



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

MEETING NO. NINE

Tuesday, November 9, 2021, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**** NOTE TO MEMBERS OF THE PUBLIC:** 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 Council meetings until further notice.

**** Virtual Attendance & Participation:** Members of the public who wish to participate by provide oral comments for matters that are on the agenda must attend the virtual meeting by obtaining a Zoom invite in advance by emailing jdyson@westlincoln.ca by November 9, 2021 before 4:30p.m. Those who wish to observe the meeting may view the meetings livestream which can be found on the Council and Committee Calendar on the Township's website.

Pages

1. CHAIR - Councillor William Reilly

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 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 livestreamed and recorded and available on the Township's website.

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)

The Public Meeting will commence at 6:30 p.m.

4.1. Street Naming Public Meeting - 167 St. Catharine Street

Re: Public meeting to consider the street naming for up to 2 private streets within a Condominium located at 167 St. Catharine Street, Smithville.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

There are no appointments.

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 P108-21

CONSENT AGENDA ITEMS:

RECOMMENDATION:

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

- 1. Item 1 be and is hereby received for information; and,
- 2. Item 2 be and is hereby received and that the recommendations contained therein be adopted with the exception of item No.(s)_____

- | | |
|--|----|
| 1. Technical Report No. PD-120-2021 – 167 St. Catharines Street Condominium Street Naming | 6 |
| 2. Recommendation Report No. PD-118-2021 - Authorizing By-law – (Agent) Ontario Outbuilding – (Owner) Bert Vis Upholstery - 214 St Catharines Street. File No. 2100-012-21 | 12 |

9. COMMUNICATIONS

There are no communications.

10. STAFF REPORTS

10.1. ITEM P109-21

18

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

Re: Information Report No. PD-122-2021 – Zoning Bylaw Amendment – 7005 Concession 4 Road – JCT Services – Joe Dilluio (Owner) Eldon Darbyson (Agent)

RECOMMENDATION:

1. That, Report PD-122-2021, regarding “Updated Information Report – Zoning By-law Amendment - 7005 Concession #4 Road – JCT Services- Joe Dilluio (Owner), Eldon Darbyson (Agent)”, dated November 9th, 2021, be RECEIVED; and,
2. That, a recommendation report be submitted to a future Planning/Building/ Environmental Committee or Council meeting once a full staff and agency review has been completed and a full understanding of the applicant’s proposal is achieved.

10.2. ITEM P110-21

23

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

Re: Recommendation Report No. PD-123-2021 – Zoning Bylaw Amendment – Site Plan Authorizing Bylaw – Post Time Services (Kevin Vanderwier)

RECOMMENDATION:

1. That, Report PD-123-2021, regarding “Zoning By-law Amendment – Site Plan Authorizing Bylaw–Post Time Services – Kevin Vanderwier”, dated November 9th 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 Post time Services - Kevin Vanderwier 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; and,
5. That, an authorizing bylaw be passed to permit the Mayor and Clerk to sign an amending Site Plan Agreement once completed to the satisfaction of staff.

10.3. ITEM P111-21

38

Enforcement Officer (Tiana Dominick) and Director of Planning &

Building (Brian Treble)

Re: Recommendation Report No. PD-126-2021 - Snow Event/Weather Advisory Focused Winter Parking Enforcement to Accommodate the Procedural Review of Parking, Driveway, Boulevard and Culvert Bylaws

RECOMMENDATION:

1. That, report PD-126-2021, regarding “Snow Event/Weather Advisory Focused Winter Parking Enforcement to Accommodate the Procedural Review of Parking, Driveway, Boulevard and Culvert Bylaws”, dated November 9th, 2021 be received; and,
2. That enforcement staff proceed with a parking enforcement focus 24 hrs. before and after a snow event/weather advisory, with an increased set fine to accommodate the ongoing procedural review of the Parking, Driveway, Boulevard and Culvert Bylaws; and,
3. That enforcement staff provide feedback to Council at a later date in regards to the procedural review, and snow event/weather advisory focused parking enforcement.

