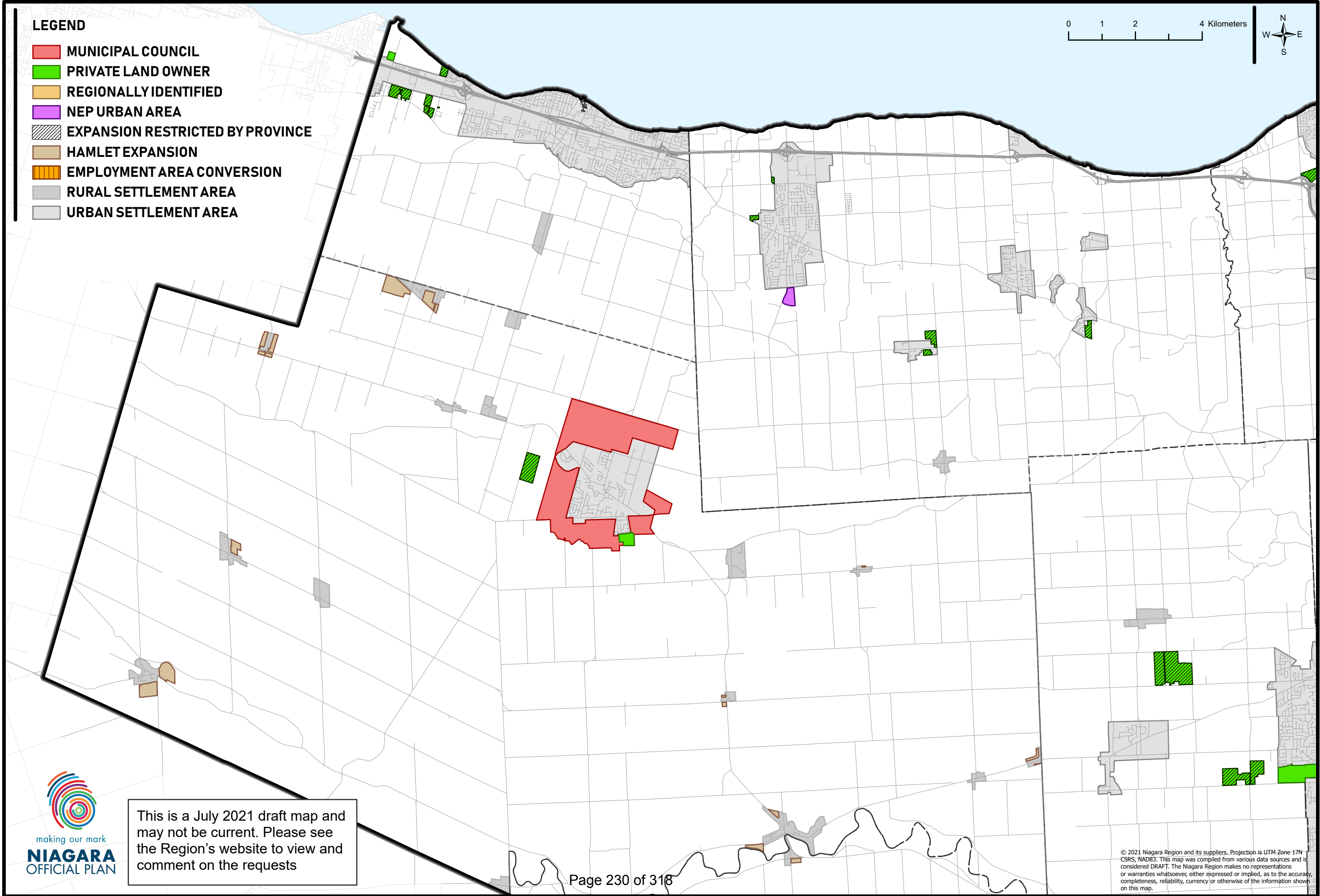


SETTLEMENT AREA BOUDNARY REVIEW REQUESTS

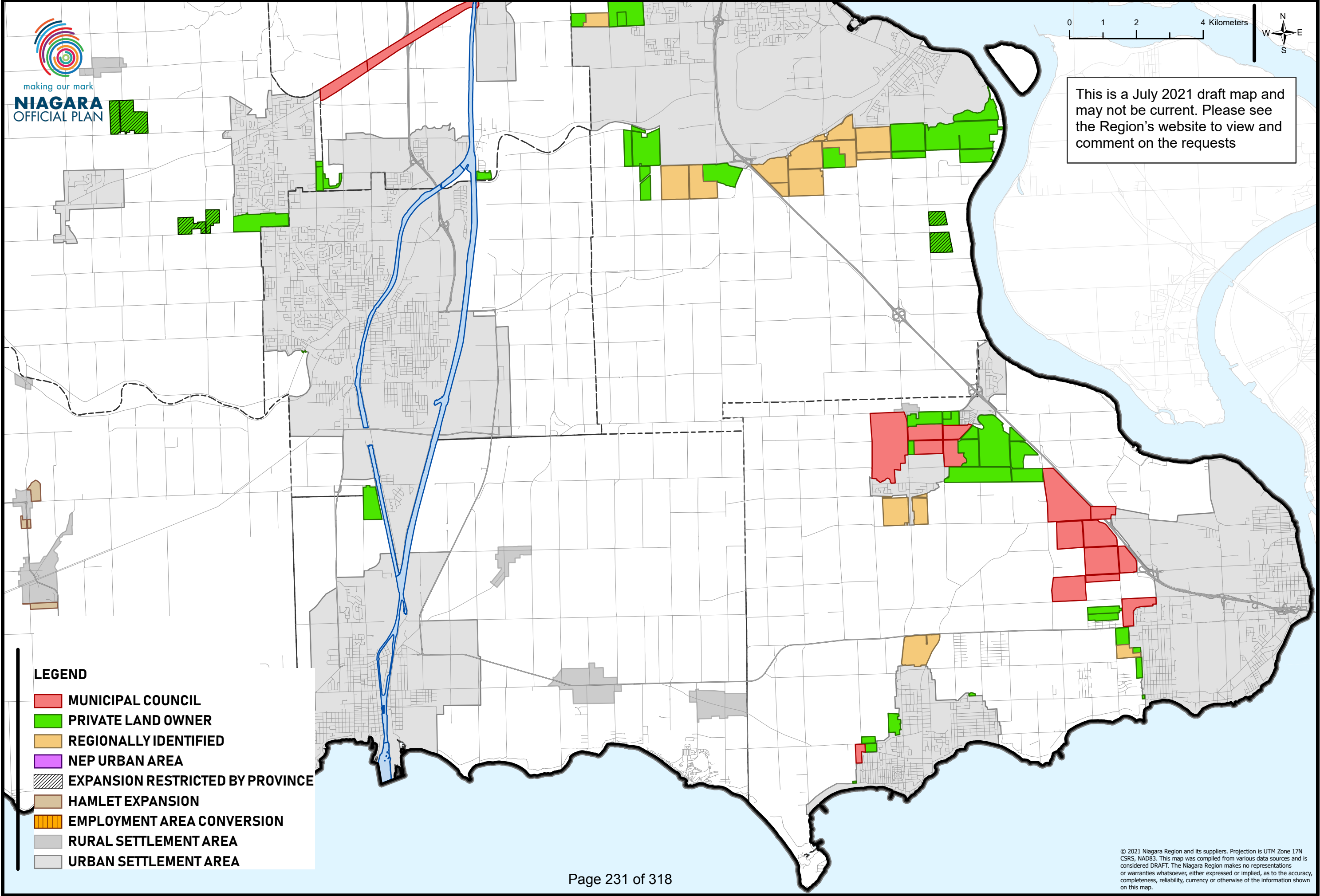




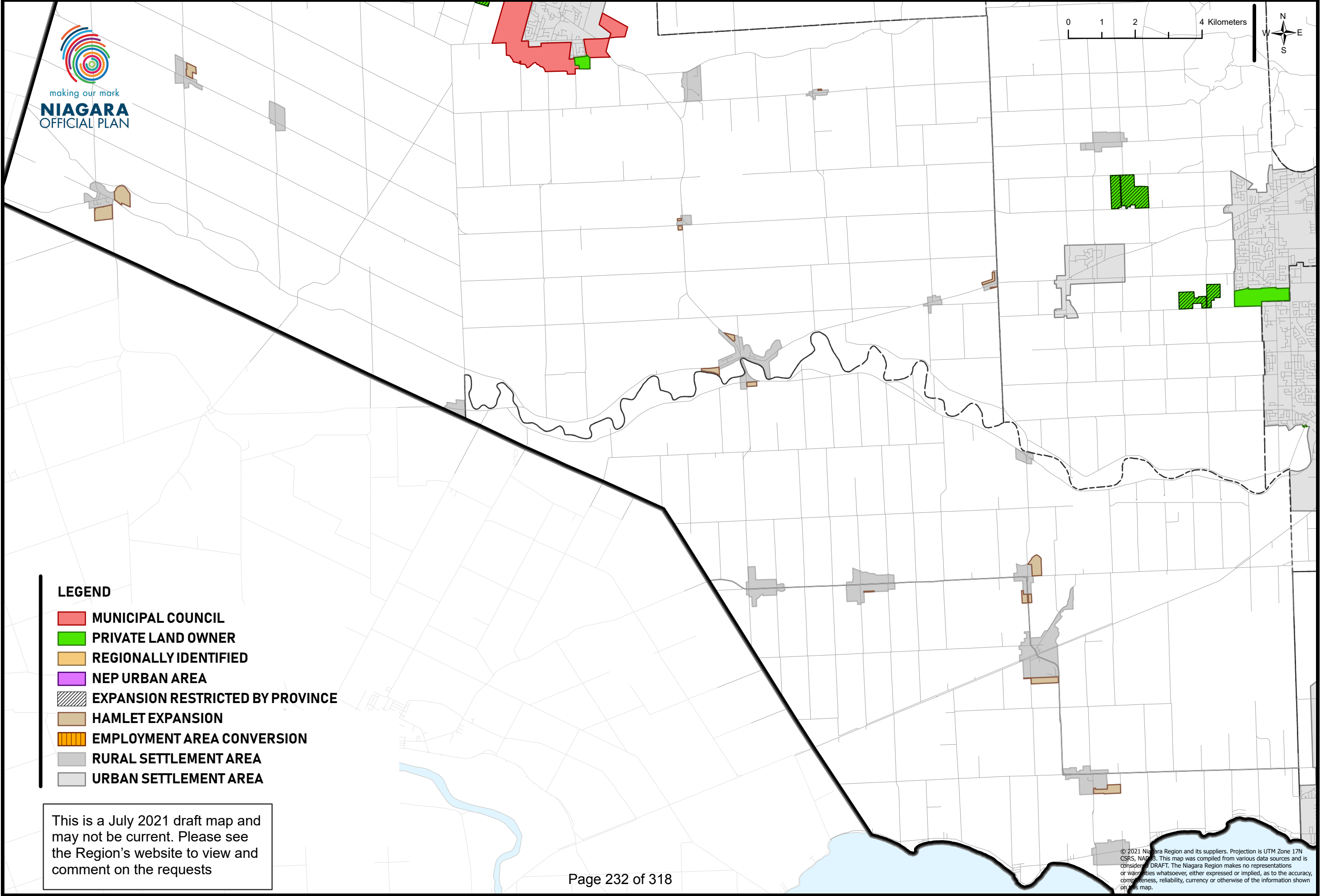
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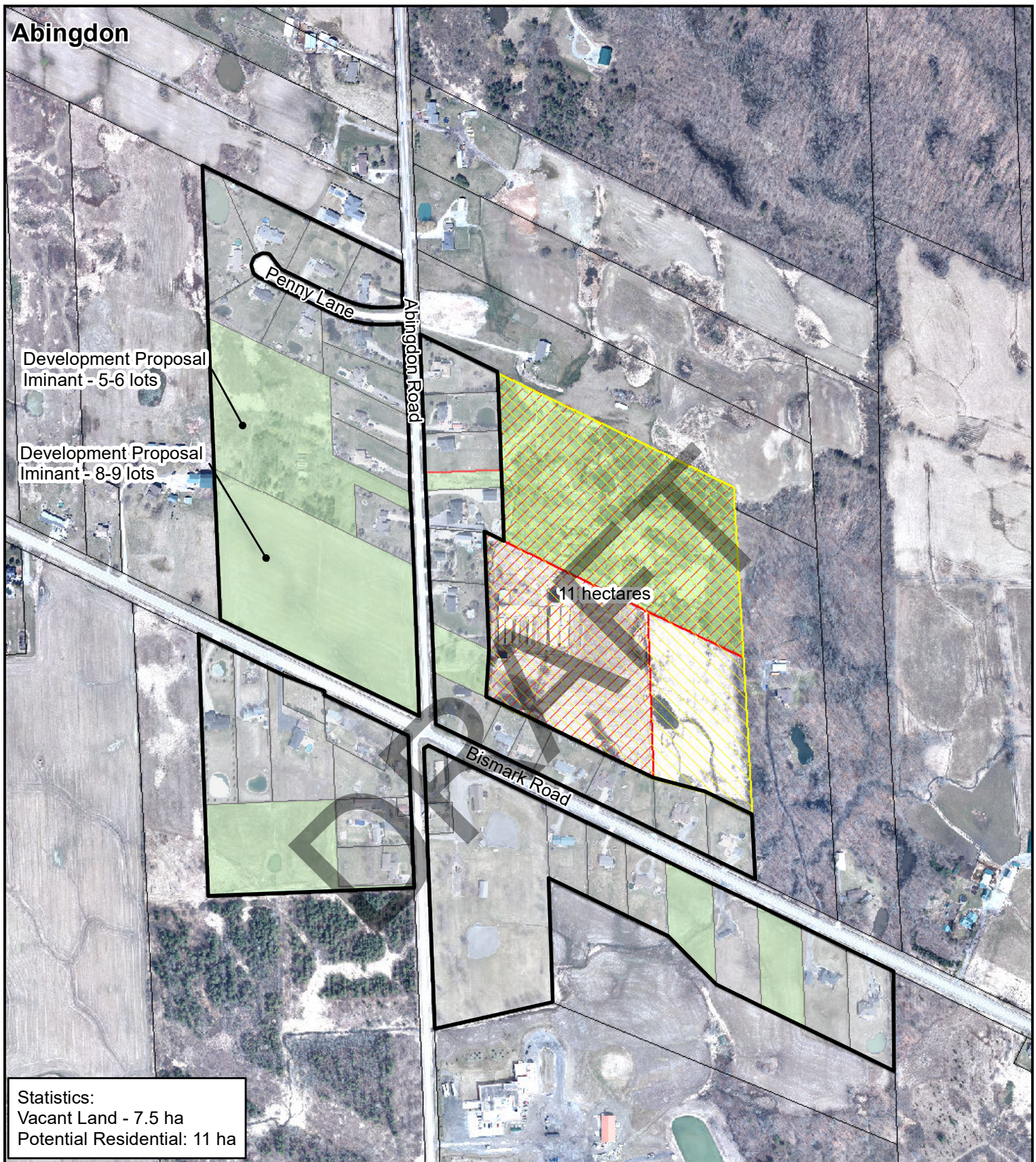
SETTLEMENT AREA BOUDNARY REVIEW REQUESTS



# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS





**Abingdon**

# Rural Settlement Boundary Review

## DRAFT FOR DISCUSSION

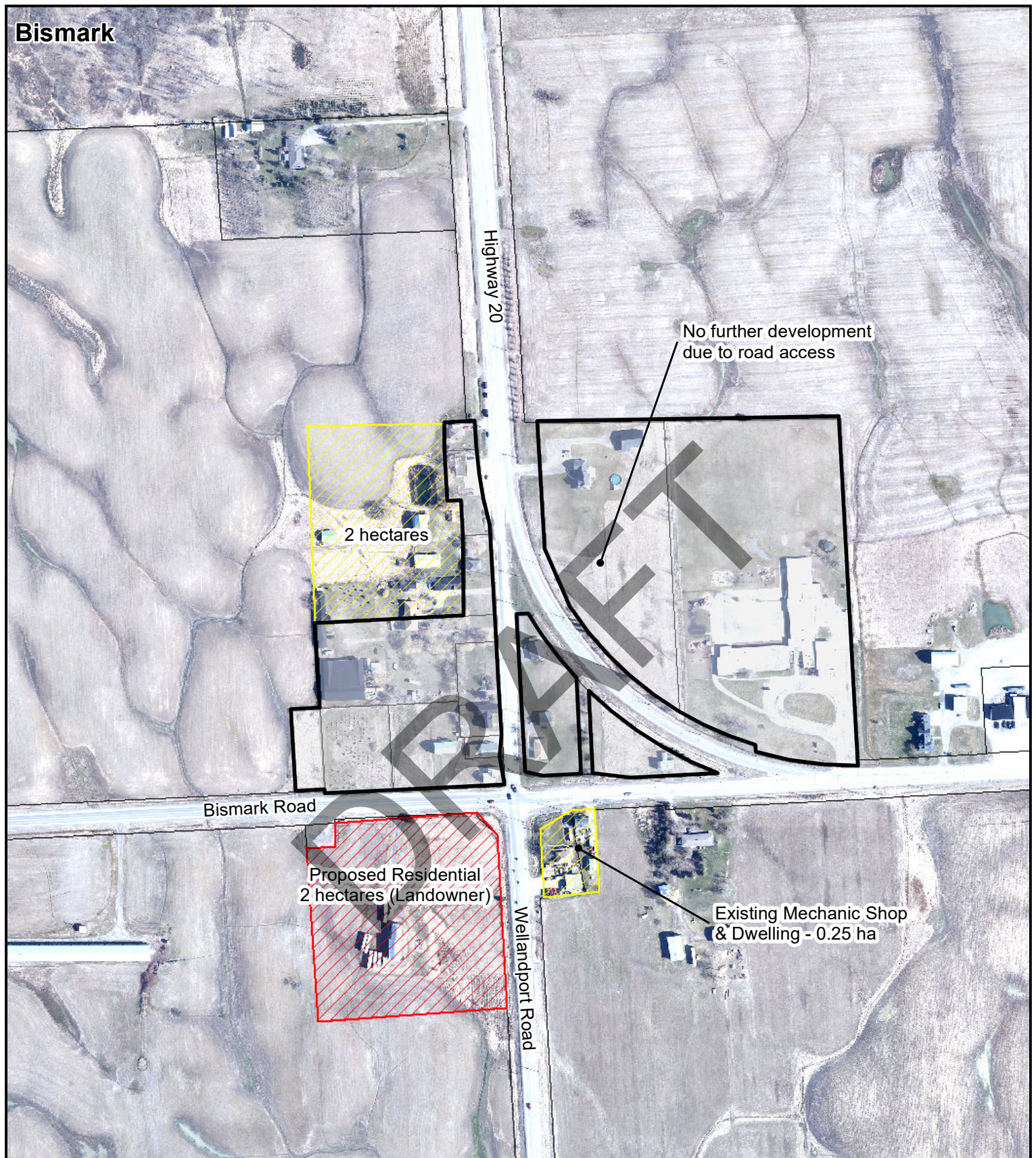
### Abingdon

**West Lincoln**  
Your Future Naturally

**Legend**

- Existing Hamlet Boundary
- Preliminary Township Considerations Under Review
- Proposed Expansion - Landowner Request
- Underutilized Lands
- Vacant Lands



**Bismark**

**Rural Settlement Boundary Review**  
**DRAFT FOR DISCUSSION**  
**Bismark**

**West Lincoln**  
 Your Future Naturally

**Legend**

- Existing Hamlet Boundary
- Preliminary Township Considerations Under Review
- Proposed Expansion - Landowner Request
- Underutilized Lands
- Vacant Lands