10.4. ITEM P112-21

41

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

Re: Recommendation Report No. PD-119-2021 - Comprehensive Zoning Bylaw 2017-70, as amended Housekeeping Amendments No. 6

RECOMMENDATION:

1. That, Report PD-119-2021, regarding “Housekeeping Amendments No. 6 to Zoning Bylaw 2017-70, as Amended”, dated November 9, 2021 be received; and,
2. That, proper notice be given and a public meeting be held, as required by the Planning Act, at a future Planning/Building/Environmental Committee Meeting.

10.5. ITEM P113-21

48

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-124-2021 - Authority to Sign an Amending Site Plan Agreement with West Niagara Agricultural Society (WNAS)

RECOMMENDATION:

1. That, Report PD-124-2021, regarding “Recommendation Report, Authority to Sign an Amending Site Plan Agreement with West Niagara Agricultural Society (WNAS)”, dated November 9th, 2021, be RECEIVED; and,
2. That, a by-law be passed to authorize the Mayor and Clerk to sign an amending site plan agreement once completed to staff's satisfaction.

10.6. ITEM P114-21

53

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-125-2021 - Authorizing By-law to

remove an Existing Site Plan from Title of Part Lot 16, Conc 8, owned by the Davis Family to Allow Conveyance of a Road Allowance to the Region

RECOMMENDATION:

1. That, Report PD-125-2021, regarding "Recommendation Report, Authorizing By-law to Remove Site Plan from Title of Part Lot 16, Conc 8, owned by the Davis Family to Allow Conveyance of a Road Allowance to the Region", dated November 9th, 2021, be RECEIVED; and,
2. That, a by-law be passed to authorize the Mayor and Clerk to sign all documents necessary for the removal of the existing site plan from Part 2 of 30R15738, the Regional road allowance lands, for road widening purposes, prior to transfer to the Region of Niagara.

11. OTHER BUSINESS

11.1. ITEM P115-20

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

There are no confidential matters.

14. ADJOURNMENT

The Chair to declare the meeting adjourned at the hour of _____.

DATE: November 9, 2021

REPORT NO: PD-120-2021

SUBJECT: **Technical Report – 167 St. Catharines Street Condominium Street Naming**

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

OVERVIEW:

- A request to name a private street within the 167 St. Catharines Street Draft Plan approved condominium has been submitted by the owner Mr. Chris Tsiropoulos.
- The draft plan approved condominium is located west of the Union Cemetery and directly across the street from the Legion.
- The condominium has one main private street to provide access to the majority of the units, with one small branch to access three of the townhouse units fronting St. Catharines Street.
- The applicant has proposed two street names that come from the Township's approved list of street names. These names are Angle Street and Bowman Street.
- Planning staff are unsure as to whether two street names are required and have circulated the application right now to the Township Fire Department for their comments.
- The Region of Niagara has also reviewed the street names in relation to 911 PERS compliance and have no objections.
- Planning staff recommend that once it is determined how many street names are required, staff prepare and present a recommendation report to Committee and Council.

RECOMMENDATION:

1. That, Report PD-120-2021, regarding "Technical Report – 167 St. Catharines Street Condominium Street Naming", dated November 9th 2021, be RECEIVED; and,
2. That, a Recommendation report be prepared and presented at a future Planning, Building, Environment Committee Meeting.

ALIGNMENT TO STRATEGIC PLAN:**Theme #3**

- Strategic, Responsible Growth

BACKGROUND:

In July of 2018 Council gave draft plan approval for the 20-unit townhouse condominium located at 167 St. Catharines Street. A two-year extension to draft plan approval was approved earlier this year. One of the conditions of approval is for the applicant to name the private condominium street(s) within the development. The proposed development has one main street which provides access to the majority of the units, and a smaller branch which provides access to visitor parking and three of the units which front St. Catharines Street.

The applicant has now applied for, and requested two street names for the condominium development. The street names requested are Angle Street and Bowman Street. Planning staff have circulated the proposed street names as per the Township's street naming policy.

CURRENT SITUATION:

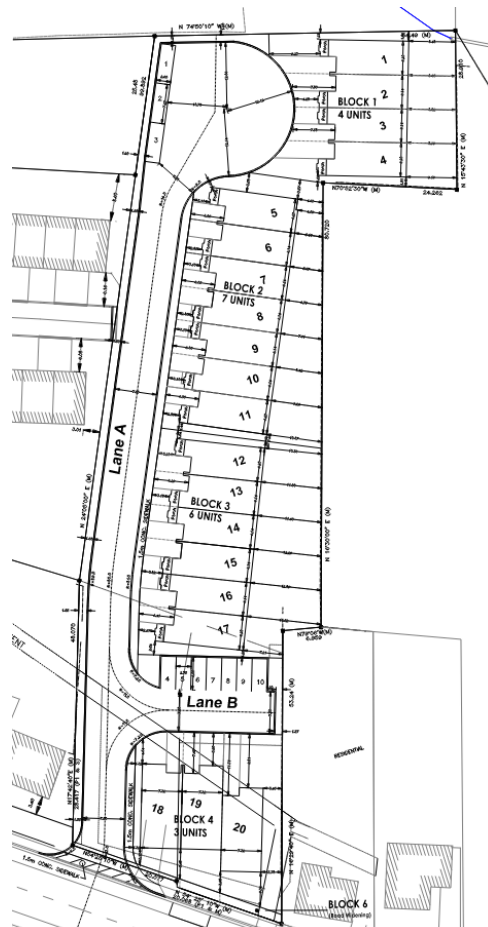
The draft plan approved condominium has 17 proposed townhouses that will front along Lane A, and three proposed townhouses fronting onto St. Catharines Street but with rear access from Lane B. There are also seven visitor parking spaces accessed from Lane B.

The applicants have proposed two street names: Angle Street for Lane A (being the north-south street) and Bowman Street for Lane B.

Both names are listed on the approved list of street names found within the Township's street naming policy POL-PD-01-11.

The policy requires that at least 50% of new street names within a development use names found within the approved list of street names.

Planning staff are still consulting the Region of Niagara and the Township Fire Department to determine if a separate name is needed for Lane B, or if the entire development can have one street name.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this application for street naming.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

The Region of Niagara provided comments with regards to the proposed street names. They note that there are somewhat similar sounding street names throughout the Region, but the closest is in St. Catharines and Niagara on the Lake. As such, the Region has no objection to the two names selected from a 911 PERS perspective.

No other agency, or department comments have been received at this time. Township Planning Staff have followed up with the Region and Fire Department to determine if only one street name is needed.

One public comment has been received from Ms. Catharine Gonnson of Metropolitan Consulting. Ms. Gonnson has requested that Committee look at two alternative names being Creamery Row and Waddell Street for historical reasons outlined in her email.

Planning staff will consider these two proposed names due to the historical significance outlined and consult back with the owner and the Township Heritage Committee to review the alternative suggested names.

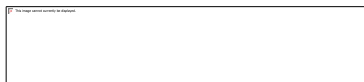
CONCLUSION:

Planning staff have circulated notice with regards to the proposed street names as required by the Township's street naming policy POL-PD-01-11. At the time of writing this report, one public comments has been received. Once it is determined how many street names are needed, Township staff will prepare and present a recommendation report to Committee and Council for final approval.