**Caistorville**

**Rural Settlement Boundary Review**  
**Draft for Discussion**  
**Caistorville**

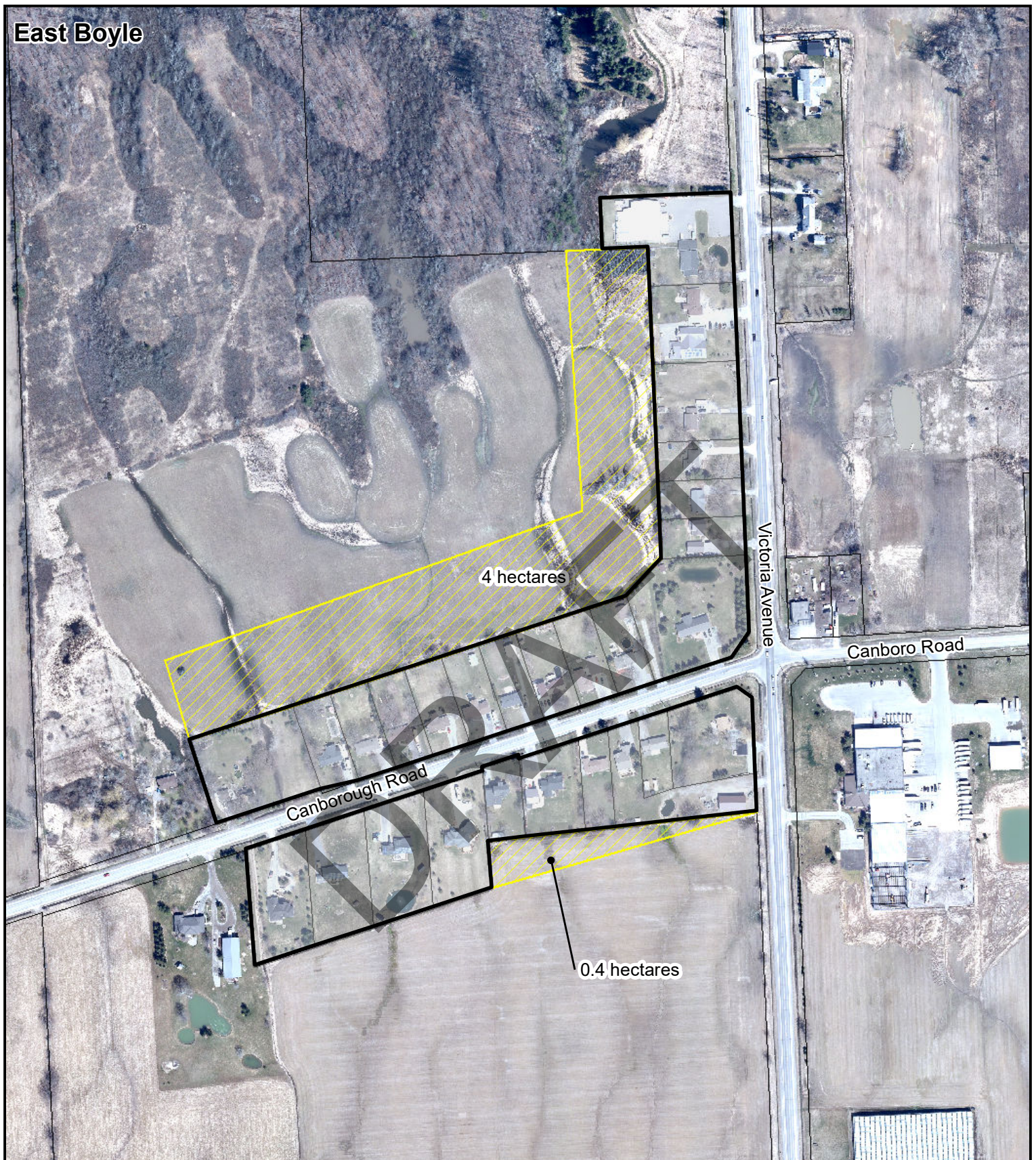
**West Lincoln**  
 Your Future Naturally

**Legend**

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- Vacant Lands



East Boyle



# Rural Settlement Boundary Review

## DRAFT FOR DISCUSSION

### East Boyle

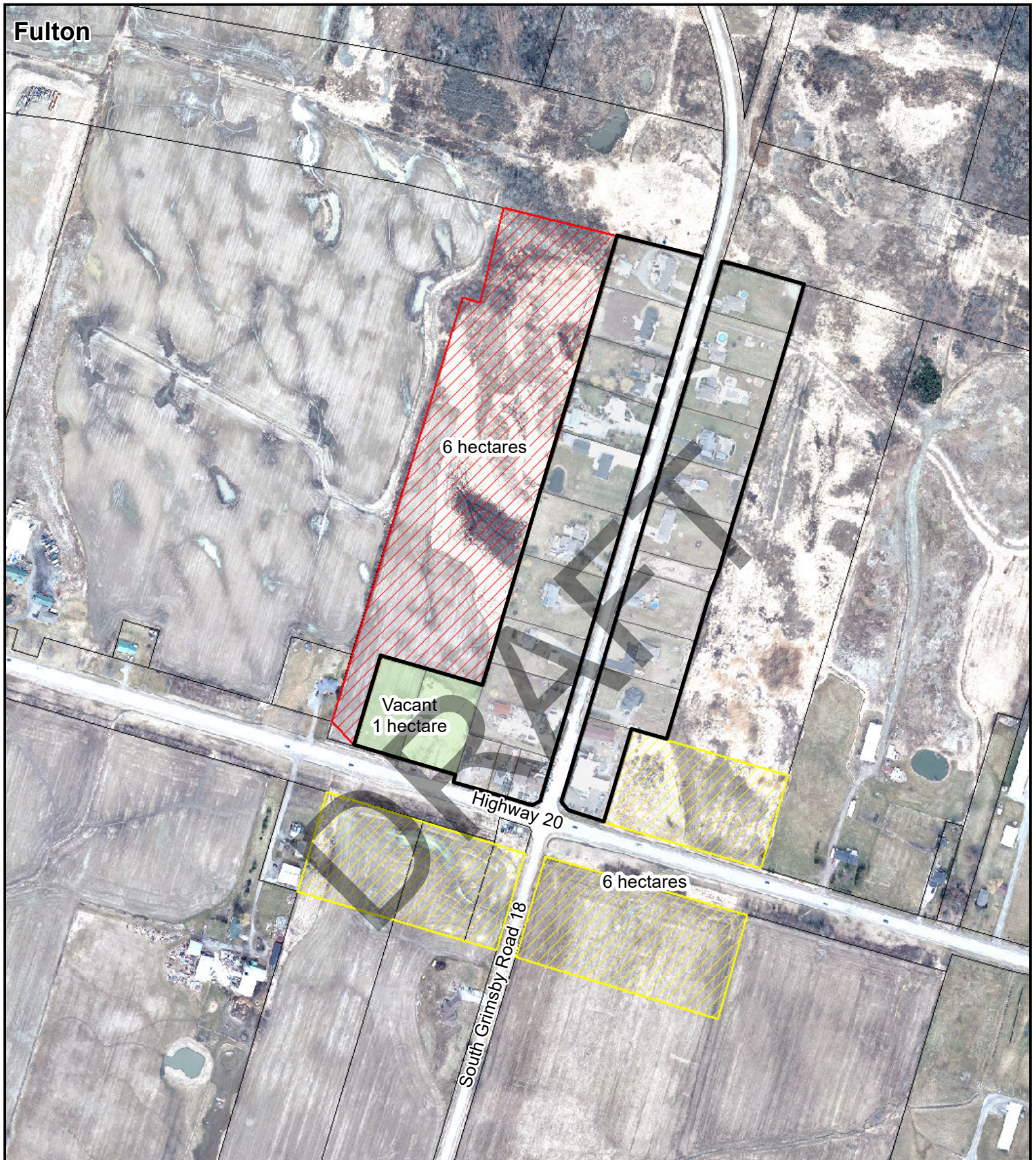
**West Lincoln**  
Your Future Naturally

#### Legend

- Existing Hamlet Boundary
- Preliminary Township Considerations Under Review
- Proposed Expansion - Landowner Request
- Underutilized Lands
- Vacant Lands



Fulton



# Rural Settlement Boundary Review

## DRAFT FOR DISCUSSION

### Fulton

**West Lincoln**  
Your Future Naturally

#### Legend

- Existing Hamlet Boundary
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- Underutilized Lands
- Vacant Lands





# Rural Settlement Boundary Review

## DRAFT FOR DISCUSSION

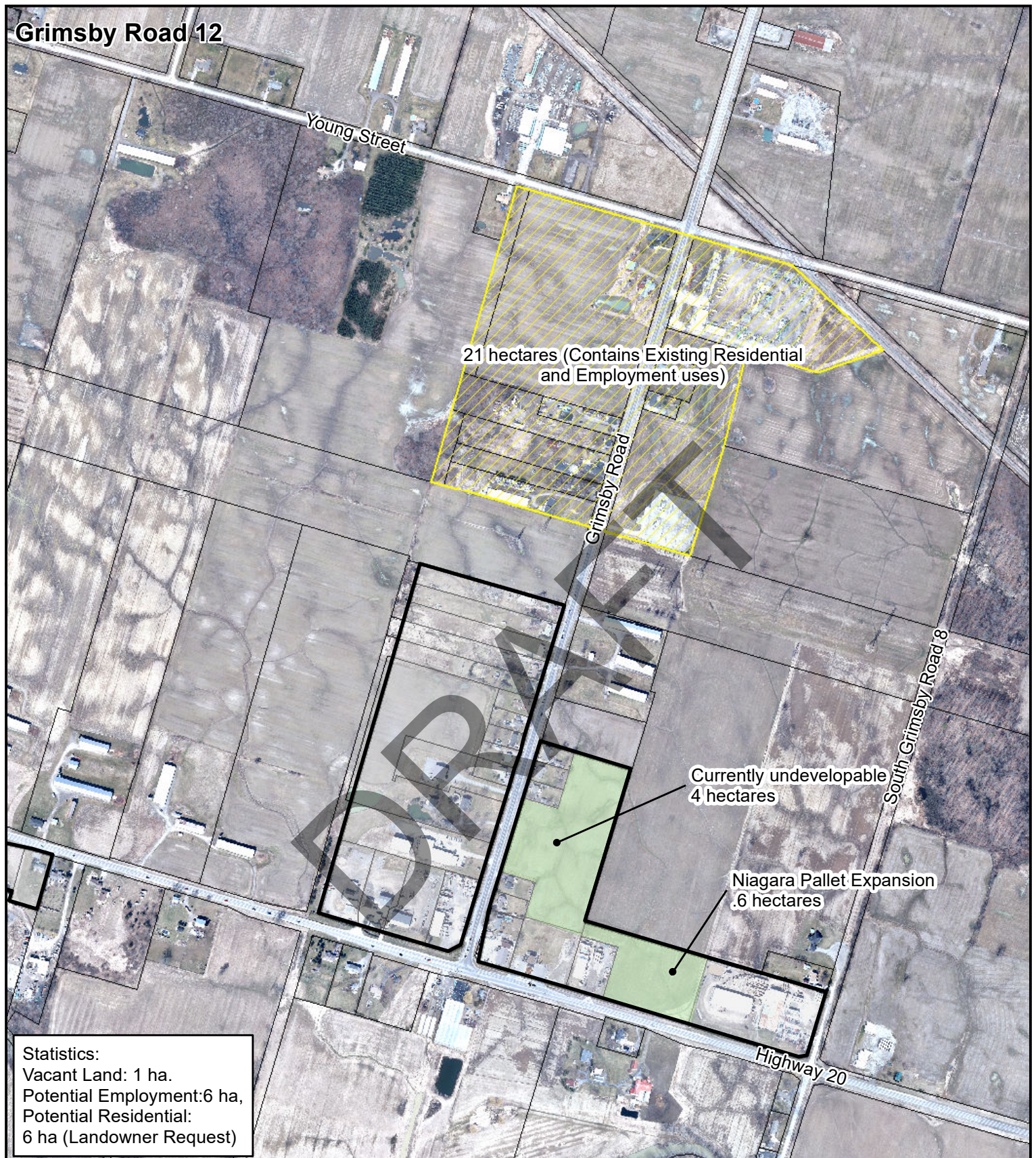
### Grassie

#### Legend

- Existing Hamlet Boundary
- Preliminary Township Considerations Under Review
- Proposed Expansion - Landowner Request
- Underutilized Lands
- Vacant Lands



## Grimsby Road 12



# Rural Settlement Boundary Review

## DRAFT FOR DISCUSSION

### Grimsby Road 12

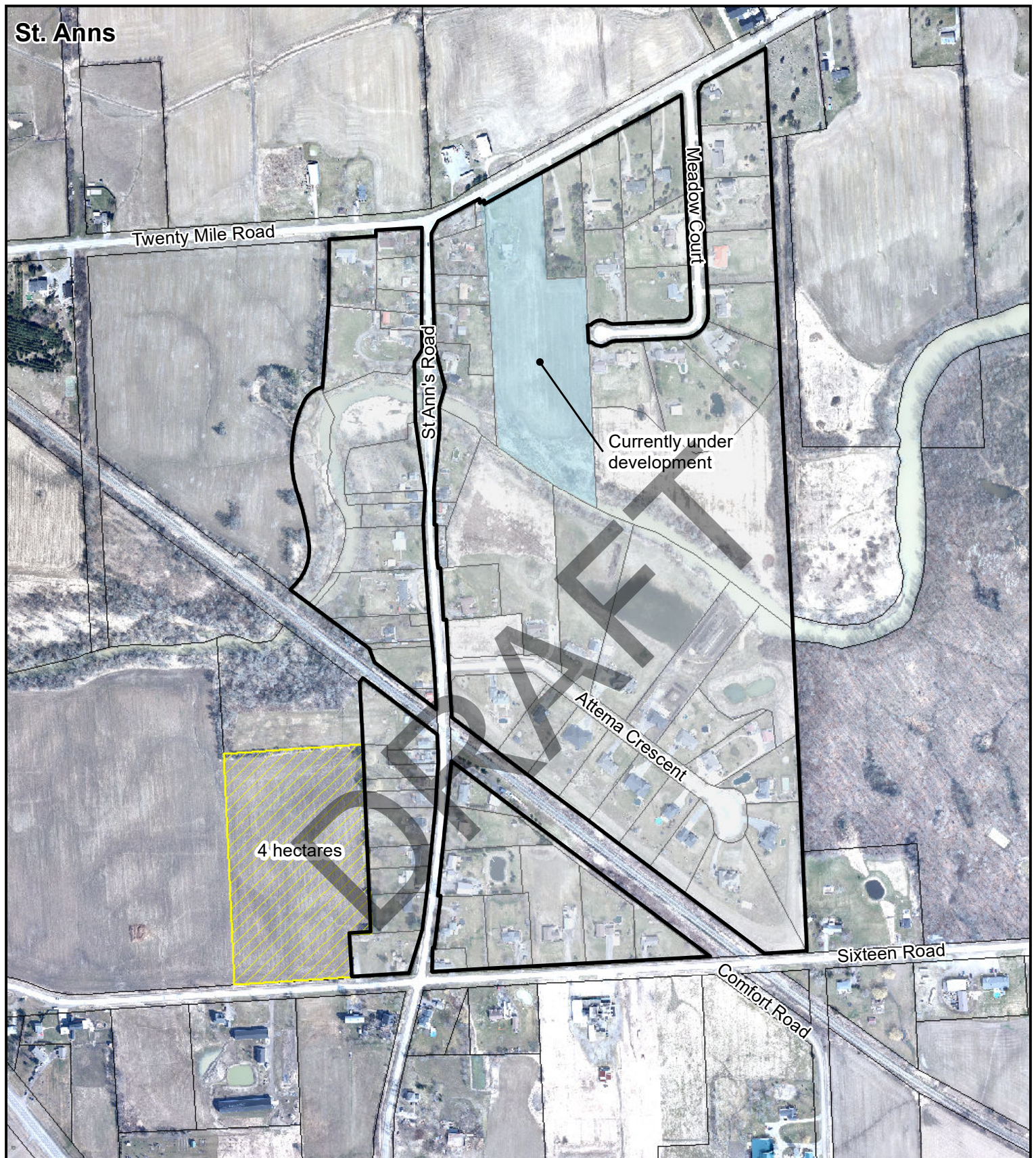
**West Lincoln**  
 Your Future Naturally

#### Legend

- Existing Hamlet Boundary
- Preliminary Township Considerations Under Review
- Proposed Expansion - Landowner Request
- Underutilized Lands
- Vacant Lands



St. Anns



# Rural Settlement Boundary Review

## DRAFT FOR DISCUSSION

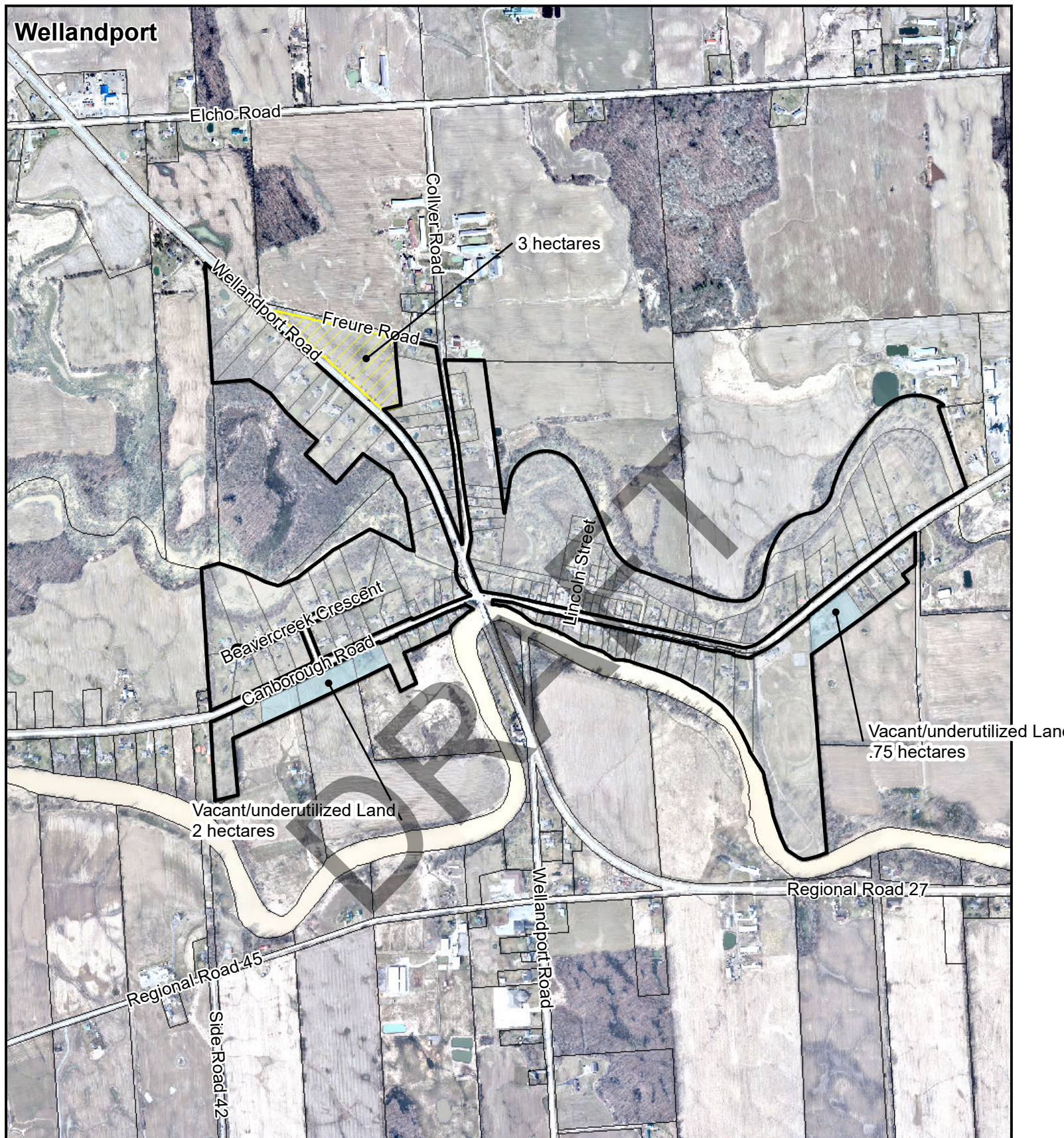
### St. Anns

**West Lincoln**  
Your Future Naturally

#### Legend

- Existing Hamlet Boundary
- Preliminary Township COnsiderations Under Review
- Proposed Expansion - Landowner Request
- Underutilized Lands
- Vacant Lands





# Rural Settlement Boundary Review

## DRAFT FOR DISCUSSION

### Wellandport

**West Lincoln**  
Your Future Naturally

#### Legend

- Existing Hamlet Boundary
- Preliminary Township Considerations Under Review
- Proposed Expansion - Landowner Request
- Underutilized Lands
- Vacant Lands



**DATE:** September 13, 2021  
**REPORT NO:** PD-105-2021  
**SUBJECT:** Information Report - Regional Official Plan Work and the West Lincoln Master Community Plan/Urban Boundary Review Project by Township of West Lincoln Consulting Teams (Aecom and Wood)  
**CONTACT:** Brian Treble, Director of Planning & Building  
Gerrit Boerema, Planner II

**OVERVIEW:**

- The Township of West Lincoln Master Community Plan consultants have been working hard on the Natural Heritage System mapping and the urban systems information for Smithville.
- The consultants are ready to go to the public with the third Public Information Centre (PIC 2, followed by PIC 0 January 2020, PIC 1 – February 2021) which will present finding and recommend a third concept for the urban area of Smithville to the broader community.
- Steve Wever will be in attendance on September 13, 2021 on behalf of our consulting teams to present their findings and the preferred concept to the Township Planning Committee prior to the Public consultation session.
- The preferred concept has now been refined and will be presented to the Committee and Council prior to presentation to the public.
- Details around the Natural Heritage system, urban infrastructure, transportation linkages, density and the types of development will also be part of the complete package, some of this detail is still in the early stages.
- There have been a number of discussions with the land owners' group representatives over the Natural Heritage system mapping through Technical Advisory Committee (TAC) and sub-TAC meetings.
- It will not be possible to satisfy all land owner concerns and comply with Provincial direction, but efforts are underway to keep discrepancies and outstanding issues to a minimum.
- Finally, on August 1, 2021, Regional Planning staff introduced report PDS-033-2021, which can be found at attachment 1 to this report. PDS-033-2021 identifies the Regional land needs assessment work of Hensen and Associates and confirms population targets for West Lincoln along with all local municipalities.
- Finally, the Settlement Area Boundary review work (SABR) is a Regional mapping initiative that will be applied to both Smithville and our hamlets. A recommendation report on each of these topics will be presented to Committee in October in order to endorse proposals for inclusion in the Region's New Official Plan.