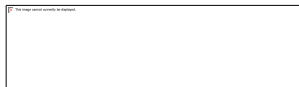
ATTACHMENTS:

1. Site Plan Drawing – 167 St. Catharines Street
2. Public Comment

Prepared & Submitted by:



Gerrit Boerema
Planner II

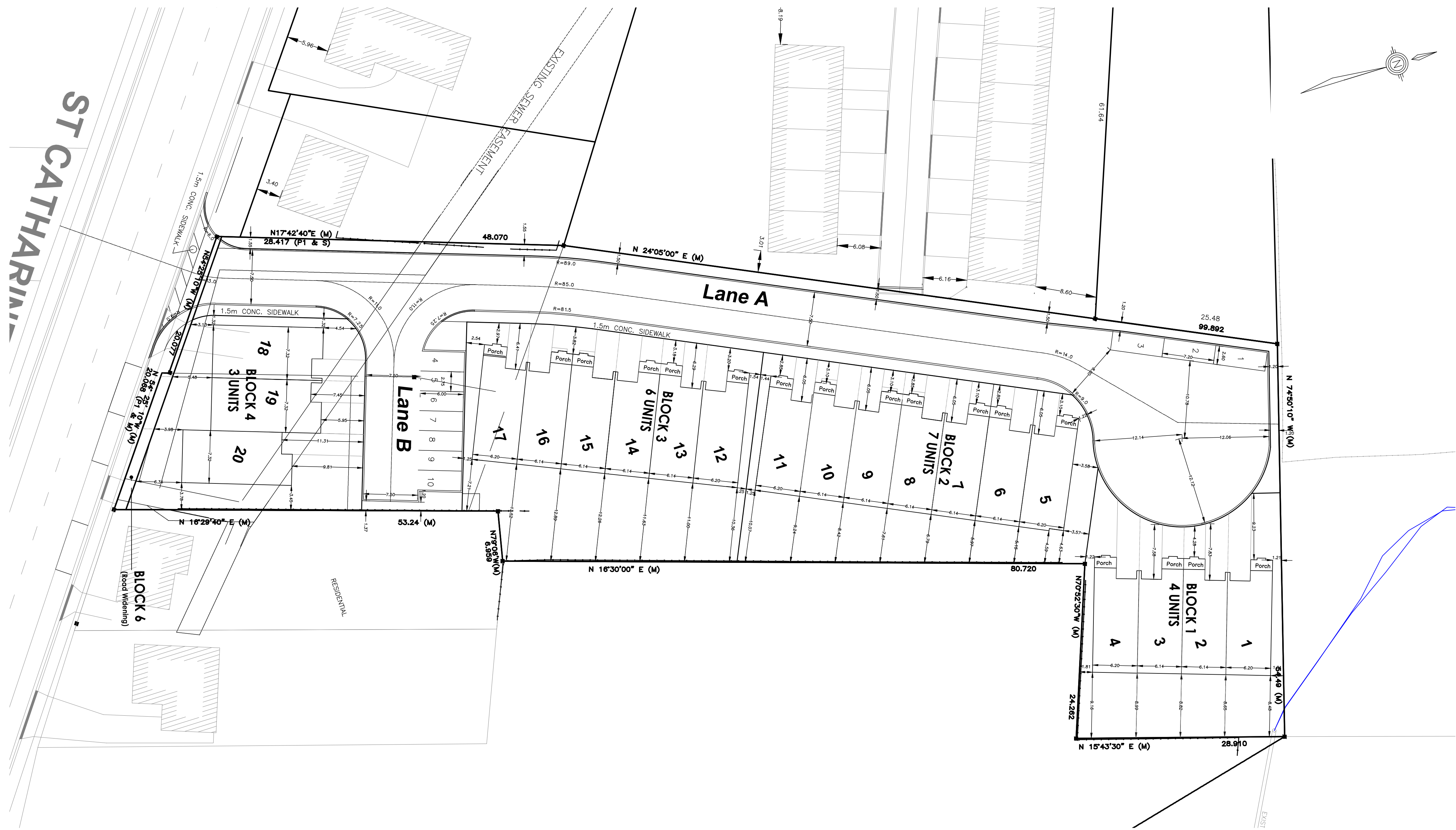


Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO



Total Land Area 6490 m²
Residential Area 4089.76 m²
Common Element Area 2186.94 m²
Road Widening 213.30 m²

Current Zoning R2 and RM2
Proposed Zoning RM2 (exception)
Frontage 40.13 m
Density 30.8 units/ha. Gross

Lot #	Frontage (m)	Depth (m)	Lot Area (sqm)	Ground Flr	Driveways	Lot Coverage
1	7.68	32.99	255.48	90.99	33.15	36%
2	6.46	29.62	183.40	90	26.65	49%
3	6.27	29.53	183.97	90	25.06	49%
4	8.91	32.89	255.77	90.99	29.77	36%
5	13.63	23.85	212.83	89.96	18.66	42%
6	6.14	24.67	151.47	90	18.66	59%
7	6.14	25.48	156.44	90	18.66	58%
8	6.14	26.3	161.62	90	18.66	56%
9	6.14	27.12	166.64	90	18.66	54%
10	6.14	27.94	171.54	90	18.66	52%
11	7.67	28.76	216.40	90.99	17.95	42%
12	7.80	29.88	224.31	90.99	19.13	41%
13	6.14	30.71	188.52	90	19.43	48%
14	6.14	31.52	193.54	90	20.24	47%
15	6.15	32.34	198.64	90	20.61	45%
16	6.15	32.97	202.41	90	20.45	44%
17	9.01	26.23	214.15	90.99	19.03	42%
18	8.51	25.47	212.78	107.55	21.85	51%
19	7.32	27.85	203.84	107.55	21.85	53%
20	10.68	30.21	336.01	107.05	33.91	32%
			4089.76	1857.06	440.54	45%

Lot No.	145	6	4 (No Porch 2.5)	6	2.5	1.2	1.2	4.5	60%
1	255.48	7.68	8.14	9.5	4.76	N/A	1.21	8.48	36%
2	183.40	6.46	5.88	7.83	3.86	N/A	N/A	8.65	49%
3	183.97	6.27	5.88	7.58	5.29	N/A	N/A	8.82	49%
4	255.77	8.91	7.53	8.77	2.96	N/A	1.22	8.99	36%
5	212.83	13.63	1.22	6.05	3.1	N/A	1.22	4.59	42%
6	151.47	6.14	4.59	6.05	3.1	N/A	N/A	5.15	59%
7	156.44	6.14	4.59	6.05	3.1	N/A	N/A	5.97	58%
8	161.62	6.14	4.59	6.05	3.1	N/A	N/A	6.79	56%
9	166.64	6.14	4.59	6.05	3.1	N/A	N/A	7.61	54%
10	171.54	6.14	4.59	6.05	3.1	N/A	N/A	8.42	52%
11	216.40	7.67	4.59	6.05	3.14	N/A	1.25	9.24	42%
12	224.31	7.80	4.6	6.15	3.43	N/A	1.25	10.36	41%
13	188.52	6.14	4.88	6.34	3.43	N/A	N/A	11	48%
14	193.54	6.14	4.97	6.52	3.69	N/A	N/A	11.63	47%
15	198.64	6.15	5.23	6.71	3.61	N/A	N/A	12.26	45%
16	202.41	6.15	5.26	6.56	2.89	N/A	N/A	12.89	44%
17	214.15	9.01	4.58	6.29	2.96	N/A	1.25	7.21	42%
18	212.78	8.51	3.13	7.45	3.13	N/A	1.32	4.54	51%
19	203.84	7.32	5.48	7.45	5.48	N/A	N/A	5.95	53%
20	336.01	10.68	3.98	11.31	3.98	N/A	3.45	9.81	32%
Minimum	151.47	6.14	1.22	6.05	2.89	0.00	1.21	4.54	32%
Maximum	336.01	13.63	8.14	11.31	5.48	0.00	3.45	12.89	59%
Average	204.49	7.46	4.92	7.04	3.56		1.52	8.42	47%

Porch is assumed to be 1.5m max. therefore the front yard setback to the habitable room is (2.5 + 1.5) = 4

Total internal laneway (incl. curb and Sidewalk) 1885.71
Total Common element Landscape area 301.23