**RECOMMENDATION:**

1. That, Report PD-105-2021, regarding “Information Report, Regional Official Plan Work and the West Lincoln Master Community Plan/Urban Boundary Review Project by Township of West Lincoln Consulting Teams (Aecom and Wood)”, dated September 13<sup>th</sup>, 2021, be RECEIVED for INFORMATION PURPOSES; and,
2. That, staff will present a future recommendation report after proceeding with PIC 2 on October 6<sup>th</sup>, 2021. Notice will be provided to the Public very soon.

**ALIGNMENT TO STRATEGIC PLAN:****Theme #3**

- **Strategic, Responsible Growth**

**BACKGROUND:**

The Master Community Plan work in West Lincoln officially began in late October of 2019 with the passing of the Authorizing By-law 2019-96 and By-law 2019-97 and with the signing of contracts to hire Aecom and Wood to undertake the Master Community Plan work and Natural Heritage system work. All of this work in turn is to be fed into the Regional Master Comprehensive Review, which is part of the new Regional Official Plan project. In order to do so, and to ensure compliance with the Planning Act and the Environmental Assessment Act, Public Information Centres (PIC) are also required. To date, two have occurred, one on January 30, 2020 (PIC 0) and the other virtually on February 11<sup>th</sup>, 2021 (PIC 1). A third PIC is now proposed for October 6<sup>th</sup>, 2021. PIC 0 was held in person in the West Lincoln Community Centre gymnasium, whereas, PIC’s 1 and 2 will be of a virtual Zoom format.

**CURRENT SITUATION:**

On August 11, 2021, Regional Planning Committee endorsed Regional staff report PDS-033-2021. This report is entitled “Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update”. A copy of this Regional report is found at attachment 1 to this report.

The proposed growth targets for each lower tier municipality have been provided in PDS-033-2021. For West Lincoln, they are as follows:

<b>West Lincoln</b>	<b>2021</b>	<b>2051</b>
Population	16,370	38,370
Households	5,330	14,060
Employment	4,460	10,480

Over this same time period the Region of Niagara is projected to grow from 491,120 population (2021) to 694,000 (2051) target, representing a 40% increase in growth while West Lincoln population is projected to more than double in 30 years.

These allocations are generally consistent with the work that the Township’s



Consultants have been working towards, notwithstanding the fact that the target growth was originally being planned to 2041, but was extended by the Province to 2051 on August 28, 2020 through Amendment 1 to *A Place to Grow*.

In order to achieve this growth while planning to maintain the character of Smithville, the following targets have been assigned by the Region:

- West Lincoln needs to achieve a 13% intensification rate
- West Lincoln needs to protect natural heritage systems and will require up to an additional 370 hectares of land for community needs and 45 additional hectares of land for employment needs.

Internal adjustments to the East Smithville Secondary Plan and the Spring Creek Heights Secondary Plan affect the amount of additional land that will actually be required.

Where we can grow by removing less land from the agricultural systems and by increasing internal capacity, is part of the review. Notwithstanding this planning work, it is critical to maintain the West Lincoln/Smithville small town charm.

The presentation by Steve Wever on September 13, 2021 will present how it is foreseen that we can grow and achieve these targets. In conjunction with all of this, Master Servicing Plans are being prepared and the Region is working with our consulting teams on the sewer, water, and transportation linkages, including a bypass and an escarpment crossing.

**FINANCIAL IMPLICATIONS:**

This project is being front ended by the Land Owners group.

**INTER-DEPARTMENTAL COMMENTS:**

This project is a substantial undertaking that includes Regional Public Works and Planning, NPCA, Land Owners representatives along with Township Planning and Public Works staff, our consultants and our consulting facilitator, Mr. Richard Vandezande.

**CONCLUSION:**

This report, the Regional report and the presentation by Steve Wever on the September 13, 2021 agenda are all to be received for information purposes in advance of a PIC 2 (third public consultation session) this is scheduled for October 6, 2021. A report to seek endorsement of the projected urban boundary will be presented to Committee in October of 2021.

**ATTACHMENTS:**

1. Regional Report - PDS-033-2021

**Prepared & Submitted by:**

**Approved by:**



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**Brian Treble**  
**Director of Planning & Building**



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**Bev Hendry**  
**CAO**



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**Gerrit Boerema**  
**Planner II**

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**Subject:** Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, August 11, 2021

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## Recommendations

1. That Council **ENDORSE**, in principle, the use of the Made-in-Niagara Forecast and the Revised Land Needs Assessment (Appendix 1 of Report PDS 33-2021), to advance the Niagara Official Plan, the Water and Wastewater Master Plan, the Transportation Master Plan, the Development Charge Background Study and By-law, and other Regional programs; and
2. That Report PDS 33-2021 **BE CIRCULATED** to local area municipalities, partner agencies and the Province.

## Key Facts

- This report recommends a “Made-in-Niagara” growth forecast to 2051. The Forecast is a land needs assessment (“LNA”) derived from the Provincial Land Needs Methodology. The Region must conform to the Provincial requirements, including this Methodology.
- The Made-in-Niagara Forecast provides a 2051 population of 694,000 people and 272,000 jobs.
- The Made-in-Niagara Forecast is similar to the previously-released forecast from May 2021, provided in the May Joint Report PDS 17-2021. Population forecasts have increased slightly in two municipalities to account for market demand and provide additional affordable housing options. Importantly, the updates since May are focussed exclusively in built-up areas – not greenfields – meaning that it does not result in additional residential land needed through urban boundary expansions.
- The Made-in-Niagara Forecasts and updated LNA result in a Region-wide net community area land need of 495 Ha and net employment area land need of 210 Ha. The Region-wide intensification rate is 60%, which is 10% greater than the minimum

required. Density is 50 people and jobs per Ha for greenfields and larger densities in the Region's Strategic Growth Areas.

- Feedback was carefully considered in making this recommendation. Staff have considered other key interests, like the Natural Environment System ("NES"), agricultural system, and affordability.
- The Forecasts need to be endorsed in principle at this time. These are used to make decisions about changes to urban and rural boundaries (called the Settlement Area Boundary Review or "SABR"). They are also used as part of the Niagara 2051 program to inform the Water/Wastewater Master Servicing Plan and Transportation Master Plan. The Region's infrastructure is paid for through Development Charges based on this information.
- Changes to municipal boundaries through the SABR can only occur as part of the Region's new Official Plan (with very limited exceptions). Staff need endorsement of the Made-in-Niagara Forecasts to move forward with the SABR. No decisions on SABR itself are requested now - that will be reported on further this Fall.
- The Forecasts and updated LNA are sought for endorsement in principle to allow the programs noted above to move forward. Adjustments to the forecasts are likely, prior to finalizing, to reflect any recommended employment conversions and other matters. This will be provided for consideration at a future Council meeting.

## **Financial Considerations**

There are no financial considerations directly related to this report. However, as described below, a decision on the Made-in-Niagara Forecast is critical to establishing the 2022 Development Change By-law where growth-related costs are recovered.

This report is prepared as part of the Niagara Official Plan ("NOP") program. Council approved the resources to complete the NOP over a 5 year period as part of the 2017 Budget Process.

The growth forecasts identified here will be used in the upcoming revisions to the Water and Wastewater Master Servicing Plan ("MSP"), Transportation Master Plan ("TMP") and Development Charges Study ("DCS"). Those studies identify projects to be built based on the growth forecasts.

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The DCS sets out a calculation of how all or a portion of those costs can be recovered through development charges. The Development Charge By-law must be passed in advance of current by-law expiry in August 2022. The Made-in-Niagara Forecasts are needed at this time for the inputs to the Development Charges work so that program can be advanced in time for the August 2022 deadline.

## **Analysis**

On May 20, 2021, Regional Council received PDS 17-2021 Niagara Official Plan Consolidated Policy Report (the “May Joint Report”). The May Joint Report provided a comprehensive update on the NOP process and draft materials for consultation with local municipalities, stakeholders and public.

Staff asked for feedback by July 2, 2021 so it could be considered as part of this report, among other things. Feedback has been carefully considered and is described further below.

Two separate reports are advanced at this time. This report (PDS 33-2021) relates to the updated Made-in-Niagara forecasts and its relationship to SABR and Niagara 2051.

A second, related report, is PDS 32-2021, provided at this same August 11, 2021 PEDC meeting. That report speaks to the additional work that has occurred relating to other Official Plan matters since the May Joint Report. Although these reports are under separate cover, they have been prepared comprehensively with continued consideration of integrated planning of the new NOP.

At this time, the Region seeks endorsement in principle of the Made-in-Niagara Forecast. This allows the SABR program to move forward, and advancement of the Niagara 2051 work, including the Development Charges By-law.

Adjustments to the forecast and LNA are likely to be proposed prior to finalizing these documents. As described further below, employment conversion requests have not yet been considered. Depending on the outcome of that review, the forecast and LNA may be revised for Council consideration.

Further, the Provincial Land Needs Assessment Methodology contemplates that final adjustments may be made, after all other steps are undertaken, to account for specific circumstances like vacancy rates, constrained land from infrastructure, lands that may not develop because of landowner choice, and other economic or demographic factors.

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Revised forecasts and LNA will be provided to Council in a future report for consideration.

### **Growth Forecast Consultation**

A Place to Grow (2020) (“Growth Plan”) establishes a *minimum* population and employment forecasts for upper- and single-tier municipalities in the Greater Golden Horseshoe. The Region must plan for these minimum forecasts and assign the forecast to local municipalities.

The Region has done significant forecasting work over several years. Most recently, its forecasting work was set out as part of the May Joint Report, PDS 17-2021 [Appendix 3.3](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-3.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-3.pdf>), Growth Allocation Update to 2051 (Hemson, 2021). This work aligned regional forecasts with the recently-released 2020 *Growth Plan* (the “May 2021 Forecast”).

The May 2021 Forecasts distributed the minimum Growth Plan Schedule 3 forecast of 674,000 people and 272,000 jobs throughout Niagara’s 12 municipalities. Forecasts were distributed based on the Preferred Growth Option, established through Niagara 2041 (Niagara 2041: Preferred Growth Option (Hemson, 2019), with revisions made based on the new 2051 planning horizon and emerging development trends. This was based on the 2020 Growth Plan and a newly released Provincial LNA Methodology.

The May 2021 forecasts provided information on housing mix within each municipality and areas within them. This work was done to show how the forecasts represent market-based housing demand and support affordable housing.

The May Joint Report also provided specific data on affordability. Appendix 5.2, Niagara Region Housing Affordability and Growth Plan 2051 (CANCEA, 2021) set out that achieving the minimum Growth Plan forecast of 674,000 people would keep the Region’s Core Housing need at 13%.

The CANCEA conclusion was clear: if the Region grew too slowly, affordability would worsen.

The Region also released its Regional Structure through the May Joint Report. The Regional Structure identified locations and density targets for Strategic Growth Areas (SGAs). SGAs will accommodate a significant amount of growth, support infrastructure investment and contribute to complete communities.

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On many occasions before and after the May Joint Report release, the Region met individually with planning staff at each local municipality to discuss growth forecasts, SGAs, intensification rates, densities, and related matters.

Since May 2021, the Region held five public information centres (PICs) and held dozens of meetings with interested parties about these same growth-related matters.

Additionally, the Region progressed on the TMP, MSP, and DCS update. This process involves a Niagara 2051 working group of various staff across many departments and consultation events held in the spring 2021.

Almost all feedback was supportive of the Region's process. The Region received comments on specific aspects of its May 2021 forecasts, with some parties recommending adjustments or changes reflecting a variety of interests.

Importantly, there was general public support, and local planning staff support, of the Region's overall land needs program and the Regional Structure components.

A comment summary of the land needs-related comments is provided in **Appendix 3**. The full set of comments received can be viewed here: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) (<https://www.niagararegion.ca/official-plan/>).

Additional comments, unrelated to land needs, are reported in PDS 32-2021.

Since the release of the May 2021 Forecasts, the Region carefully considered feedback received. Staff also conducted a further review of individual growth areas and existing and proposed development applications. Additional progress on the detailed work towards finalizing the NES has been made since May 2021.

On this basis, Staff recommend two categories of change be made to what was released in May 2021.

The first is additional intensification growth be allocated to Lincoln and Welland.

The second is including the most current information on the NES.

These topics are described in the following sections of this report.

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## Summary of Changes to the Land Needs Assessment

The Growth Plan (2020) allows Niagara to use alternative growth forecasts beyond those identified in Growth Plan Schedule 3. The Made-in-Niagara Forecast is an alternative growth forecast.

This alternative growth forecast can be only be advanced by a Region or single-tier government.

Details of the Made-in-Niagara Forecast are provided in **Appendix 1**. This is a revised version of [Appendix 3.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-2.pdf>) of the May Joint Report.

The Province provided three growth scenarios in its draft materials for the 2020 Growth Plan. One of those scenarios was a high growth forecast of 700,000 people for Niagara. At that time, Niagara Region staff supported the high scenario.

The proposed, Made-in-Niagara Forecast of 694,000 people is slightly below this high scenario identified by the Province.

The May 2021 Forecast identified a total population of 674,000 people. The additional 20,000 people above the May 2021 forecast have been allocated to Lincoln and Welland. Lincoln's 2051 population has been revised from 35,660 to 45,660 in the current forecast. Welland's 2051 population has been revised from 73,000 to 83,000.

Based on the analysis and consultation noted in the previous section, the Region proposes the following Preliminary Municipal Growth Allocations: 2021 and 2051 (i.e. the Made-in-Niagara Forecast):



**Table 1: Preliminary Municipal Growth Allocations: 2021 and 2051**

<b>Municipality</b>	<b>Population 2021</b>	<b>Population 2051</b>	<b>Households 2021</b>	<b>Households 2051</b>	<b>Employment 2021</b>	<b>Employment 2051</b>
Fort Erie	33,930	48,050	14,150	21,510	10,530	17,430
Grimsby	30,300	37,000	11,470	16,070	10,690	14,670
Lincoln	26,860	45,660	9,590	19,405	11,390	15,960
Niagara Falls	97,220	141,650	38,520	58,740	37,780	58,110
Niagara-on-the-Lake	19,970	28,900	7,910	12,500	11,800	16,960
Pelham	19,320	28,830	7,150	11,280	4,810	7,140
Port Colborne	19,250	23,230	8,210	10,500	5,910	7,550
St. Catharines	140,250	171,890	58,550	78,320	61,780	81,010
Thorold	24,440	39,690	9,230	15,660	8,530	12,080
Wainfleet	7,000	7,730	2,580	3,040	1,400	1,830
Welland	56,210	83,000	23,610	37,540	18,030	28,790
West Lincoln	16,370	38,370	5,330	14,060	4,460	10,480
<b>Niagara Region</b>	<b>491,120</b>	<b>694,000</b>	<b>196,300</b>	<b>298,645</b>	<b>187,110</b>	<b>272,000</b>

**Revised Intensification Rates**

Through the comments received and additional analysis done by the Region, Staff determined that the draft May 2021 Forecasts for Lincoln and Welland were likely to be achieved earlier than set out. In our view, higher forecasts were required to ensure alignment with infrastructure investment and to better align with planned development.

In Lincoln and Welland, the additional growth proposed is within the existing urban, built up areas with development or redevelopment potential. Thus, this is considered “intensification” growth. This kind of development supports a broader, more affordable housing mix of more townhouses and apartment units.

These changes reflect the planned infrastructure to sustain the anticipated growth. The Region seeks to proactively plan to accommodate the growth to ensure communities are more sustainable, better connected, healthy and safe.

As note above, the additional forecasted growth to Lincoln and Welland are within the built-up areas as intensification. In other words, more development is proposed within the existing boundaries. There is no impact to Community Area (residential/mixed use) land need to accommodate this additional population and these changes do not result in need for additional land through boundary expansions.

The “intensification rate” is a measure of how much growth is going to built-up areas rather than new greenfield areas. In the updated Forecast, Lincoln’s intensification rate has increased from 80% to 90%, and Welland’s from 60% to 75%. When these changes are incorporated to a Region-wide average, the Region’s intensification rate increases from 56% to 60%.

Table 2 is the revised intensification rates by municipality and the overall Region rate.

**Table 2: Revised Intensification Rates to 2051**

<b>Municipality</b>	<b>Intensification Rate</b>
Fort Erie	50%
Grimsby	98%
Lincoln	90%
Niagara Falls	50%
Niagara-on-the-Lake	25%
Pelham	25%
Port Colborne	30%
St. Catharines	95%
Thorold	25%
Wainfleet	0%
Welland	75%
West Lincoln	13%
<b>Niagara Region</b>	<b>60%</b>

The above paragraphs describe the changes in terms of population and intensification rates – the Region also looks at this in terms of units. The number of additional units proposed is 10,500. These additional units are predominately medium- and high-density housing types, such as townhouses, apartments, and other multi-unit dwellings.

Increasing this unit type is key to help address core housing need, driven primarily by affordability.

The diversification of Niagara’s existing, low-density housing stock is supported by the Region’s recent housing analyses completed by CANCEA, included in Appendix 5 to the May Joint Report, and noted above. The CANCEA work concluded that more dense forms of housing is needed to support Provincial growth targets, and consequently, to address rates of core housing need over time.

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In short, more dense forms of housing are needed to address affordability.

### **Updated Natural Environment Work**

Work on the Natural Environment program has been ongoing for many years.

Since May 2021, the Region has refined the analysis of Natural Environment developable area. The most current information suggests a need to remove non-developable lands from the land needs assessment calculation.

In other words, more land should be protected than identified in the May 2021 Forecast; in turn, less land is available for development. This results in a greater *overall need* for land (since less is available for development). This means a small increase of land needed for the Community Area (i.e. residential and mixed use) and a modest increase in land needed for Employment Areas (i.e. mostly industrial areas).

At the May 20, 2021 Regional Council meeting, Council directed Staff to prepare materials for Natural Environment System (NES) Options 3B and 3C, with a decision by Council on the preferred NES Option to be made at a later time.