Total Site hard surface area 4183.31 64%
Total Site Landscaped surfaces 2306.69 36%



KEY PLAN: N.T.S. SUBJECT AREA

DRAFT

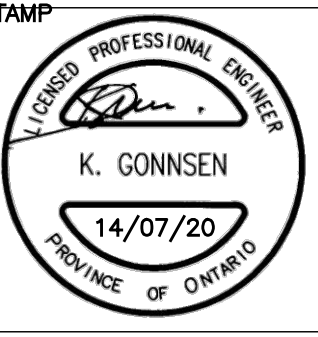
BENCHMARK
LOCAL SITE BENCHMARK
DESCRIPTION
STANDARD IRON BAR IS LOCATED ON THE NORTH CORNER OF PART 1,
PLAN 30R-11616
EASTING: 618582.417 NORTHING: 4772629.580 ELEVATION: 189.057

3	OCT/20	TPF	1ST SUBMISSION COMMENTS
2	APR/18	KGK	ADD SIDEWALK
1	DEC/17	KGK	INCREASE INTERNAL DRIVEWAY WIDTH/INCREASE YARD

NO.	DATE	BY	REVISIONS
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DATE JULY 2020

DESIGN	TF/JD	CHECKED	KG
DRAWN	JD	CHECKED	KG



OWNER
2492222 ONTARIO INC.
305 CASTLEGROVE BLVD.
LONDON, ONTARIO, N6G 3Z4

4450 PALETTA COURT,
BURLINGTON, ON L7L 5R2
TEL. 905.637.2926
FAX. 905.637.3268
EMAIL: ENGINEERING@METROCON.CA
METROPOLITAN CONSULTING INC.

MUNICIPALITY
West Lincoln
Your Future Naturally
TOWNSHIP OF WEST LINCOLN, ONTARIO, CANADA

TITLE
167 & 173 ST. CATHARINES STREET
FREEHOLD CONDOMINIUM

DWG.
SITEPLAN

MUNICIPAL FILE No. 2000-086-17 PROJECT T20006

CONTRACT No. SHEET:

Gerrit Boerema

From: Catharine Gonnens [REDACTED]
Sent: November 2, 2021 12:39 PM
To: Gerrit Boerema; jdyston@westlincoln.ca
Cc: Catharine Gonnens
Subject: Street Naming for 167 St. Catharine St.

Dear Gerri and Jessica.

I see from a public notice of meeting that the two names brought forward for consideration for this infill development are Angle St. and Bowman St.

I'm sorry I may be late venturing into this however I am writing to respectfully request that you please also consider the Street names **of Waddell St. or Creamary Row.**

My reasons for this request are simple.

Robert Waddell whose son has a beautiful monument in the Union Cemetery nearby this development on St. Catharine's St.

was the husband of Mary Hill , granddaughter of the United Empire Loyalist family of Smith Griffin for whom Smithville is named.

Maria Jane Waddell was the second wife of Robert Nelles of Nelles Manor in Grimsby, and there was much overlap and intermarriage between the original colonial settlers of Smithville and Grimsby. Solomon Hill (father of Mary Waddell) was, together with Robert Nelles a member of the Legislature at York (Toronto) for their respective communities.

Another suggestion I would please respectfully request making is Creamery Row. My mother, grew up in Smithville and she told me that in the time of my grandfather who died when she was only a girl, the Bartlett Creamery had been located In this part of Smithville , and it had suffered a severe fire.

The famers who depended on the creamery to take their milk locally (of which my grandfather was one) were asked to contribute funds to the rebuild of the creamery and did so. One of the Bartlett daughters was Mrs. Ella Book , and her husband Harold Book owned and operated the Book Funeral Home and Ambulance service in Smithville many years. My grandfathers farm was on 20 Road not far from Kerr United Church, graveyard of which looks out over Merritt Flatts.