Importantly, the land need difference between NES Option 3B and 3C is negligible. Regardless of which NES Option is selected at a later time, the land needs will be similar. For this reason, there is no need to await an Option selection to advance the land needs at this time. When an Option is selected, minor adjustments can be made to the land needs, if needed, before it is finalized..

### **Community Area Land Needs – Rural Settlement Areas**

As directed by the Provincial Land Needs Assessment Methodology, an additional assessment was undertaken for Rural Settlement Areas.

Niagara has a modest population and employment base outside of urban settlement areas. Growth is anticipated to continue within rural areas and rural settlement areas. Between 2021 and 2051, Hemson Consulting forecast an additional 900 housing units and 8,090 jobs will occur in the rural area.

The Rural Settlement Area assessment determines where the forecast growth will occur within the rural areas and if additional land is required within rural settlement areas primarily focussed in Wainfleet and West Lincoln.

Further details of the rural settlement area assessment is provided in **Appendix 1**.

### **August 2021 Preliminary Draft Land Needs Assessment**

As discussed above, the May 2021 Forecast was refined based on the alternative Made-in-Niagara Forecast, higher Regional intensification rate and recent NES work.

The detailed Forecast is provided in **Appendix 1**.

Table 3 below is a summary of the overall preliminary land needs by municipality.

**Table 3: August 2021 Preliminary Draft Land Needs Assessment**

<b>Municipality</b>	<b>Community Area Land Needs (ha)</b>	<b>Employment Area Land Needs (ha)</b>
Fort Erie	105	155
Grimsby	5	(5)
Lincoln	0	15
Niagara Falls	270	10
Niagara-on-the-Lake	5	(20)
Pelham	40	0
Port Colborne	(160)	(40)
St. Catharines	15	30
Thorold	(155)	(35)
Wainfleet	0	0
Welland	0	45
West Lincoln	370	45
<b>Niagara Region (net)</b>	<b>495</b>	<b>210</b>

In the May 2021 Forecast, the Region's net overall community land need was 460 Ha and net employment area land need was -20 Ha.

The net Community Area land need in the current Forecast and LNA is similar to the May 2021 Forecast. The net Employment Area land need is now 210 Ha compared to the previous surplus of 20 Ha.

Through consultation with the Province, the Region has also been advised that the LNA should result in a single number for land need; a blended number where Community Area land need and Employment Area land need are combined. This combined net land need is 705 hectares.

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For the reasons noted elsewhere in this report, adjustments may be made to this preliminary forecast. Those adjustments will be provided to Council for consideration at a later time.

### **Employment Area Requests for Conversion**

The Region is considering Employment Land Employment Area conversions as part of its new Official Plan. The Provincial Land Needs Assessment Methodology implementation section contemplates that this should be considered for reducing the amount of settlement area expansion required for forecasted growth.

Employment land exists both within and outside of Employment Areas in almost all of Niagara's communities. Through the NOP, the Region is mapping Employment Areas, or clusters of employment uses, to define these boundaries. Employment Areas are of Regional interest as they relate to the provision and protection of employment land employment jobs, typically those within industrial areas and business parks.

The Growth Plan contains criteria for conversion of employment lands within an Employment Area and provides direction for when conversions can be considered as part of a Municipal Comprehensive Review. In Niagara's case, this is the NOP process.

Information on conversion criteria considerations was provided in the Employment Policy Paper PDS 17-2021 – [Appendix 10.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-10-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-10-2.pdf>).

The Region received seven requests for Employment Areas conversions. These requests remain under consideration and will be reported further as part of the SABR review. The conversion requests are summarized in **Appendix 3**.

One of the tests for employment conversion is land need. Based on the current LNA presented with this report, the Region has a demand for 210 Ha more employment area. In other words, on a regional scale, there is a net land need demand for more employment area, not removal of employment area through conversions. However, individual conversion sites remain under review based on local considerations.

As indicated above, the review of conversion requests is part of the SABR review, with recommendations to be reported in the fall, including any associated adjustments to the forecast and land needs.

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## Settlement Area Boundary Review

Only the Region can make settlement area boundary changes and the NOP is the time to do so.

In order to make SABR decisions, the Made-in-Niagara Forecast needs to be endorsed. If not, Staff will not know how much land is needed to review and adjust boundaries accordingly.

The SABR will review candidate land adjacent to the existing settlement area boundaries to determine the most appropriate location for settlement area expansion to be accommodated. Regional staff have developed criteria and an assessment process to consider both urban and rural settlement area boundary expansions.

The location of SABR expansion requests are mapped on **Appendix 2**.

## SABR Assessment Criteria and Process

The SABR assessment criteria was developed based on direction from the Provincial Policy Statement (2020), the Growth Plan, and Regional considerations. Staff consulted local area planners on many occasions, as a group and in individual meetings. Local planning staff support the criteria.

Additionally, the draft criteria was publically shared as part of the May Joint Report [Appendix 18.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-2.pdf>) for urban areas and [Appendix 18.3](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-3.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-3.pdf>) for rural settlement areas. Since that time, until July 2, 2021, the Region received comments on the criteria. With one small site-specific exception, no negative comments on the criteria were received. In fact, in many cases, the draft criteria are already under use by those making submissions to support a SABR request.

For these reasons, the Region will continue to use the criteria in its SABR review this summer and fall.

The criteria are divided into two parts. The first is an initial screening of the requests. Not all requests could be considered eligible for reasons related to Provincial Plan prohibitions. For example, the Greenbelt Plan prohibits expansion into the Specialty Crop Area and the Niagara Escarpment Plan also prohibits expansion of Minor Urban



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Centres. The Region has no ability to make these changes, and therefore, these types of requests will not proceed.

As a result of this initial screening, 17 requests are being removed from further consideration.

If part one is satisfied, a request proceeds to the second part which contains more detailed criteria, including:

- Sanitary Servicing
- Municipal Water Supply
- Transit and Transportation
- Environmental Protection and Natural Resources
- Agricultural / Agri-food Network
- Aggregate Resources
- Growth Management

To undertake the second part of the SABR process, a review team comprised of regional staff across many disciplines has been assembled (including those relating to water, wastewater natural environment, transportation, aggregates, agriculture and growth management). The team may also draw on additional staff resources, if required, in relation to some topic areas where specific knowledge would assist. Local municipal staff will also participate within their respective areas.

For the SABR process, staff will rely on primary sources of study reference and technical data. The expectation is the same sources of information will be used for all sites being reviewed.

Additionally, any supplemental information provided by requestors will also be reviewed. Not all SABR requests received have supplemental information – it was not required. The supplemental information will be carefully considered; however, no additional weight is given to those requests that have supplemental information.

Some local municipalities have undertaken expansion-related study work or specific comments on expansions that will be carefully considered by the Region's review team.

Criteria for rural settlement area (Hamlet) review differs from the urban SABR. Rural settlement expansion focuses on maintaining rural character and supporting the

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agricultural community and rural population needs. Rural settlement areas will continue to be serviced through private systems.

### **SABR Request Details**

The Region received about 87 private owner submissions related to the SABR process. These are specific to the existing Official Plan process; separate from comments made to the Province through the 2017 Coordinated Plan Review (CPR). CPR comments are not currently being processed by the Region (with three exceptions) since these matters are for Provincial review period only. The Region cannot make changes to Provincial Plans as part of the Niagara Official Plan process to accommodate expansion.

The three noted exceptions are sites in Lincoln (Albright Manor), Niagara Falls (Cotton Construction), and Niagara-on-the-Lake (Queenston Quarry) that were changed in the Niagara Escarpment Plan to Urban Area or Escarpment Recreation Area during the past review. Since these changes were made by the Province, the Region is processing these sites through its SABR.

In addition to the private owner requests for this Official Plan, the Region has received a number of local municipal requests for expansion consideration. The requests have been delivered through local Council resolution and will be reviewed along with all other requests made. Some local municipalities are still working on such recommendations, for circulation to the Region in the near future.

Local municipal requests comprise an additional 30 locations to date.

In addition to the private requests and municipal requests, noted above, the Region is reviewing additional candidate lands. The Region must consider what lands should be included – whether or not a request has been made – to ensure a holistic and objective review of Provincial policy in determining “the most appropriate location” for expansion.

As of writing, the total number of locations for expansions is approximately 147, including all categories described above.

A map of the SABR expansion areas is set out in **Appendix 2**.

### **SABR Consultation**

In preparing this report, careful consideration was given to comments provided on land needs, SABR requests and criteria, and employment conversions. All comments

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received prior to July 15, 2021 were reviewed in preparing this report. Comments were requested by July 2, 2021.

The Region received over 20 comments related to the LNA. These submissions, as well as responses, are summarized in **Appendix 3**. Generally, the submissions are favourable and support the direction of the LNA. Some landowners made land need- or conversion- related suggestions specific to their interests.

As noted above, the Region also received a number of SABR and conversion requests. These requests have been acknowledged and remain under consideration. Recommendations will be made in the fall.

Prior to advancing SABR recommendations, staff will gather public input. The Region has created a public mapping tool that illustrates the requests for expansion and allows for comments. It is available at the following link: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) (<https://www.niagararegion.ca/official-plan/>).

In addition to the SABR website, additional public consultation is planned to receive input in the candidate locations. This is not intended to be a forum to have requests added or removed from consideration. It will be a dialogue to inform the process and received information on the assessment process and recommendations.

## **Policy Review**

The *Planning Act, 1990* requires all municipal Council decisions to be consistent with, conform to, or not conflict with the applicable Provincial policy. Regional and local planning staff must provide planning advice and make recommendations under the same requirements.

Below outlines relevant Provincial Policy for the LNA and SABR process. The Made-in-Niagara Forecast and updated LNA conforms to, is consistent with, and does not conflict with these documents, as applicable.

### *Provincial Policy Statement (PPS), 2020*

The PPS, 2020 provides direction on land use planning to promote sustainable, strong communities, a strong economy, and a clean and healthy environment.

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Section 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns supplies many of the referenced policies appearing in the SABR Assessment Criteria including:

*“1.1.1 Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

*d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

*h) promoting development and land use patterns that conserve biodiversity;”*

Respecting the policy context for use in the SABR assessment from a community building perspective, the consistent theme of healthy, livable, safe communities that are efficiently designed, cost effective, transit-supportive and integrated, underscores the direction expansion consideration should take while reminding and recognizing future expansion needs to be a consideration.

Section 1.1.3 – “Settlement Areas” includes direction for settlement area boundary expansions only at the time of an MCR and only after there has been demonstrated need. New to the 2020 PPS is a policy that refers to satisfying market demand.

Policies of Section 1.1.3 also direct that agricultural land and industry be held in regard of decisions being made concerning expansion. This too is reflected in the SABR Criteria to be used in expansion review.

Other policies of the PPS, such as Housing, Employment, Infrastructure, Transportation and Wise Use and Management of Resources, all provide important direction for the completion of the LNA and the criteria considerations for the SABR.

*A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020)*

The Growth Plan provides a strategic, long-range growth management framework for the Greater Golden Horseshoe area. The Growth Plan supports Ontario's vision of building stronger, more efficient, prosperous communities through appropriate growth management.

Similar to the PPS, the guiding principles of the Growth Plan are focused on achieving complete communities, stimulating economic growth, prioritizing intensification and higher densities to optimize infrastructure investments, and mitigating the adverse impacts of climate change.

Policy 2.2.1.5 identifies the Province's Land Needs Assessment methodology to be used by the Region to assess the quantity of land required to accommodate forecasted growth to 2051.

Policy 2.2.8 of the Growth Plan speaks to Settlement Area Boundary Expansions.

Specifically, Policy 2.2.8.2 provides the direction for expansions to proceed through the MCR process based on the components and direction of the LNA. Further, Policy 2.2.8.3 requires any expansion be justified based on a comprehensive list of criteria. These policies were used to develop the Region's SABR criteria and have included consideration for transportation, infrastructure, NES, agricultural lands and operations, and the applicable requirements of other Provincial Plans.

The Greenbelt Plan and Niagara Escarpment Plan were also reviewed. The policies of both provide direction for enhancement and protection of the natural and agricultural systems. Expansions into the Greenbelt and Niagara Escarpment areas are prohibited.

### **Next Steps**

The Region will continue to move forward with the NOP work program. Once the SABR and conversion review process is complete, Staff will prepare a report with recommendations in fall 2021.

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The Made-in-Niagara Forecasts will be integrated into the Niagara 2051 strategies: the MSP, TMP and DCS and DC By-law. These strategies work together to ensure the planned growth is serviced and paid for.

### **Alternatives Reviewed**

Alternative 1: Council could not endorse any land needs assessment at this time. This alternative is not recommended as any delay has consequences to the Niagara Official Plan, the MSP, TMP and DCS and DC By-law, for the reasons noted in this report. The Made-in-Niagara Forecasts set out in this Report have been developed to conform to Provincial Policy and are based on significant local planning and public consultation.

Alternative 2: Council could endorse a land need assessment that differs from the Made-in-Niagara Forecast set out in this Report. This option is not recommended as the detailed work undertaken led to adjustments to the intensification growth for Welland and Lincoln. Differing from the Made-in-Niagara Forecast could lead to a misalignment between how growth is planned, serviced and paid for through development charges.

### **Relationship to Council Strategic Priorities**

The land needs assessment and Niagara Official Plan is important to address Council's priorities, being:

- Supporting Businesses and Economic Growth;
  - Through the identification and protection of employment areas.
- Healthy and Vibrant Community;
  - Through responsible management of growth by directing population and employment allocations as determined through the LNA.
  - The growth management work will also retain, protect and increase the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community.
- Responsible Growth and Infrastructure Planning.



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- Through coordinating growth with infrastructure investment to support existing and future growth in Niagara. The Made-in-Niagara Forecast will be integrated into Niagara 2051 strategies to ensure the Region is responsibly coordinating work related to growth.

### Other Pertinent Reports

Report	PDS 17-2021 – Niagara Official Plan Consolidated Policy Report (May Joint Report)
Report	PDS 32-2021 – Update on Niagara Official Plan-Further Draft Policy Development

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### Appendices

Appendix 1 Niagara Official Plan: Revised Land Needs Assessment Summary (August 2021)

Appendix 2 Settlement Area Boundary Review: Request Mapping

Appendix 3 Summary of Comments Received Relating to Land Needs Assessment  
and Settlement Area Boundary Review

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# NIAGARA OFFICIAL PLAN

## **Revised Land Needs Assessment Summary**

Results subject to refinement in draft Official Plan.

Niagara Region  
August 2021

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**GROWING REGION**



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## Land Needs Assessment Overview

The Land Needs Assessment (“LNA”) is a technical, Region-led process that determines the amount of land required for each local municipality based on the Provincially-allocated overall growth to 2051.

Specifically, the Region must calculate the amount of designated land each local municipality requires to accommodate population, housing and employment forecasts provided in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”).

The Minister of Municipal Affairs and Housing, as directed by the *Growth Plan*, released the *Land Needs Assessment Methodology for the Greater Golden Horseshoe* (the “*Methodology*”) in August 2020. The Region is required to use the Methodology in combination with the policies of the *Growth Plan* to determine the amount of land required to accommodate forecasted growth.

The *Methodology* is used to calculate two separate land needs, one for *Community Area* and one for the *Employment Area*.

Conducting the LNA is an iterative process and requires substantial direction and input from background strategies associated with the Niagara Official Plan (“NOP”) as well as consultation with the public, local municipalities and Province.

An earlier Draft LNA Summary was released in May 2021 for the purpose of consultation and refinement. Feedback was received from local municipalities, consultants and the public. Commentary was generally supportive; feedback was made on allocations, methodology assumptions, existing intensification potential and affordable housing.

Advancement of related to NOP strategies and Niagara 2051, a joint working group made up of the Transportation Master Plan, Water/Wastewater Master Servicing Plan and Development Charge has also occurred since the release of the May 2021 LNA.

The Revised LNA presented in this report is based on the feedback received on the May 2021 draft and updates from associated NOP strategies and Niagara 2051.

**The LNA results provided here are for the purpose of informing the Settlement Area Boundary Review and the Transportation Master Plan, Water/Wastewater Master Servicing Plan and Development Charge Background Study associated with Niagara 2051. The LNA may be further refined through the consolidated Official Plan process later this year.**

## How to Read this Report

This report follows the Provincial *Methodology* process and provides a summary for each component outlined within it. The report does not represent the final land needs assessment; that will be included as a companion to the Official Plan in 2022.

The Revised LNA is based on consultation with the Province, local municipalities, stakeholders, public and Niagara 2051 working group. Details on specific revisions and rationale are provided throughout the report.

The LNA results presented here should not change significantly over the remainder of the Official Plan program. However, advancement and/or refinement to associated Official Plan Strategies may change the output of the LNA.

The Province is the approval authority on the LNA and requires consultation be done prior to submitting the final LNA. The Province has provided feedback on the May 2021 Draft LNA and will continue to be consulted while the LNA is finalized.

The Final LNA will be submitted with the consolidated draft Official Plan for Provincial review and approval.

A **Glossary of Terms** is provided at the end of this summary to provide clarity on frequently used terms and terms from Provincial policy.



## Public Consultation and Engagement

The Municipal Comprehensive Review (now called the Niagara Official Plan) was first initiated in 2014 and has been through significant consultation and continuous evolution.

The following summary identifies milestone consultation efforts made so far which covered growth allocations and land needs assessment.

Project Phase	Date	Description
<b>Niagara 2041: Growth Options</b>	November 17, 2015	Public Information Center: Town of Grimsby
	November 18, 2015	Public Information Centre: City of Port Colborne
	November 19, 2015	Public Information Centre: City of St. Catharines
<b>Council approved Phase 1 and 2 Report (PDS 15-2016)</b>		
<b>Niagara 2041: Preferred Growth Option</b>	June 15, 2016	Public Information Centre: Town of Fort Erie
	June 16, 2016	Public Information Centre: Township of West Lincoln
	June 22, 2016	Public Information Centre: City of Welland
	November 30, 2016	Public Information Centre: City of Niagara Falls
	December 6, 2016	Public Information Centre: City of Thorold
	December 7, 2016	Public Information Centre: Town of Niagara-on-the-Lake
	December 8, 2016	Public Information Centre: Town of Lincoln

Project Phase	Date	Description
<b>Preferred Growth Option Forecast approved for Development Charges Study (PDS 37-2016)</b>		
<b>2017 Provincial Plan Review and Release of Growth Plan (2018)</b>		
<b>Regional Council deem Pre-2017 Growth Plan MCR complete and Growth Management work transitioned into new Niagara Official Plan (PDS 21-2018)</b>		
<b>Niagara Official Plan: Employment Strategy</b>	October 10, 2019	Industry Stakeholder Session: Town of Niagara-on-the-Lake
<b>Niagara Official Plan: Growth Strategy</b>	November 6, 2019	Public Information Centre: City of Thorold
	November 7, 2019	Public Information Centre: City of Niagara Falls
	November 13, 2019	Public Information Centre: Town of Grimsby
	November 14, 2019	Public Information Centre: Town of Fort Erie
<b>Niagara Official Plan: Employment Strategy</b>	February 25, 2020	Industry Stakeholder Session: Town of Niagara-on-the-Lake
<b>Release of Growth Plan (2020) and Revised Land Needs Assessment Methodology</b>		
<b>Settlement Area Boundary Review Program: Growth Plan Forecasts and Land Needs Assessment Update presented to Council (PDS 29-2020)</b>		
<b>Niagara Official Plan: Growth Management and Employment Surveys</b>	September – October, 2020	Online surveys related to Growth Management and Employment directions and options
<b>Niagara Official Plan: Land Needs, Growth Allocations and Settlement Area Boundary Adjustment</b>	October 7, 2020	Virtual Public Information Centre

Project Phase	Date	Description
Niagara Official Plan: Employment Strategy	October 8, 2020	Virtual Public Information Centre
Niagara Official Plan Consolidated Policy Report (PDS 17-2021). Appendix 1 to Report PDS 17-2021 provides a detailed list of all Official Plan consultation efforts.		
Niagara Official Plan: Growing Region	June 9, 2021	Virtual Public Information Centre
Niagara Official Plan: Vibrant Region	June 10, 2021	Virtual Public Information Centre
Niagara Official Plan: Competitive Region	June 16, 2021	Virtual Public Information Centre
Niagara Official Plan: Connected Region	June 17, 2021	Virtual Public Information Centre
Niagara Official Plan: Sustainable Region	June 23, 2021	Virtual Public Information Centre
Feedback on Niagara Official Plan Consolidated Report, and associated materials, was requested by July 2, 2021		

## Summary of Updates since the Draft May 2021 Land Needs Assessment

On May 20, 2021, Regional Council received PDS 17-2021, Niagara Official Plan Consolidated Policy Report. The report provided a comprehensive update on the NOP process and draft materials for consultation with local municipalities, stakeholders and public.