Thanks and Best Regards,

Catharine Gonnens



Cell: [REDACTED]
e-mail: [REDACTED]

DATE: November 9, 2021

REPORT NO: PD-118-2021

SUBJECT: **Recommendation Report - Authorizing By-law – (Agent) Ontario Outbuilding – (Owner) Bert Vis Upholstery - 214 St Catharines Street. File No. 2100-012-21**

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

OVERVIEW:

- The owner of the lands legally known as Concession 9, Part Lot 6, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara. Municipally known as 214 St Catharines Street, has proposed a 502 square metre expansion to the south side of the existing building known as Bert Vis Upholstery
- This expansion will be used by Bert Vis Upholstery business to be able to store their materials. Ontario Outbuilding Ltd. are the agents on this file and as staff understand will be facilitating the construction of the proposed warehouse.
- There is currently already a portion of their existing warehouse located towards the back of the property and they require this addition to expand their warehouse space as their business continues to grow and serve West Lincoln.
- The site plan application was received on August 18th 2021 and has been circulated to internal and external agencies to provide comment on or before October 25th 2021
- Township Planning Staff recommend that the Mayor and Clerk be authorized through a Bylaw to sign the Site Plan Agreement once all site plan details are substantially completed.

RECOMMENDATION:

1. That, report PD-118-2021, regarding “Recommendation Report - Authorizing By-law – (Agent) Ontario Outbuilding – (Owner) Bert Vis Upholstery - 214 St Catharines Street. File No. 2100-012-21” dated November 9th 2021, BE RECEIVED; and,
2. That, a bylaw be passed to authorize the Mayor and Clerk to sign a Site Plan Agreement with (Agent) Ontario Outbuilding – (Owner) Bert Vis Upholstery, and Ralph Vis, once all site plan details are substantially completed.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- Strategic, Responsible Growth

BACKGROUND:

Andrew Frandsen on behalf of Ontario Outbuilding (Agent) has submitted a complete Site plan application for the lands located at 214 St Catharines Street known as Bert Vis Upholstery (Ralph Vis - Owner). This site plan application is for a proposed 502 square metre expansion to the south of the existing building to expand the current warehouse space.

The properties existing building footprint is approximately 2,037.10 square meters (11,162.25 square feet) in size prior to the proposed development. The proposed development will be completed in one phase over the next few months. A Minor Variance Application A17/2021WL was previously approved on July 21st 2021 to recognize the proposed 502 square metre expansion to be located on the portion of the lot located at 214 St Catharines Street that is zoned 'D' Development.

CURRENT SITUATION:

A complete submission for Site Plan approval was received on August 18th 2021. The application was circulated to internal and external agencies and is being reviewed by the Niagara Peninsula Conservation Authority, Township Fire, Building, Public Works and Planning Departments. Comments for this application were due by October 25th 2021.

The initial comments were compiled together and submitted to the applicants. These comments are attached to this report. Planning Staff recommend that authorization be granted for the Mayor and Clerk to sign a Site Plan Agreement once all of the site plan details have been completed.

FINANCIAL IMPLICATIONS:

There are no costs to the Township associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Township Staff have received written comments from the NPCA on October 21st 2021 stating that they can confirm that the proposed addition/expansion does not fall within close proximity to any NPCA regulated features or hazards, and as such the NPCA has no objections to the proposed Site Plan Amendment Application.

Township Building, Fire Department and Public Works Department has no objections to the proposed expansion.

CONCLUSION:

The agent Andrew Frandsen, on behalf of the applicant Bert Vis Upholstery has submitted an application for Site Plan Approval for 214 St Catharines Street for a newly proposed 502 square meter expansion to the existing warehouse. Staff feel that it is appropriate at this time to authorize, by by-law, the Mayor and Clerk to sign a Site Plan Agreement with

the owner of the subject lands located at 214 St Catharines Street, when appropriate, to ensure that the process continues to move forward in a timely manner.