Staff asked for feedback by July 2, 2021, so it could be considered as part of this report, among other things. Feedback has been carefully considered and is described later in this report.

The May 2021 report provided a Draft LNA, based on a Regional forecast of 674,000 people and 272,000 jobs throughout Niagara's 12 municipalities. Forecasts were distributed based on the Preferred Growth Option, established through Niagara 2041 (Niagara 2041: Preferred Growth Option (Hemson, 2019)), with revisions made based on the extended planning horizon and emerging development trends. Municipal specific forecasts, housing mix and employment mix were all extended to 2051 and provided in PDS 17-2021 Appendix 3, Growth Allocation Update to 2051 prepared by Hemson ("*2051 Growth Update Memo*", 2021). Updated forecasts and assessment were based on the 2020 Growth Plan and associated Provincial LNA Methodology (the "*Methodology*").

The May 2021 Forecasts provided information to address housing mix within each municipality, as well as areas within them (Delineated Built-up Area, Designated Greenfield Area and Rural Area). This was done as a component of 2020 Provincial LNA Methodology and meant to show how the forecasts are representing market-based demand for housing and support affordable housing.

The Region retained a consultant to review core housing needs, which is driven primarily by affordability in Niagara. This was reported in PDS 17-2021 Appendix 5.2, Niagara Region Housing Affordability and Growth Plan 2051 (CANCEA, 2021). CANCEA concluded that achieving the *minimum* Growth Plan forecast would keep the Region's core housing need at 13%. More growth – particularly more medium and higher density housing – is needed to better address core housing need (i.e. affordability).

Before and after the May Joint Report release, the Region met individually with planning staff at each local municipality to discuss growth forecasts, among other things. The Region also held five public meetings and dozens of meetings with

interested parties about its forecasts, land needs, and boundary matters. The need to address housing affordability was raised consistently in these meetings.

Additionally, the Region has progressed on the Transportation Master Plan (“TMP”), the Water and Wastewater Master Plan (“WMP”) and its Development Charge Background Study and By-law update (“DCS”). This process is collectively called “Niagara 2051”. It involves a working group of staff across many departments and public consultation events held in the spring 2021. More is planned in 2021 and 2022.

Since the release of the May 2021 forecasts, the Region carefully considered individual feedback received. Staff also conducted a further review of individual growth areas and existing and proposed development applications. Additional progress on the background work to the Natural Environment System has been made since May 2021.

On this basis, Staff identified two categories of change that have modified the LNA from what was presented in May 2021. The first is that additional population and intensification growth be planned for Lincoln and Welland. The second is that adjustments be made to better integrate the Natural Environment Option 3B/3C in to the growth forecasts.

The Growth Plan (2020) allows Niagara to use alternative growth forecasts beyond those identified in Growth Plan Schedule 3. The forecasts provided here are referenced as the “Made-in-Niagara Forecast” since they represent an alternative growth forecast that works better for the Region.

Through the comments received, and additional analysis done by the Region, Staff determined that the draft May 2021 Forecasts for the Lincoln and Welland were likely to be achieved earlier than set out in the 2051 planning period. Higher forecasts are required to ensure alignment with infrastructure investment and to achieve market based demand.

In both Lincoln and Welland, the areas identified for development (beyond the preliminary forecast) are within existing urban, built up areas with development and redevelopment potential. These locations are considered intensification opportunities and will support a broader, more affordable housing mix through this development/redevelopment.

As a result of the increased population forecasts in these municipalities, and the Region overall, these municipalities will achieve a higher intensification rate. In

other words, more development is proposed within the existing boundaries. There is no impact to Community Area (residential/mixed use) land need from this adjustment.

The Made-in-Niagara Forecast and increased intensification rates do not result in additional land through boundary expansions.

The proposed additional intensification for Lincoln and Welland is important to reflect the planned infrastructure to sustain the growth. The Region seeks to proactively plan to accommodate growth and to ensure communities are more sustainable, better connected, healthy and safe. The addition will also better address core housing needs identified by CANCEA.

Recently, at the May 20, 2021 Regional Council meeting, Council directed Staff to prepare policies and mapping for both Natural Environment System (NES) Option 3B and 3C, with a decision on the preferred NES Option to be made at a later time. The finalization of criteria and methodology has begun, and policies and mapping is under way, with reporting later this year. Consultation with the local municipalities on mapping and policy development is ongoing.

Since May 2021, the Region has refined the analysis of developable area based on the NES Options. The most current information for Options 3B and 3C identified a need to remove non-developable lands from the land needs assessment calculation.

In other words, more land should be protected than identified in the May 2021 Forecast; in turn, less land is available for development.

This results in a greater *overall need* for land (since less is available for development). This means a small increase of land is needed for the Community Area (i.e. residential and mixed use) and a modest increase in land needed for Employment Areas (i.e. mostly industrial areas).

Through consultation with the Province, the Region has also been advised that the LNA should result in a single number for land need; a blended number where Community Area land need and Employment Area land need are combined.

In the May 2021 LNA, the Region's net overall land need was 440 hectares. From the above-noted changes, the Region's current overall net land need is 705 hectares.



Additional context and information is provided throughout this document, with particular focus on those component that were revised from the May 2021 LNA.

## Community Area Land Needs Assessment

*Community Area* is defined as the Urban Area, minus *Employment Areas*, and is made up of both the *Delineated Built-Up Area* (as defined and mapped by the Province in 2006) and the Designated Greenfield Area (DGA).

The *Community Area* part of the Land Needs Assessment seeks to quantify the amount (in hectares) of DGA lands that is needed to accommodate the required growth forecasts to 2051.

The *Community Area* Land Needs Assessment is comprised of six components. Below is a discussion of those components and the results.

### Component 1: Population Forecasts

The starting point is the population projection by age group for the Region. This comes from *Growth Plan* Schedule 3, which provides a *minimum* forecast 2051 population of 674,000 for Niagara Region.

Through the work described above, the Region is advancing an alternative growth forecast, referred to as the “Made-in-Niagara Forecast”. This better reflects the growth potential in Niagara’s communities and current work on the NES.

**For the reasons set out in this report, the Made-in-Niagara Forecast uses a population of 694,000.**

### Component 2: Housing Need

The Region has done significant forecasting work, over several years, and based on input from many stakeholders. Most recently, its forecasting work was set out in Report, PDS 17-2021 Appendix 3, Growth Allocation Update to 2051 prepared by Hemson (“*2051 Growth Update Memo*”, 2021).

The *Methodology* requires population to be converted into housing units based on household formation rates. Household formation rates are based on the likelihood or tendency of age groups to live in households.

Niagara’s household formation rates are anticipated to increase between 2016 (the base Census year) and 2051. A contributing factor is Niagara’s aging demographic,

which will continue to grow to 2051, with a significant increase in households maintained by people 75 years of age and older.

The 2051 housing forecast has been updated to reflect the Made-in-Niagara Forecast, based on the assumptions and age cohorts identified in the *2051 Growth Update Memo*.

**Table 1** identifies a need for **296,750 households** based on the 2051 population forecast of 694,000.

Table 1: 2016 and 2051 Occupied Households by Age of Household Maintainer

Age	Headship Rate	Occupied Households		2016-2051 Growth	2016-2051 Growth %
		2016	2051		
15 - 19	1.7%	430	566	136	31.7%
20 - 24	14.5%	4,000	5,066	1,066	26.6%
25 - 29	35.2%	8,640	12,768	4,128	47.8%
30 - 34	48.7%	11,435	17,566	6,131	53.6%
35 - 39	52.9%	12,385	19,461	7,076	57.1%
40 - 44	54.1%	13,825	20,130	6,305	45.6%
45 - 49	57.4%	16,365	22,220	5,855	35.8%
50 - 54	57.7%	19,920	24,897	4,977	25.0%
55 - 59	58.6%	20,050	25,948	5,898	29.4%
60 - 64	58.9%	18,845	25,093	6,248	33.2%
65 - 69	61.2%	18,015	25,711	7,696	42.7%
70 - 74	61.7%	13,675	24,331	10,656	77.9%
75 - 79	65.3%	10,480	24,207	13,727	131.0%
80 - 84	66.5%	8,190	21,747	13,557	165.5%
84 - 89	60.7%	5,185	15,991	10,806	208.4%
90 +	46.3%	2,390	11,048	8,658	362.3%
Total	48.2% ( <b>2016</b> )	183,830	296,750	112,920	61.4%
	50.8% ( <b>2051</b> )				

The forecast population age structure and household formation information is further used to determine households by housing type. The *Methodology* requires housing forecast by four housing types; single/semi-detached, row houses, accessory dwelling and apartment.

As referenced in the *2051 Growth Update Memo*, the starting point for household forecast by housing type was a market-based demand. Market-based demand is a key consideration within the LNA process and, along with housing affordability, is one of the main drivers in establishing housing mix and land need requirements.

The Made-in-Niagara Forecast is driven by an increase of medium and high density housing within existing urban areas. The resulting housing mix, compared to the mix presented in *2051 Growth Update Memo*, is slightly lower for single and semi-detached homes and greater for other housing types. However, there is an overall increase in all housing unit types and is based predominantly on recent development application trends and inquires. Therefore, while the housing mix has changed slightly, it remains reflective of market demand, supports additional intensification, and better aligns with recommendations from CANCEA regarding affordability and core housing need.

**Table 2** provides a summary of household forecast by housing type between 2021 and 2051.

Table 1: Household Forecast by Housing Type - 2021 to 2051

Household Forecast by Housing Type: 2021 to 2051					
Niagara Region	Single/Semi-Detached	Row House	Accessory Dwelling	Apartment Building	Total
Units	44,318	27,404	3,390	27,653	102,765
Share	43%	27%	3%	27%	100%

### Component 3: Allocation of Housing Need to Local Municipalities

Allocation of Housing Need to local municipalities is based on input from local municipalities and public and private stakeholders.

Draft allocation covering the period between 2016 and 2041 was completed through Niagara 2041 (see PDS 37-2016) and formed the basis for completion of the pre-2017 Municipal Comprehensive Review (see PDS 21-2018).

Municipal allocations were revised and extended to the 2051 planning horizon through the *2051 Growth Update Memo*, based on the need to reflect market demand for housing and informed by associated Official Plan strategies, including Watershed, Housing and Employment Strategies.

After release of the May 2021 Forecasts, consultation and collaboration continued with local municipalities, internal Niagara 2051 working group and the public.. Through this work, it was identified that municipal allocations of population growth to the Town of Lincoln and City of Welland were not reflective of growth expectations and anticipated 2051 infrastructure demand.

On this basis, staff increased the population forecast to 694,000 people – an increase of 10,000 to each of Lincoln and Welland. The increase of 20,000 population results in an additional 9,000 housing units to 2051.

All housing units are located within the existing built boundary, support intensification and contribute to the mix of housing needed to improve housing affordability.

### **Housing Affordability**

The Housing Report (CANCEA, 2021) provided in PDS 17-2021 (Appendix 5.2), sets out that the Region's core housing need (including, affordability) will get worse if we continue growth at the existing level. Achieving the minimum forecasts set out the *Growth Plan* will keep the core housing need level at about 13%. To reduce core housing need, even more housing is needed.

Importantly, core housing need can be addressed by providing a greater share of higher density housing types. Row/townhouse and apartment units have a lower average number of people per unit compared to single and semi-detached units. Therefore, increasing the supply of higher density units leads to more housing options and reduced core housing need.

The Made-in-Niagara Forecast supports higher population growth and an increased amount of medium and high density housing. Therefore, this forecast will better address core housing need.

The LNA considers a market-based housing mix and its relationship to the planned housing mix. This is a requirement of the *Methodology*. A market-based approach is useful to identify an appropriate variety of housing units to be built to meet the needs of Niagara's population.

The Greenbelt specialty crop designation, present in northern Niagara municipalities, prohibits expansion of Settlement Areas boundaries. In the communities of Grimsby, Lincoln, St. Catharines and Niagara-on-the-Lake, growth is proposed within existing Settlement Areas through intensification of the Built-Up Area – requiring a greater proportion of higher density housing types.

Municipalities outside of the *Greenbelt Plan* area have a relatively lower intensification rate and, therefore, a higher proportion of lower density housing types. The balance between these two geographies is important for supporting market-based demand for housing and protection of specialty crop lands within the Greenbelt Plan area.

**Table 3** provides municipal-level housing allocations by housing type.

Table 3: Housing Unit Growth by Type and Municipality, 2021 to 2051

Housing Unit Growth by Type and Municipality, 2021 to 2051				
Municipality	Single/Semi	Row	Apartment	Total
Fort Erie	4,060	2,700	600	7,360
Grimsby	130	1,340	3,120	4,590
Lincoln	1,590	2,530	5,695	9,815
Niagara Falls	11,980	5,090	3,140	20,210
Niagara-on-the-Lake	3,060	915	630	4,600
Pelham	2,380	1,070	680	4,130
Port Colborne	1,690	430	180	2,300
St. Catharines	3,040	4,500	12,230	19,770
Thorold	3,900	2,390	160	6,450
Wainfleet	450	0	10	460
Welland	6,010	4,050	4,290	13,930
West Lincoln	6,030	2,390	310	8,730
<b>Niagara Region</b>	<b>44,320</b>	<b>27,405</b>	<b>31,040</b>	<b>102,765</b>

#### Component 4: Housing Supply Potential by Policy Area

The *Methodology* requires municipalities to plan for growth within three policy areas:

1. Delineated Built-Up Area
2. Designated Greenfield Area
3. Rural Area

Development within the *delineated built-up area* is referred to as Intensification. The *delineated built-up area* was established by the Province in 2008 and was further refined through Niagara 2031, the Region's Growth Management Strategy that implemented the policies of the 2006 Growth Plan.

The *Growth Plan* requires 50% of future household growth in Niagara to be directed to the *delineated built-up area*. This is an increase from 40% in the Region's current Official Plan, which was the intensification target in the 2006 Growth Plan.

The Region seeks to exceed this requirement. The analysis conducted through the Regional Structure Strategy (PDS 17-2021 Appendix 4.2) identified a Regional Intensification Rate of 56%.

Recent work – based on public consultation and the Niagara 2051 servicing review – suggests Niagara can have an even higher intensification rate. As previously noted, the additional population for Lincoln and Welland is entirely planned within the delineated built-up area. No changes are needed to Strategic Growth Areas (SGA) or settlement boundaries from what was set out in the Regional Structure Strategy, as identified in PDS 17-2021, Appendix 4.2.

**The outcome of this recent work reflects an intensification target of 60%.**

This target is well above the minimum 50% target identified in the *Growth Plan*.

The *Designated Greenfield Area* ("DGA") is the remainder of the designated urban area outside of the *delineated built-up area*.

The *Growth Plan* sets out that the Region must plan for a minimum density target of 50 people and jobs per hectare within the DGA. This target is incorporated in the LNA.

The Rural Area is considered all areas outside of Urban Settlement Areas, and includes the Agricultural System and Rural Settlements (Hamlets). Rural housing need will be addressed in the final Land Needs Assessment. The Rural Land Needs Assessment is discussed in detail later in this report.

Housing forecasts by municipality, within the three policy areas, is based on an assessment of intensification opportunities, including SGA's, and development potential within the DGA. Intensification rates, established through the Regional Structure, are based on a combination of consultation with local municipalities and an assessment of the capacity for growth within the *delineated built-up area*.

**Table 4** provides household forecast by policy area for each municipality and identifies the overall intensification rate of 60%.



Table 4: Housing Forecast by Policy Area and Municipality, 2021 to 2051

Shares of Household Growth by Policy Area Niagara Region by Local Municipality, 2021-2051				
Municipality	Built Up Area	DGA	Rural	Total
Fort Erie	50%	49.5%	0.5%	100%
Grimsby	98%	2.5%	0.5%	100%
Lincoln	90%	9.5%	0.5%	100%
Niagara Falls	50%	49.5%	0.5%	100%
Niagara-on-the-Lake	25%	74.5%	0.5%	100%
Pelham	25%	74.5%	0.5%	100%
Port Colborne	30%	69.6%	0.5%	100%
St. Catharines	95%	4.5%	0.5%	100%
Thorold	25%	74.5%	0.5%	100%
Wainfleet	0%	0%	100.0%	100%
Welland	75%	24.5%	0.5%	100%
West Lincoln	13%	86.5%	0.5%	100%
<b>Niagara Region</b>	<b>60%</b>	<b>39%</b>	<b>1%</b>	<b>100.0%</b>

As with Component 3, the *Methodology* requires housing forecasts within each of the policy areas to be broken out into housing type. The distribution of housing type within each policy area must be based on an achievable housing mix and consider market-demand.

Within the *delineated built-up area*, the housing mix is predominately higher density forms of housing including row and apartment housing. In contrast, the housing forecast within the DGA and Rural area is predominately ground-related, with 73% of units anticipated to be single or semi-detached.

**Table 5** and **Table 6** provide housing unit forecasts by municipality within the *delineated built-up area* and DGA.

The Township of Wainfleet is excluded from both tables as Wainfleet does not have an Urban Settlement Area and all forecast housing growth will occur within the *Rural Area*, in Rural Settlements and on other agricultural lands. Additional detail is provided in the Rural Settlement Area Assessment section.

Table 2: Housing Forecast by Unit Type, Delineated Built-Up Area, 2021 to 2051

<b>Delineated Built-Up Area Housing Unit Growth, 2021 to 2051</b>				
<b>Municipality</b>	<b>Single/Semi</b>	<b>Row</b>	<b>Apartment</b>	<b>Total</b>
<b>Fort Erie</b>	1,520	1,620	540	3,680
<b>Grimsby</b>	110	1,330	3,060	4,500
<b>Lincoln</b>	1,430	1,920	5,545	8,895
<b>Niagara Falls</b>	4,220	3,050	2,830	10,100
<b>Niagara-on-the-Lake</b>	238	350	563	1,150
<b>Pelham</b>	350	500	180	1,030
<b>Port Colborne</b>	400	130	160	690
<b>St. Catharines</b>	2,480	4,370	11,930	18,780
<b>Thorold</b>	580	890	140	1,610
<b>Welland</b>	2,920	3,330	4,190	10,440
<b>West Lincoln</b>	760	120	250	1,130
<b>Niagara Region</b>	<b>15,008</b>	<b>17,610</b>	<b>29,388</b>	<b>62,005</b>

Table 3: Housing Forecast by Unit Type, DGA, 2021 to 2051

<b>Designated Greenfield Area Housing Unit Growth, 2021 to 2051</b>				
<b>Municipality</b>	<b>Single/Semi</b>	<b>Row</b>	<b>Apartment</b>	<b>Total</b>
<b>Fort Erie</b>	2,500	1,080	60	3,640
<b>Grimsby</b>	0	10	60	70
<b>Lincoln</b>	140	610	150	900
<b>Niagara Falls</b>	7,660	2,040	310	10,010
<b>Niagara-on-the-Lake</b>	2,800	564	66	3,430
<b>Pelham</b>	2,010	570	500	3,080
<b>Port Colborne</b>	1,280	300	20	1,600
<b>St. Catharines</b>	460	130	300	890
<b>Thorold</b>	3,290	1,500	20	4,810
<b>Welland</b>	2,630	720	100	3,450
<b>West Lincoln</b>	5,230	2,270	60	7,560
<b>Niagara Region</b>	<b>28,000</b>	<b>9,794</b>	<b>1,646</b>	<b>39,440</b>

### Component 5: Community Area Jobs

The *Methodology* requires *Community Area* jobs be allocated within the DGA portion of the *Community Area* to calculate the total number of residents and jobs occurring within it.

*Community Area* jobs are predominately within the Major Office and Population-Related Employment categories. For the purposes of the *Community Area* assessment, *Community Area* jobs are further distinguished between the *delineated built-up area* and *designated greenfield area*.

*Community Area* jobs were calculated based on existing development proposals, land use permissions, and factoring in Work At Home employment.

### Work At Home

Work at Home employment is incorporated into the Land Needs Assessment impacts *Community* and *Employment Area* Land needs.

Since the onset of the Covid-19 pandemic to the time of preparing this LNA Summary, many jobs have shifted to a Work at Home setting, although the Region does not have specific data quantifying such a shift.

At the time of writing, the Region and other experts are unsure the long-term impacts for Work at Home. For the preparation of the LNA, this is an important consideration for how Work at Home may impact the calculation of different Employment Types.

In Niagara, the majority of *Employment Areas* are considered Core and Dynamic (as defined in the Employment Strategy, **Appendix 10.2**). Jobs within these areas are largely categorized as Employment Land Employment and occur onsite. Therefore, moving Employment Land Employment jobs out of *Employment Areas* would result in an erroneous reduction in *Employment Area* land requirements.

Alternatively, Major Office and Population-Related Employment jobs are those that are most likely to be Work at Home. In other words, those are the types of jobs that may see long-term Work from Home changes. That type of job is predominantly located within the *Community Area*.

The approach taken in the LNA is to maintain similar Work at Home rates, generally consistent with pre-Covid-19 pandemic conditions. This ensures the greatest flexibility within *Employment Areas* and maintains a sufficient supply of lands in the event there is not a significant long-term shift to Work at Home.

In this way, the Region is being conservative in its LNA. Work from Home trends will be carefully monitored and, if warranted, future Official Plan changes will be advanced to address those trends.

**Table 7** provides an estimated number of jobs within the DGA portion of the Community Area for each urban municipality.

Table 4: DGA Community Area Job Forecast, 2021 to 2051

<b>DGA Community Area Job Forecast, 2021-2051</b>	
<b>Municipality</b>	<b>Total</b>
<b>Fort Erie</b>	247
<b>Grimsby</b>	5
<b>Lincoln</b>	744
<b>Niagara Falls</b>	1,065
<b>Niagara-on-the-Lake</b>	1,091
<b>Pelham</b>	559
<b>Port Colborne</b>	362
<b>St. Catharines</b>	1,555
<b>Thorold</b>	532
<b>Welland</b>	266
<b>West Lincoln</b>	1,998
<b>Niagara Region</b>	<b>8,424</b>

### **Component 6: Need for Additional Land**

The final component of the *Community Area* LNA brings together the forecast housing units and employment within the DGA to establish an overall land need based on achieving the minimum density target of 50 people and jobs per hectare.

To determine land need, the forecast housing units in **Table 6** are compared to the planned units (units that are within either a draft or registered Plan of Subdivision) within each municipality. The surplus, or shortfall, of units is converted into residents based on the Persons Per Unit rate<sup>1</sup> for each unit type.

<sup>1</sup> The Person Per Unit (PPU) rate is based on the 2017 Niagara Region Development Charges Background Study. This Study provides a PPU of 2.91 for single/semi-detached, 2.12 for row and 1.62 for apartment. PPU rates may be revised based on forthcoming Development Charges Study work undertaken later in 2021.

Finally, DGA Community Area job forecasts in **Table 7** are added to establish an overall people and jobs target for the DGA.

The overall population and employment target is converted to a land need in hectares based on the minimum density target of 50 people and jobs per hectare.<sup>2</sup>

**Table 8** provides the *Community Area* Land Needs Assessment results.

Table 5: Overall Community Area Land Need, 2021 to 2051

<b>DGA Community Area Land Need, 2021-2051</b>				
<b>Municipality</b>	<b>Population and Employment Growth within the Unplanned DGA</b>	<b>Area Required (ha)</b>	<b>Area Designated<sup>3</sup> (ha)</b>	<b>Additional Land Need (ha)*</b>
<b>Fort Erie</b>	8,170	165	60	105
<b>Grimsby</b>	120	5	0	5
<b>Lincoln</b>	2,410	25	25	0
<b>Niagara Falls</b>	23,470	470	195	270
<b>Niagara-on-the-Lake</b>	9,935	80	75	5
<b>Pelham</b>	3,215	65	25	40
<b>Port Colborne</b>	4,615	90	250	(160)
<b>St. Catharines</b>	3,655	75	60	15
<b>Thorold</b>	4,830	95	250	(155)
<b>Welland</b>	5,770	115	115	0
<b>West Lincoln</b>	20,545	410	40	370
<b>Niagara Region</b>	<b>86,735</b>	<b>1,590</b>	<b>1,095</b>	<b>495</b>

Note: Above numbers have been rounded to the nearest 5.

<sup>2</sup> The density target of 50 people and jobs per hectare excludes Lincoln, which has a vacant DGA target of 100 people and jobs per hectare due to the land use permissions within the Major Transit Station Area and Niagara-on-the-Lake, which has a target of 125 people and jobs per hectare relating to the Glendale District Plan.

<sup>3</sup> The Area Designated is the gross developable land, within the Designated Greenfield Area, free of non-developable features identified within the *Growth Plan*. The Natural Environment System (NES) area removed is based on draft analysis associated with NES Option 3B/3C as of July 2021.

## Community Area Land Needs Summary

Niagara's 12 local municipalities can be placed into two general categories as it pertains to the Made-in-Niagara Forecast results for Community Area:

### 1. Additional Community Area Land Required

The Town of Fort Erie, City of Niagara Falls and Township of West Lincoln needs more community area land to accommodate the 2051 forecast. The Town of Pelham has a small need for community area land.

### 2. No Additional Community Area Land Required

The Town of Grimsby, Town of Lincoln, Town of Niagara-on-the-Lake, City of St. Catharines, and City of Welland generally have a sufficient supply of designated lands to accommodate the 2051 forecast.

The City of Thorold and City of Port Colborne have a surplus of designated lands to 2051.

## Additional Considerations and Revisions

The *Methodology* allows for final adjustments to be made to *Community Area* Land Needs, including a minor increase to land in the event of any expansions, to create a logical boundary.

The *Methodology* also allows for refinements based on constrained lands due to infrastructure and servicing. Determining servicing constraints will be important in assessing lands that may be considered constrained, rather than surplus.

Finally, revisions to associated strategies will require updates to the Land Needs Assessment. Work on the Natural Environmental System (NES) is ongoing and draft mapping and policies will be released in Fall 2021. Updates to the NES may require minor adjustments to the LNA.

If an *Employment Area* boundary is changed, it will directly impact the *Community Area* land need. If the *Employment Area* is within the BUA, the result may be an increase to Intensification Rate. If the *Employment Area* is within the DGA, the result would be a decrease in *Community Area* land needs.



The final Land Needs Assessment will be a combined overall number of community area and employment area. That requires endorsement by Council and will be provided to the Province for approval.

## Employment Area Land Needs Assessment

### Component 1: Employment Forecasts

Similar to the *Community Area* assessment, the starting point for determining the overall *Employment Area* land need is the employment forecast set out in *Growth Plan* Schedule 3. The *Growth Plan* requires Niagara Region to plan for a minimum employment base of **272,000 jobs** by 2051.

The *Methodology* requires the employment forecast to be allocated to local municipalities and be categorized by employment type, including Major Office, Population-Related Employment, Employment Land Employment and Rural based employment. These employment types are defined within the **Glossary of Terms** section at the end of this report.

*2051 Growth Update Memo* sets out the distribution of employment forecasts for Niagara Region.

**Table 9** provides an overview of employment growth by municipality, by employment type, from 2021 to 2051.

Table 6: Niagara Region Employment Growth, 2021 to 2051, by Employment Type

Total Employment Growth by Employment Type, 2021-2051					
Municipality	Major Office	Population-Related Employment	Employment Land Employment	Rural Employment	Total Employment
Fort Erie	140	2,890	3,430	440	6,900
Grimsby	380	2,070	1,130	390	3,970
Lincoln	100	1,580	1,390	1,500	4,570
Niagara Falls	1,150	15,550	2,770	850	20,320
Niagara-on-the-Lake	350	3,040	290	1,480	5,160
Pelham	10	1,600	0	710	2,320
Port Colborne	0	750	350	540	1,640
St. Catharines	4,970	10,780	2,880	590	19,220
Thorold	250	2,540	580	170	3,540
Wainfleet	0	0	0	420	420
Welland	360	4,610	5,300	480	10,750
West Lincoln	160	3,580	1,760	520	6,020
<b>Niagara Region</b>	<b>7,870</b>	<b>48,990</b>	<b>19,880</b>	<b>8,090</b>	<b>84,830</b>

Source: Hemson Consulting, Niagara Region Municipal Comprehensive Review – Growth Allocation Update to 2051

## Component 2: Employment Allocation

The *Methodology* requires municipalities to further refine forecasts by allocating employment to the *Community*, *Employment*, and *Rural Areas*.

Employment that is expected to occur outside of urban settlement area boundaries is allocated to the *rural area*. The *Methodology* sets out that a small share of employment land employment and population-related employment should be allocated to the *rural area*. This is particularly important in Niagara where certain local municipalities have existing industrial, manufacturing and greenhouse operations within the *rural area*.

The remaining, non-rural jobs are allocated to *Community Area* and *Employment Areas* within settlement areas. Within Niagara, the vast majority of population-

related employment is based within the *Community Area*; only about 5%<sup>4</sup> occurring within *Employment Areas*.

Major office growth is also predominately within the *Community Area*, Urban Growth Centre and Major Transit Station Areas. However, some major office currently exists within some *Employment Areas* and some growth is expected to occur within those areas accordingly.

Finally, the vast majority of employment land employment job growth will occur within the remaining *Employment Areas*.

**Table 10** provides a summary of employment forecasts by location.

Table 7: Employment Growth by Type and Municipality, 2021 to 2051

Employment Growth by Policy Area, 2021-2051			
Municipality	Community Area	Employment Area	Rural Area
Fort Erie	2,787	3,610	503
Grimsby	2,136	1,412	422
Lincoln	1,535	1,241	1,794
Niagara Falls	15,786	3,501	1,033
Niagara-on-the-Lake	2,250	1,397	1,513
Pelham	1,594	0	726
Port Colborne	705	384	551
St. Catharines	14,253	4,269	727
Thorold	2,005	1,311	230
Wainfleet	0	0	420
Welland	4,513	5,658	579
West Lincoln	3,445	2,001	573
<b>Niagara Region</b>	<b>51,009</b>	<b>24,784</b>	<b>9,072</b>

### Component 3: Employment Area Capacity

The *Methodology* requires employment potential within existing Employment Areas be determined.

<sup>4</sup> 5% is an average. This varies by municipality, particularly those with Knowledge and Innovation Employment Areas as they have a higher share of population-related employment compared to Core and Dynamic Employment Areas.

This is calculated based on the vacant *Employment Area* employment lands and densities identified within the Employment Strategy.

The Employment Policy Paper (PDS 17-2021, Appendix 10.2) provides a breakdown of occupied and vacant lands, as well as associated densities, for each of the 34 Employment Areas across the Region.

**Table 11** provides a summary of existing capacity within Employment Areas, by municipality.

Table 8: Existing Employment Area Potential for Additional Employment

Existing Employment Area Potential	
Municipality	Additional Employment Potential
Fort Erie	1,264
Grimsby	1,679
Lincoln	500
Niagara Falls	3,079
Niagara-on-the-Lake	3,421
Pelham	0
Port Colborne	1,538
St. Catharines	2,663
Thorold	2,128
Wainfleet	0
Welland	4,552
West Lincoln	885
<b>Niagara Region</b>	<b>21,709</b>

#### Component 4: Need for Additional Employment Area Land

The final step in determining the *Employment Area* land need is to compare the forecast growth (**Table 10**) with the job growth potential within existing *Employment Areas* (**Table 11**). The difference between the forecast and the potential is divided by the municipal level vacant *Employment Area* land density target.

The vacant density target is based on the sub-grouping of employment type determined through the Employment Policy Paper. Generally, Core Employment Areas, with traditional/heavier employment type uses, have the lowest vacant land density target. Knowledge and Innovation Employment Areas, with more major office type uses, have the highest density target. Dynamic Employment Areas can have a mix of traditional and lighter employment type uses and have densities that fall in between Core and Knowledge and Innovation.

### Employment Area Densities

Changes to any Employment Area density target within the Employment Strategy will directly impact the Existing Employment Area Potential in **Table 11** and Vacant Employment Area Density Target in **Table 12**. This will either increase or decrease the associated amount of Employment Area land required to meet 2051 forecasts.

**Table 12** provides a summary of the Employment Area Land Needs.

Table 9: Employment Area Land Need, by Municipality, 2021 to 2051

Employment Area Land Need by Municipality, 2021-2051			
Municipality	Unaccommodated Employment Growth	Vacant Employment Area Density Target (Jobs/ha)	Employment Area Land Need (ha)*
Fort Erie	2,345	15	155
Grimsby	(265)	50	(5)
Lincoln	740	45	15
Niagara Falls	420	35	10
Niagara-on-the-Lake	(2,025)	95	(20)
Pelham	0	0	0
Port Colborne	(1,155)	30	(40)
St. Catharines	1,605	50	30
Thorold	(815)	25	(35)
Wainfleet	0	0	0
Welland	1,105	25	45
West Lincoln	1,115	25	45
<b>Niagara Region</b>	<b>3,075</b>	<b>32</b>	<b>210</b>

Note: Above numbers have been rounded to the nearest 5.

### Employment Area Land Needs Summary

The result of the *Employment Area* component of the LNA suggests the Town of Fort Erie, City of Welland and Township of West Lincoln do not have sufficient supply of *Employment Area* to accommodate the forecast growth to 2051.

As noted earlier in this Summary, since May 2021, NES work identified that additional vacant lands need to be removed from the developable area calculated in the land needs assessment. This removal of land was most predominant for employment areas in certain municipalities with a greater vacant employment area land surplus. Specifically, this had the largest impact in Port Colborne and Thorold.

In the current LNA, the surplus has been reduced significantly for these municipalities.

Overall the Region has a need for 210 Hectares of Employment Area.

## Rural Land Needs Assessment

As directed by the Provincial Land Needs Assessment Methodology, an additional assessment was undertaken for Rural Settlement Areas.

Niagara has a modest population and employment base outside of urban settlement areas. Limited growth is anticipated to continue within rural areas and rural settlement areas. Between 2021 and 2051, the *2051 Growth Update Memo* forecast an additional 900 housing units and 8,090 jobs will occur within the rural area.

The Rural Settlement Area assessment determines where the forecast growth will occur within the rural areas and if additional land is required within rural settlement area boundaries (also known as Hamlets).

The Rural Land Needs Assessment has been restricted to municipalities where Rural Settlement Areas currently exist and are outside of the Greenbelt Plan Area. In other words, the analysis only considers the potential for additional Rural Settlement Area lands where supported by Provincial policies.

**Table 13** provides a summary of housing and employment forecasts within both the Rural Area and the proportion to be directed to Rural Settlement Areas. Distribution of units and employment to Rural Settlement Areas is based on historic trends and policy direction within associated Local Official Plans.

Table 13: Rural Area and Rural Settlement Area Forecasts

Rural Area and Rural Settlement Area Forecasts: 2021 to 2051				
Municipality	Rural Area Housing Forecast	Rural Area Employment Forecast	% Rural Employment to Rural Settlement Areas	% Units to Rural Settlement Areas
Fort Erie	40	500	0%	10%
Port Colborne	10	550	100%	100%
Wainfleet	420	460	50%	60%
West Lincoln	40	570	100%	50%

Consultation is ongoing with local municipalities to determine the capacity of existing Rural Settlement Areas, vacant lands and NES mapping. The above Rural Land Needs Assessment may be refined as part of that consultation and included



with the new Niagara Official Plan. It will include a summary of need within Rural Settlement Areas.

### Land Needs Assessment Results

This Land Needs Assessment provides a total amount of land required to support the Made-in-Niagara 2051 forecasts.

The Province requires the Region provide a cumulative need of Community Area and Employment Area assessments. **Niagara Region requires a cumulative need of 705 hectares of additional developable urban lands to support a minimum of 694,000 people and 274,000 jobs by 2051.**

### Conclusion

This LNA Summary provides a revised draft assessment of how *Community Area* and *Employment Area* land need is calculated.

The *Growth Plan* requires that the Province approve the Region's final LNA. The Region has been consulting with the Province on the draft LNA and will continue to communicate until a final assessment is presented to Council as part of the Niagara Official Plan in 2022.

In preparing this document, careful consideration was given to input from the public, agency and local area municipalities, as outlined above. The Region will continue to consult and make minor refinements in preparing the final LNA as part of the new Official Plan. The next round of public consultation is planned for fall 2021.

Regional staff will seek endorsement in principle of these Forecasts. After that, substantive changes are not planned. However, refinements to the overall need, or distribution between municipalities, may be required. The overall land need should generally remain. This is to ensure consistent recommendations can be advanced for settlement boundaries changes and the Niagara 2051 servicing strategies.

## Glossary of Terms

**Community Area:** Areas where most of the housing required to accommodate the forecasted population will be located, as well as most population-related jobs, most office jobs and some employment land employment jobs. Community areas include delineated built-up areas and designated greenfield areas (Provincial Land Needs Assessment Methodology).

**Delineated Built-Up Area:** The limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in the Growth Plan (Growth Plan).

**Designated Greenfield Area:** Lands within *settlement areas* (not including *rural settlements*) but outside of *delineated built-up areas* that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. *Designated greenfield areas* do not include *excess lands* (Growth Plan).

**Employment Area:** Areas where most of the employment land employment jobs are (i.e. employment in industrial-type buildings), as well as some office jobs and some population-related jobs, particularly those providing services to the employment area. Employment areas may be located in both delineated built-up areas and designated greenfield areas (Provincial Land Needs Assessment Methodology).

**Employment Land Employment:** all employment in urban industrial-type employment areas, excluding major office. As well, large retail concentrations and major institutions that lie within employment areas are excluded from the Employment Land Employment category (2020 Growth Plan).

**Excess lands:** Vacant, unbuilt but developable lands within settlement areas but outside of delineated built-up areas that have been designated in an official plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan (Growth Plan).

**Headship Rate:** The headship rate is defined as the ratio of the number of household heads or household maintainers to the population 15 years of age and older (Government of Canada).

**Intensification:** The development of a property, site or area at a higher density than currently exists through:

- a. *redevelopment*, including the reuse of *brownfield sites*;
- b. the development of vacant and/or underutilized lots within previously developed areas;
- c. infill development; and
- d. the expansion or conversion of existing buildings (PPS, 2020).

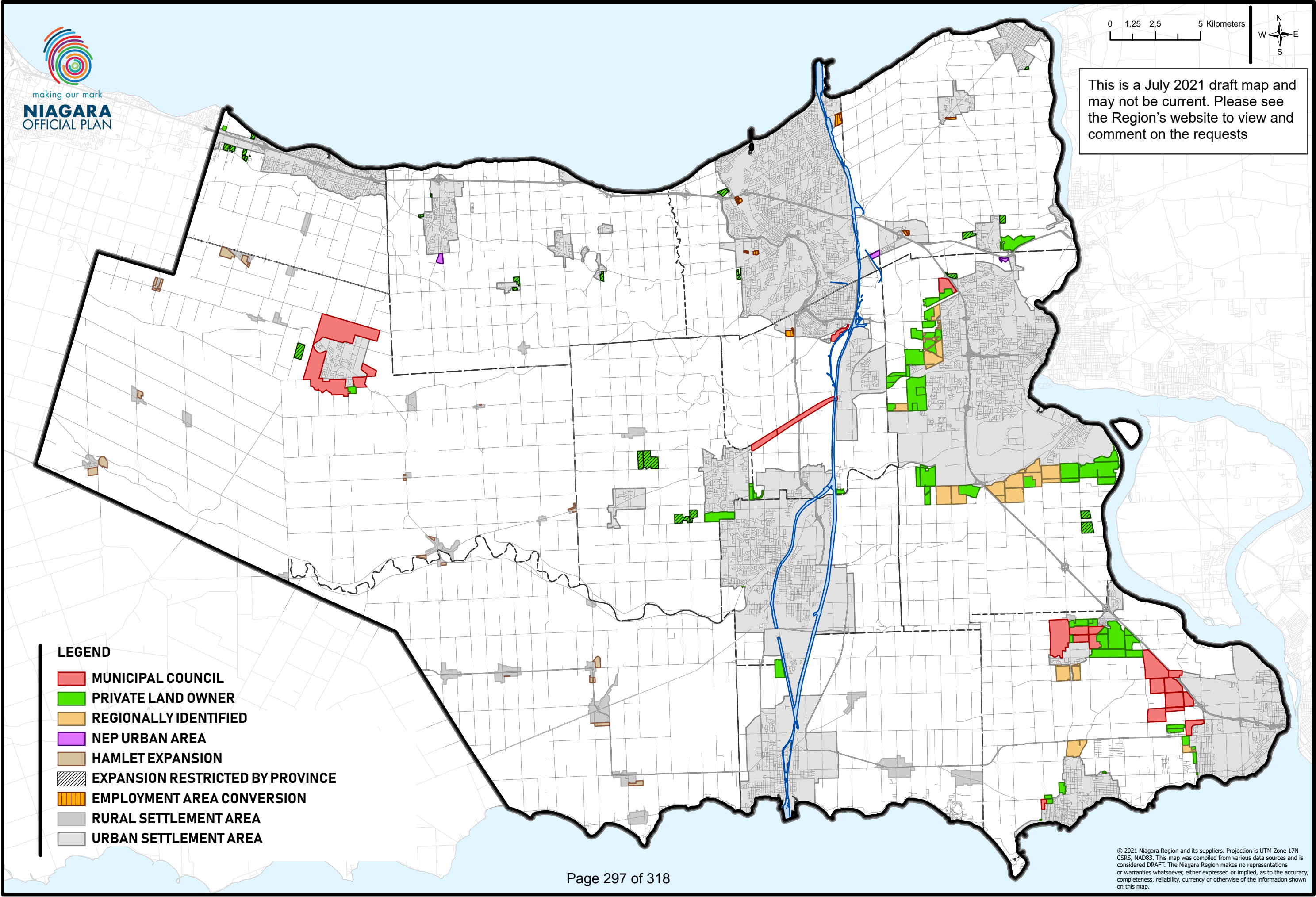
**Major Office:** Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more (Growth Plan).

**Population-Related Employment:** Population-Related Employment is all employment within urban community areas, except major office, and is mainly commercial retail, institutional and urban work at home employment. Major concentrations of retail or large institutions excluded from Employment Land Employment are also part of Population-Related Employment (2051 Growth Update).

**Rural Area:** Rural Area, for the purposes of the Land Needs Assessment, refers to all lands outside of urban Settlement Area Boundaries. The Rural Area includes Rural Settlements, Prime Agricultural Lands and Rural Lands.

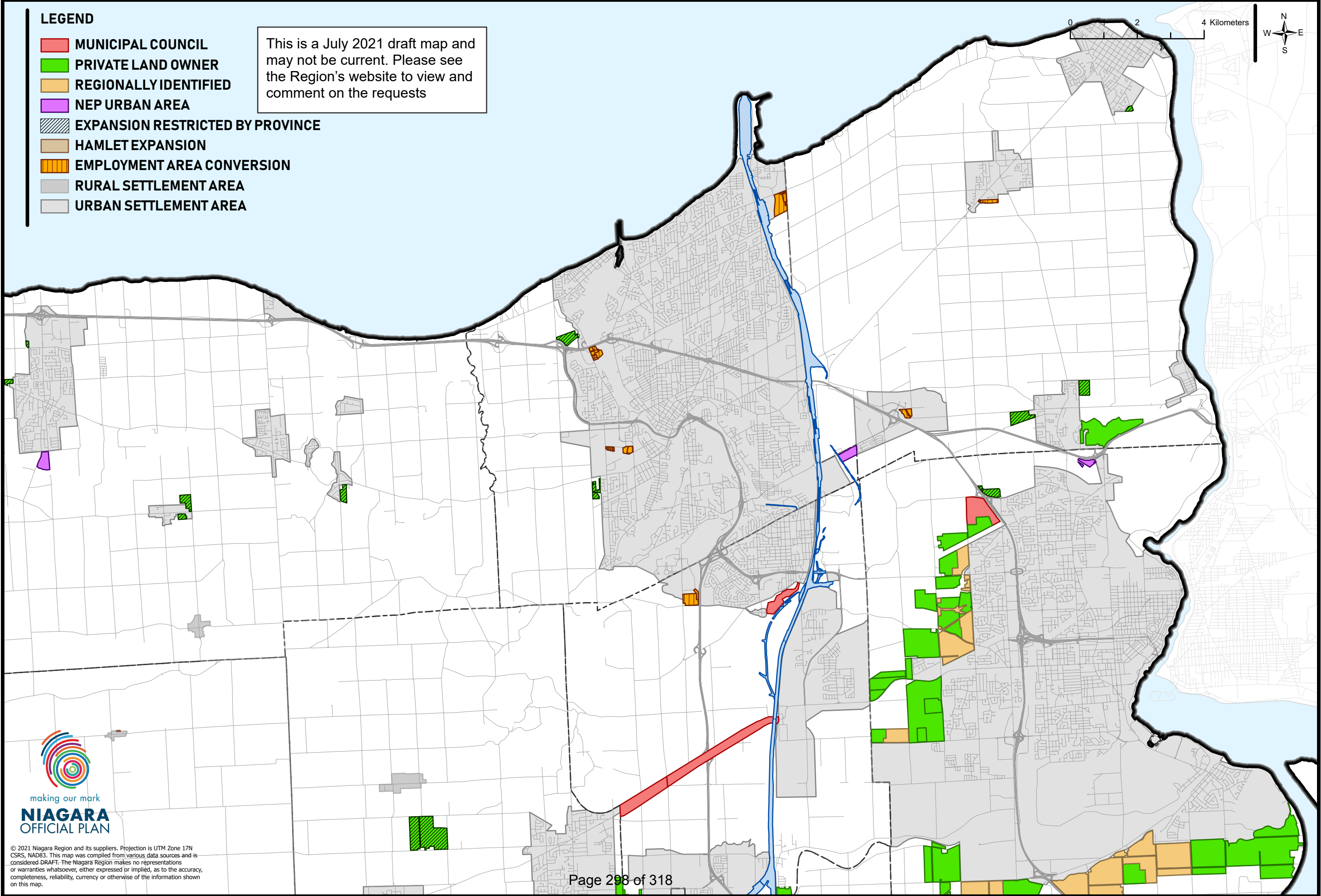
**Rural Employment:** all employment occurring within the rural geography with the few exceptions for major industrial uses or larger rural industrial areas. Work at home employment is typically a substantial proportion of the rural employment base (Hemson Consulting, Niagara Region Municipal Comprehensive Review – Growth Allocation Update to 2051).

SETTLEMENT AREA BOUDNARY REVIEW REQUESTS  
JULY 2021

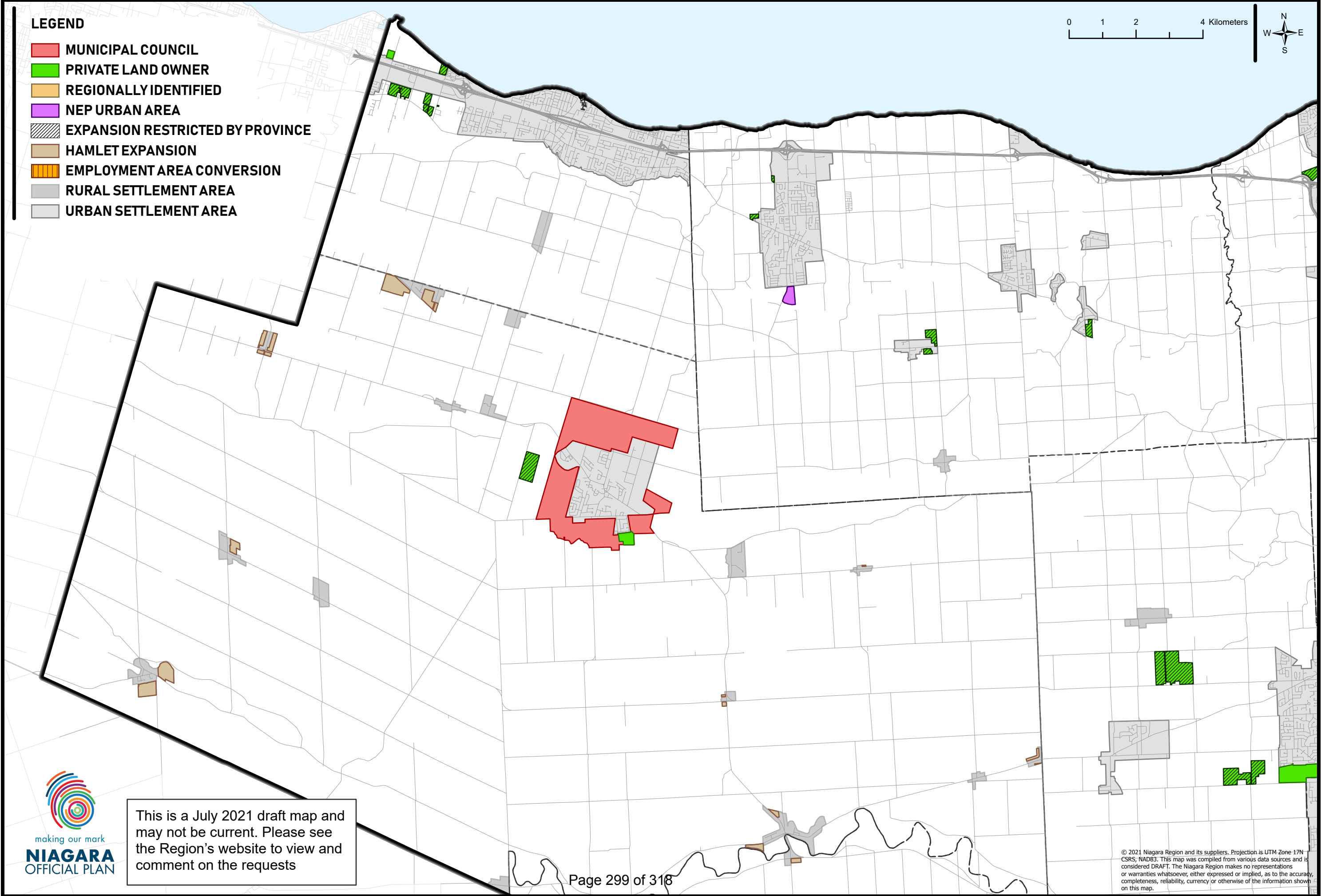




SETTLEMENT AREA BOUDNARY REVIEW REQUESTS

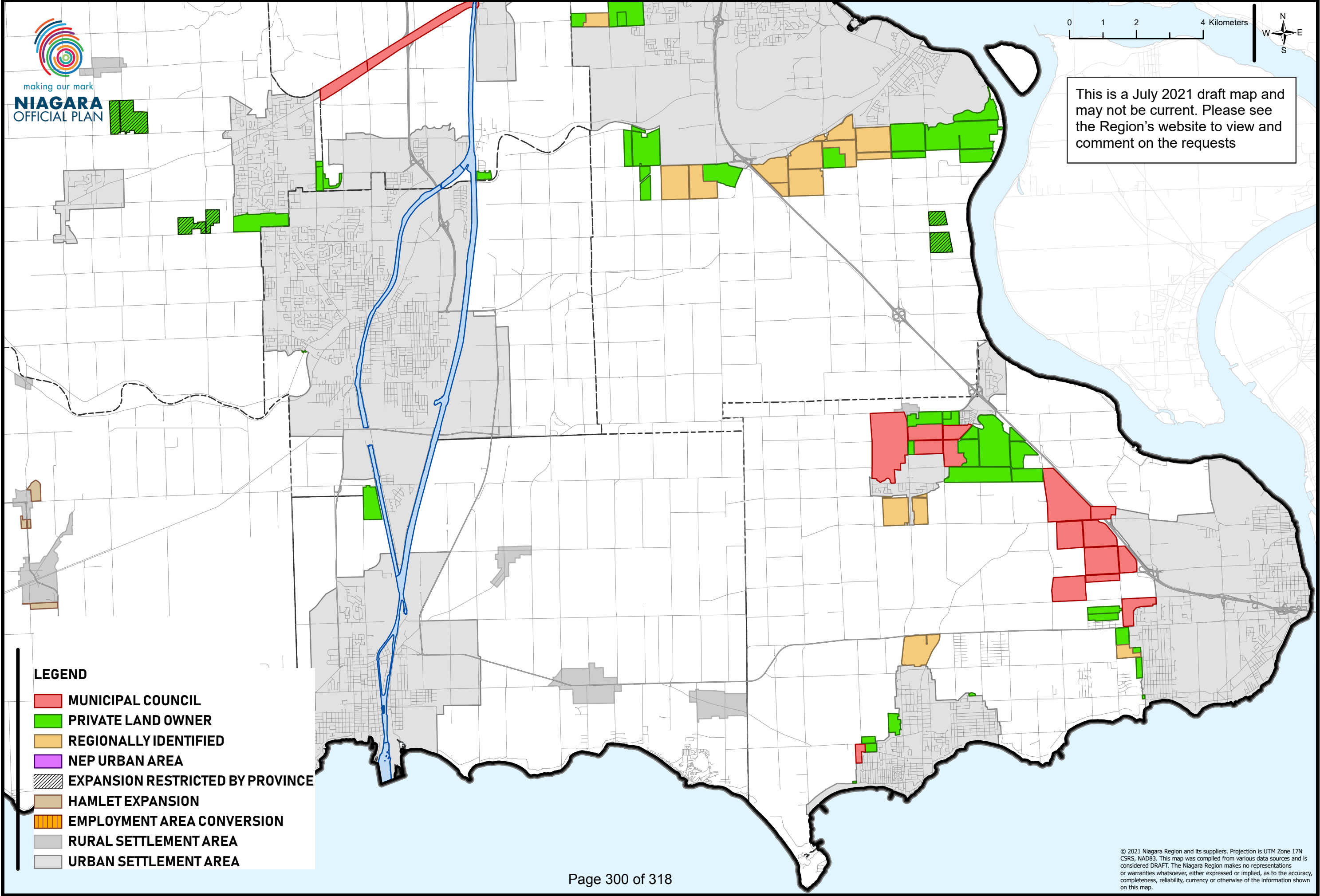


# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS

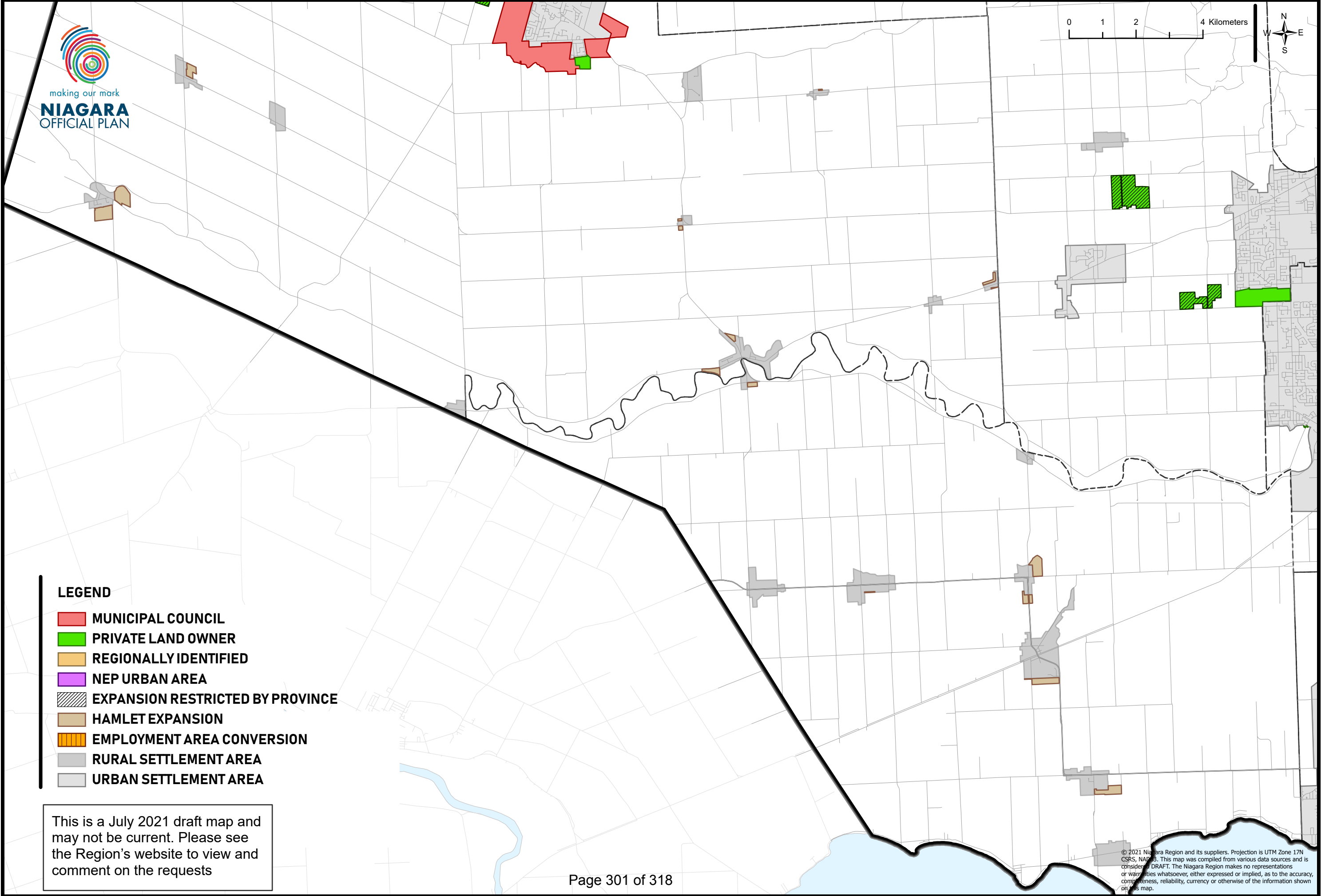




# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS



# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS



**Appendix 3: Summary of Comments Received Relating to Land Needs Assessment and Settlement Area Boundary Review**

Below is a summary of written comments received on PDS 17-2021 between May 2021 and July 15, 2021, related specifically to the Land Needs Assessment, Settlement Area Boundary Review, and employment conversions. Comments received verbally through municipal meetings and Public Information Centres are not summarized below.

Detailed comments are available at the Region’s website: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) <https://www.niagararegion.ca/official-plan/>

Commenter	Comment Summary	Regional Response	Action Taken
Town of Pelham	Town staff support 2051 population and Employment forecasts, as well as Town’s intensification rate. This was endorsed by Pelham Council (Report #2021-0108).	Staff acknowledge the Town’s support of the Region’s work to date on the forecasts.	Region Planning staff will continue to consult with Pelham staff on the LNA and related processes.
Town of Pelham	Town staff support draft Community Area land need of 40 ha. This was endorsed by Pelham Council (Report #2021-0108).	Staff agree with Pelham comments on minor expansion need.	Region Planning staff will continue to consult with Pelham staff on minor expansion need through its SABR process.
Town of Pelham	Town staff have identified locations for potential expansion through property owner requests and have provided their assessment of those which are practical for consideration and those which are not, having regard for provincial policies relating to expansion.	Comments received.	Region Planning staff will continue to consult with Pelham staff on minor expansion need through its SABR process.

Commenter	Comment Summary	Regional Response	Action Taken
<b>City of Niagara Falls</b>	City staff support the 2051 population target of 141,560 people and housing growth of 20,220 units for the 2021 to 2051 period.	Staff acknowledge the City's support of the Region's the work to date on the forecasts.	Region Planning staff will continue to consult with City staff on the LNA and related processes.
<b>City of Niagara Falls</b>	Niagara Falls staff request that the City intensification rate be changed from 50% to 60%, to reflect work undertaken on the City's Housing Needs and Supply Report. Corresponding changes are requested to the Region's Land Needs assessment materials.	Niagara Region staff support the City's Housing work.  The Region's Intensification Rates are based on the Land Needs Assessment Methodology released by the Province. The City's Housing work suggested increased intensification to address Housing needs, but did not include analysis of land needs, including market demand.	The Region will continue to work with the City to support the City's Housing work.  The City is encouraged to apply a greater intensification rate, above the minimum identified in the Niagara Official Plan, through the City's future Official Plan conformity exercise. At this time, in the Region's Official Plan, we do not intend to change the City's intensification rate from 50% to 60%.
<b>City of Thorold</b>	Identified excess lands through the Regions' LNA need to be addressed through tools and policies in the Region's Official Plan. At this time, those policies and tools have not yet been prepared. Development of these policies and tools should be done in conjunction with local Planning staff.	Work is ongoing on policies and tools to manage lands that are currently designated beyond the 2051 planning horizon.	Additional policies are forthcoming in Fall 2021 to address this comment. Region and Thorold staff will meet to collaboratively work on policies.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Town of Lincoln</b>	Staff opine that Lincoln's population forecasts are low considering current development proposals and the planned higher densities in the Beamsville GO Station Area and Prudhommes area.	Based on a detailed review of the development proposals and servicing to 2051, more population is needed in Lincoln's built-up area.	Lincoln is assigned an additional 10,000 people to 2051, exclusively in the delineated built-up area. This results in an intensification rate of 90% and no additional need for Community Area lands to 2051.
<b>Town of Lincoln</b>	The Region allocated an additional 900 households to Lincoln's Designated Greenfield Area (DGA) over the next 30 years. Lincoln staff opine this figure is low, given the location of DGA in the Beamsville GO Station area planned for higher transit-oriented densities.	The DGA lands in the Beamsville GO Transit Station Area Secondary Plan Land Use Schedule are predominately Office Commercial and Transit Station Area. Thus, only 900 residential units are forecast. However, this unit forecast is a minimum target.	No action taken at this time. Minor refinements may be made to the housing unit mix prior to the completion of the Niagara Official Plan.
<b>Town of Lincoln</b>	Lincoln supports the Region's allocation of 0.5% growth to the Rural Area.	Staff acknowledge the Town's support of the Region's work.	None.
<b>Town of Lincoln</b>	Staff opine that a larger proportion of growth should be allocated to apartment unit types. This reflects recent applications, planned densities and land supply.	On further data review, Regional staff have adjusted the unit mix and included a greater share of apartment units. This is assigned exclusively within the built-up area.	Lincoln is assigned an additional 4,225 apartment units through the Made-in-Niagara Forecast.



Commenter	Comment Summary	Regional Response	Action Taken
<b>Town of Lincoln</b>	Town staff previously requested a number of technical amendments as part of the Provincial Plans Review and Municipal Comprehensive Review. The Town's suggested boundary amendments that were included in staff report PL 16-13 continue to be carried forward to the Region for consideration. Town staff request to be provided with draft mapping from the Region when it becomes available for comment.	Region staff acknowledge receipt of technical boundary adjustments, and will comment at a later time. Technical adjustments are not the same as boundary expansions – these are minor and intended to fix a technical matter.	Staff are working on technical boundary adjustments for reporting in Fall 2021.
<b>Town of Fort Erie</b>	Town Staff reviewed the Draft LNA and Draft Forecasting Polices and are generally satisfied with the proposed intensification rates, growth allocation numbers and land needs assessment. However the Town felt although close, more employment area was needed based on its consultant findings (Report PDS-54-2021).	Staff acknowledge Town's support of Region's work on the LNA and allocations. The revised Made-in-Niagara Forecast and updated LNA has more employment area in Fort Erie than the May Forecast and LNA.	Region Planning staff will continue to consult with Fort Erie staff on the LNA and related processes.
<b>Town of Fort Erie</b>	The Town, through the approved Urban Area Boundary Expansion Study, has forwarded expansion candidate sites to the Region for consideration.	Staff received the Town's reports on preferred expansions. These will be reviewed as part of the Region's SABR process.	Region Planning staff will continue to work with Fort Erie staff on the SABR expansion process.



Commenter	Comment Summary	Regional Response	Action Taken
<b>Town of Fort Erie</b>	The Town has the ability to legislatively advance 40 ha expansions outside of the MCR process. Addendum 2 of the Urban Area Boundary Expansion Study, identified sites and priorities for these expansions, should candidate sites not be considered by the Region.	Only the Region can expand boundaries.  The Growth Plan has a policy that allow expansions for up to 40 Ha in advance of a municipal comprehensive review (i.e. new Official Plan), subject to specific requirements. The Region is not processing 40 Ha expansion requests at this time since it is not in advance of a municipal comprehensive review.	Comment received. No action taken.
<b>City of Welland</b>	Welland staff seek clarification on draft Regional Structure policy 2.2.5.6 as it relates to criteria development by the Region for expansions and local involvement.	This policy relates to criteria developed for the SABR review, which has been discussed at several meetings with local staff.	Regional staff are considering revisions to this policy to better reflect the draft SABR criteria.
<b>City of Welland</b>	City Staff inquired on the relationship between established neighbourhoods and declining population growth over the 30 year planning horizon.	Established neighbourhoods generally have an older demographic than new neighbourhoods; as a result, the average number of people per unit is expected to decline slightly from 2021- 2051.	No action taken.
<b>City of Welland</b>	City Staff inquired how additional dwelling units (sometimes called Secondary Suites) are captured in the forecast and suggested a higher forecast be provided for the City of Welland.	Through consultation with Welland staff after receipt of this comment, the Region and City agreed that 50 additional units per year for Secondary Suites was an achievable target.	Welland is assigned an additional 1,600 apartment units in the Made-in-Niagara Forecast. The majority of additional apartment units are anticipated to be Secondary Units.

Commenter	Comment Summary	Regional Response	Action Taken
City of Welland	City Staff note the population and housing forecast seems low for Welland. Planning applications and pre-consultations surpass some draft figures, especially for apartment units. These projects will commence within the next half decade or less.	Based on a detailed review of development proposals and servicing to 2051, more population is needed in Welland's built-up area.	In the updated Made-in-Niagara Forecast, Welland is assigned an additional 10,000 people to 2051, exclusively in the built-up area. This results in an intensification rate of 75% and no additional need for Community Area lands to 2051.
City of Welland	City Staff noted that Employment Area needs increased as Natural Heritage mapping is updated.	Refinements to the Natural Environment System (NES) have been on going since the May report. Since that time, the Region has protected more environmental lands in Employment Areas, including in Welland. This results in less developable Employment Area in Welland.	The revised LNA has a small need for additional Employment Area land in Welland. NES work, including consultation on it, is ongoing. Thus, the final land need may have minor adjustments prior to completion in the Official Plan.
City of Welland	Based on the methodology for determining developable land, including the removal or discount of Natural Heritage features, City Staff ask if the amount of developable land within existing Employment Areas will be impacted.	The Employment Area calculations for the LNA are based on developable land supply and remove natural heritage features and encumbered lands.	No action taken.

Commenter	Comment Summary	Regional Response	Action Taken
<b>City of Welland</b>	The City is currently having its own forecasts being created as part of our own Official Plan review. These forecasts will be included in the updated Official Plan document. The City will consider policies in its Zoning and OP where necessary that are in adherence to the requirements of Provincial Policy.	The Growth Plan identifies that the Region is responsible for allocating forecasts. Until the Region allocates forecasts, the forecasts that existed on August 28, 2020 remain in effect. Future forecasts established by Welland must conform to the Niagara Official Plan and Growth Plan.	None at this time.
<b>Township of West Lincoln</b>	West Lincoln supports the Regional growth allocations as provided to West Lincoln.	Staff acknowledge the Township's support of the Region's work to date on the forecasts.	None at this time.
<b>Township of West Lincoln</b>	Township staff provided report PD-077-21 which identifies a rural hamlet review work program to be completed in accordance with the Region's SABR Appendix 18.3.	Regional planning staff acknowledge the Township's work plan and are available to consult as needed.	Region will work with Town and consultant as needed during their study.
<b>Niagara Escarpment Commission</b>	NEC requests that it be consulted if any of the proposed urban designations in the Region's Official Plan are for properties within the NEP Area. The Region cannot approve urban amendments, unless the change in designation has first been approved by the Province.	Any boundaries changes related to the NEP area, including technical adjustments, will be discussed with the NEC and local planning staff.	Region has ongoing meetings with the NEC and will address this topic at future meetings.
<b>Niagara Escarpment Commission</b>	NEC would like to assist with mapping discrepancies; it has new digital maps for the NEC Area of Development Control starting July 1, 2021.	Comment received.	None at this time.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Public</b>	Question about potential redevelopment and land use designation changes to the lands west of Garner Road, north of McLeod Road, and south of Lundy's Lane in Niagara Falls. Concerned about urban expansion areas in the vicinity of their rural residence.	This is to be considered as part of the Region's SABR process.	Planning staff communicated with commenter to outline SABR and reasons why the process is needed.
<b>Public</b>	Question about whether the Region has changed the land use designation of lands on the east side of Rice Road, in Pelham, from agricultural land to rural or urban? Contends that it should be re-designated due to Pelham's zoning, extension of services, and dormant agricultural fields.	This area is under consideration for possible expansion.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Public</b>	Will 1538 RR20 will be brought into Bismark Hamlet in West Lincoln? Region should review hamlet boundaries to capture all of the R1A zone.	Staff are reviewing request to determine if request is an expansion or technical adjustment. The change requested will not add building lots in hamlet.	Staff communicated with requestor to outline process and provide location for materials.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Preservation of Agricultural Land Society (PALS)</b>	PALS regards the use of a higher population projection by Niagara than that provided by the province as subversive of good land use planning across Ontario. Comments with respect to rejecting provincial population projections.	<p>The Region must plan for the population forecasted in the Growth Plan, as a minimum.</p> <p>Decision of Regional Council must conform to the Growth Plan.</p> <p>In developing forecasts, Staff consider all planning matters, including climate change, the natural environment system, and core housing needs/affordability. The Made-in-Niagara Forecasts best address these matters.</p>	Staff recommend proceeding with the Made-in-Niagara Forecasts for the reasons identified here and in the covering report.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Preservation of Agricultural Land Society (PALS)</b>	Understands that a 460 hectare urban expansion for residential needs has been determined. Comments that this figure hasn't been defended and logically explained. Inquires about how this can be subject to change and why there is need for expansion of employment lands, with no precise figure provided. This does appear to eliminate the notion that residential needs can be accommodated through re-designating employment lands.	<p>A detailed May 2021 Draft Land Needs Assessment (LNA) is provided in Appendix 3.2 of PDS 17-2021. An updated version of the LNA is attached to this report as Appendix 1. This LNA was developed in conformity to the Provincial Land Needs Assessment Methodology, which identifies the specific components, inputs and assumptions required.</p> <p>Employment Areas are a component of the LNA. The additional Community Area land cannot be supported through re-designating employment lands. A reduction in existing Employment Areas to support Community Area development would create a greater need for Employment Area.</p>	Staff recommend proceeding with the Made-in-Niagara Forecasts for the reasons identified here and in the covering report.
<b>Preservation of Agricultural Land Society (PALS)</b>	Supportive of urban boundary expansion in Welland as it has been carefully planned for 10 years, has a linked natural heritage system, and can be logically serviced by transit. PALS not supportive of urban boundary expansions in Fort Erie and West Lincoln, for reasons of lack of transit support and loss of agricultural land, natural heritage and water resource features.	Comment received.	Expansions remain under consideration as part of SABR process.



Commenter	Comment Summary	Regional Response	Action Taken
<b>Timberlee Glen Development Ltd. (IBI Group)</b>	IBI Group representing Timberlee Glen Development Ltd., respecting lands in the Port Weller East area of St. Catharines, south of Lakeshore Road, between Read Rd and the Welland Canal, outlines reasons for making these lands a mixed-use area. These lands are currently employment and comprise approximately 18.4ha.	This matter is the subject of an OLT appeal relating to St. Catharines OPA 26. At this time, the Region does not agree to change the designation on these lands from employment area.	Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.
<b>Marco Marchionda (Marcasa Homes Inc.)</b>	Submission made in respect of lands on the north side of Regional Road No. 81 in the area of Cline Rd. comprised of approximately 2.4 ha. in Grimsby.  How does the ROP identify the lands between Casablanca and Kelson Ave? Question about the potential for a MCR in Grimsby rather than NOTL given available infrastructure for development.	Area identified is within Greenbelt and currently prohibited from being considered for expansion. Lands would need to be removed from the Greenbelt through Provincial process prior to consideration for expansion.	Regional staff have advised commenter of Provincial prohibition for expansion.
<b>Owner (Antrix Architects Inc.)</b>	Request to include south side Forkes Street (25 acres south-west of Forks Rd and Elm St) that spans both Welland and Port Colborne municipal boundaries, be brought into Urban Area. Total lands comprise approximately 45.2 ha.	This area is under consideration for possible expansion.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Hummel Properties (urbanMetrics inc.)</b>	Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.  Commented on the share of household growth allocated to Niagara-on-the-Lake and suggested a higher rate of 6.8% be used rather than 5%.	Allocations of household growth have been evolving since initial scenarios were established in 2016. In 2019, Town staff suggested, and the Region agreed, the housing share be lowered to 5% as the developments in Old Town, Virgil and St. David's were being built-out.	No action at this time.
<b>Hummel Properties (urbanMetrics inc.)</b>	Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.  urbanMetrics suggests consideration be given to seasonal dwellings and how they will impact the LNA.	Niagara has a considerable supply of housing units that are not occupied by a usual resident – this includes both seasonal dwellings and student housing. Additional consideration could be considered for how these units drive housing need.	Consideration for units not occupied by usual residents (seasonal and student dwellings) are under further consideration for possible minor adjustment in final LNA included with Official Plan.
<b>Hummel Properties (urbanMetrics inc.)</b>	Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.  urbanMetrics requests conversion of lands from employment to non-employment use in Niagara-on-the-Lake, based on specific comments included in their submission.	Comments received.	Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.
<b>502 Winston Road Inc. (IBI Group)</b>	Request for consideration of an urban boundary expansion - Lands at 502 Winston Rd. in Grimsby comprised of approximately 5.8 ha.	Area identified is within Greenbelt. Provincial policy prohibits the Region from expansion in the Greenbelt, unless lands are removed from it.	Regional Planning staff have advised agent of the Provincial Plan prohibition.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Iron Horse Stables (Niagara) Inc. (JV Consulting)</b>	Request for consideration of an urban boundary expansion - Iron Horse Stables (Niagara) Inc. adjacent to existing settlement area boundary in Chippawa. 95 ha in size and bound by Sodom Road (west) and Willoughby Drive (east)- Niagara Falls	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>(1) Niagara Falls Park Inc. (2) Niagara Estates of Chippawa (3) Lyons Creek Niagara Falls (Trans Global Partners Canada)</b>	Request for urban boundary expansion in 3 separate locations in Niagara Falls – (1) 5021 Gardner Rd (81.2 ha.), (2) east side Sodom Rd between Willick Rd and Weaver Rd (36.9 ha.) and (3) northeast corner of Stanley and Logan Rd (36.6 ha.)	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owners (Weston Consulting)</b>	Request for urban boundary expansion at 9941 Lundy's Lane in Niagara Falls being approximately 24.5 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Rankin Engineering Inc. (MHBC Planning)</b>	Request for Employment Area Conversion for lands in the STC-2 Hannover Employment Area for non-employment use. Lands are identified as 218, 222, 250 Martindale Road; 20, 25, 75 Corporate Park Drive and comprise approximately 10 ha. in St. Catharines.	This site was recently addressed through St. Catharines OPA 26. At this time, the Region does not agree to change the designation on these lands from employment area.	Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Grand Niagara (The Planning Partnership)</b>	Grand Niagara request for urban boundary expansion in Niagara Falls being approximately 138 ha. west of the existing Grand Niagara golf course lands.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>River Realty, Club Italia, Redeemer Bible Church (Niagara Planning Group)</b>	Request for urban boundary expansion of approximately 40 ha. in Northwest Niagara Falls between the QEW and Montrose, south of Niagara Sports Centre Limited lands (Regency Motel).	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Anthony Romano, Andrew Zhongan, and Young Hong (Niagara Planning Group)</b>	Request for urban boundary expansion – northeast Corner of Lundy's Lane and Beechwood in Niagara Falls and comprising approximately 12.9 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Niagara Sports Centre Limited (Douglas, Morningstar &amp; Bonin LLP)</b>	Letter of support for Niagara Sports Centre Limited and Ralph Biamonte for expansion of the northwest quadrant in Niagara Falls to include lands of approximately 64.8 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Grand Niagara Legends Estate Inc. (MHBC Planning)</b>	Grand Niagara Legends Estate Inc. request for urban boundary expansion of lands on the north side of Weaver Rd, east of Willoughby Drive, and south of Legend's way in Niagara Falls. Total area requested expansion is approximately 206 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Owner</b> <b>G. Douglas Vallee Limited</b>	Request for urban boundary expansion at 949 Clare Ave in Pelham are comprised of approximately 4.1 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owner</b> <b>G. Douglas Vallee Limited</b>	Water and waste water calculations for 949 Clare Ave potential expansion in Pelham.	Comments received.	None at this time.
<b>Kaneff Properties Limited</b> <b>(MHBC Planning)</b>	Request for urban boundary expansion at 590 Glendale Avenue in St. Catharines being a portion of the site and totaling approximately 17 ha.	Lands currently awaiting decision from NEC on designation.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Prca Global Enterprises Inc.</b> <b>(The Planning Partnership)</b>	Request for both an employment area conversion and settlement area expansion involving lands totaling approximately 16.3 ha. - Price Global Enterprises Inc. at 38 Merritville Inc. and Schmon Parkway.	Comments received.	Expansion and employment conversions are under consideration as part of SABR process, for reporting in Fall 2021.
<b>P. Coletto &amp; Mr. D. Bartels</b> <b>(T. Johns Consulting Group)</b>	Rural settlement area boundary expansion request - 8250 Mud Street West and 3498 Grassie Rd, West Lincoln totaling approximately 31 ha.	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owner</b>	Consultant for 5415 Hwy 20 West Lincoln inquiring about the property and potential expansion of the Bismark Hamlet Boundary. Inquires about studies/reports required and the overall process for the expansion.	Planning staff responded to inquiry to provide information relating to rural settlement area expansion criteria.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>P. Coletto &amp; Mr. D. Bartels</b> <b>T. Johns Consulting Group</b>	Preliminary letter expressing rural settlement area boundary expansion request - 8250 Mud Street West and 3498 Grassie Rd, being totaling approximately 31 ha. in West Lincoln	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Andre Leblanc</b> <b>(IBI Group)</b>	Rural Settlement area boundary expansion request in the Caistorville Hamlet - Part Lot 20, Concession 1, West Lincoln. Request area is approximately 7.1 ha.	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Stuart Wright</b> <b>(Quartek)</b>	Request for urban boundary expansion- 1555 Nigh Road- Lands West of Buffalo Rd to Rosehill Rd- Town of Fort Erie. Site totals approximately 10.7 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Marz Homes</b> <b>(A.J. Clarke and Associates Ltd.)</b>	Engineering Feasibility Report for expansion at Schooley Rd and Michener Rd in Fort Erie totaling approximately 8.3 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Marz Homes</b> <b>(A.J. Clarke and Associates Ltd.)</b>	Planning Rationale Report for expansion at Schooley Rd and Michener Rd in Fort Erie totaling approximately 8.3 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Marina (Green Acres)</b> <b>Developments Inc.</b> <b>(Niagara Planning Group)</b>	Request for settlement area boundary expansion for lands on the south side of Bertie Street, east of the Fort Erie Golf club and comprised of approximately 10.2 ha. in Fort Erie.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.



Commenter	Comment Summary	Regional Response	Action Taken
<b>Jukic Group Inc. (Bousfields Inc.)</b>	Request for urban boundary expansion for 'Black Creek Commons' by Jukic Group Inc. in Fort Erie. Materials provided include planning rationale, concept master plan, and responses to MCR criteria. Total of lands is approximately 371 ha. between Stevensville and Douglastown.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owners (LANDx Developments Ltd.)</b>	Request of for technical mapping adjustment for 100 Dock Road in Thorold.	Comments received.	Staff are working on technical boundary adjustments, for reporting in Fall 2021.
<b>LJM Developments (Niagara Planning Group)</b>	Request for urban boundary expansion for Pt Lot 154 Garner Rd on the west side of Garner between Lundy's Lane and McLeod Road in Niagara Falls, comprised of approximately 24.1 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.