ATTACHMENTS:

1. Site Plan
2. Draft Bylaw

Prepared & Submitted by:



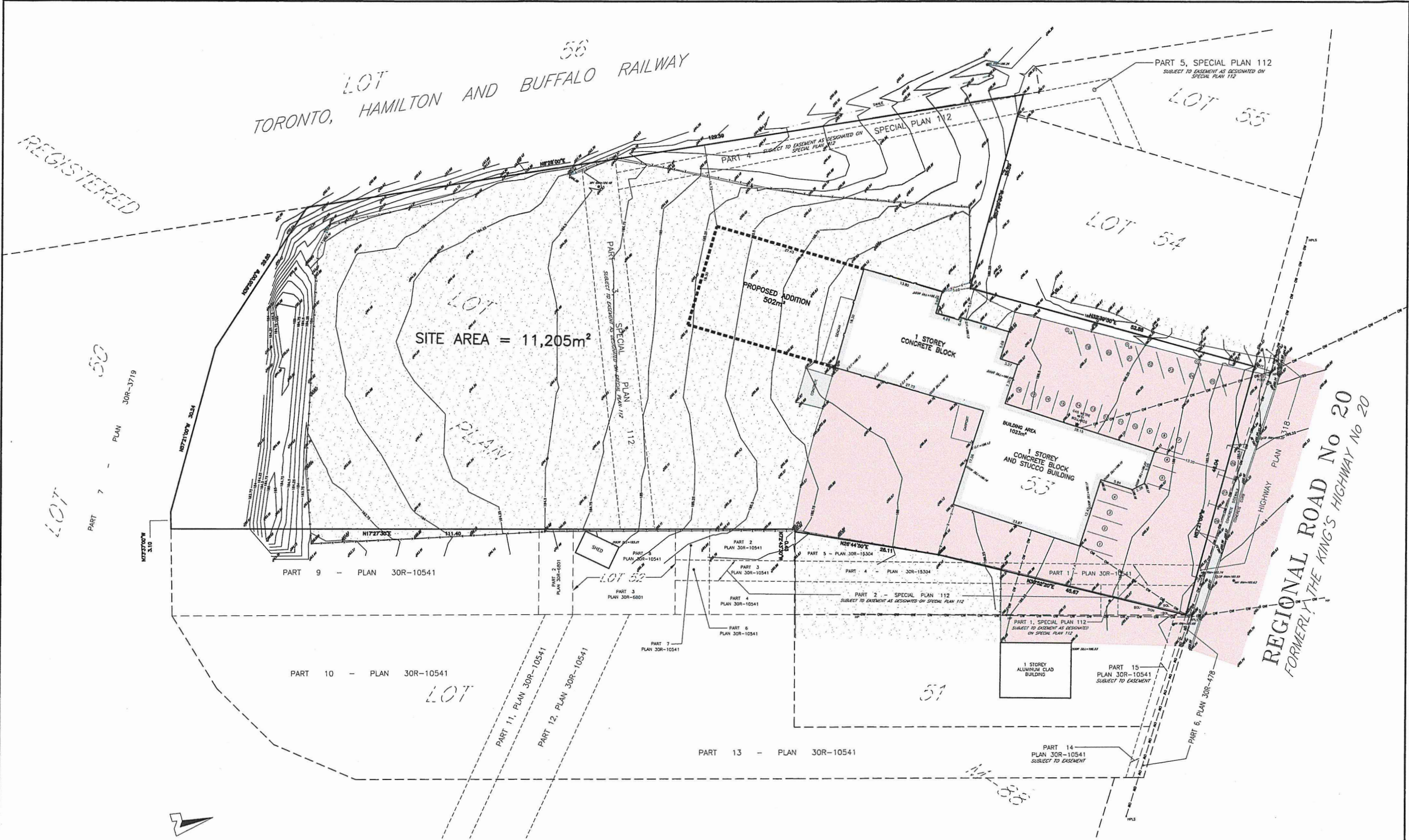
Brian Treble
Director of Planning & Building

Madyson Etzl
Planner II

Approved by:



Bev Hendry
CAO

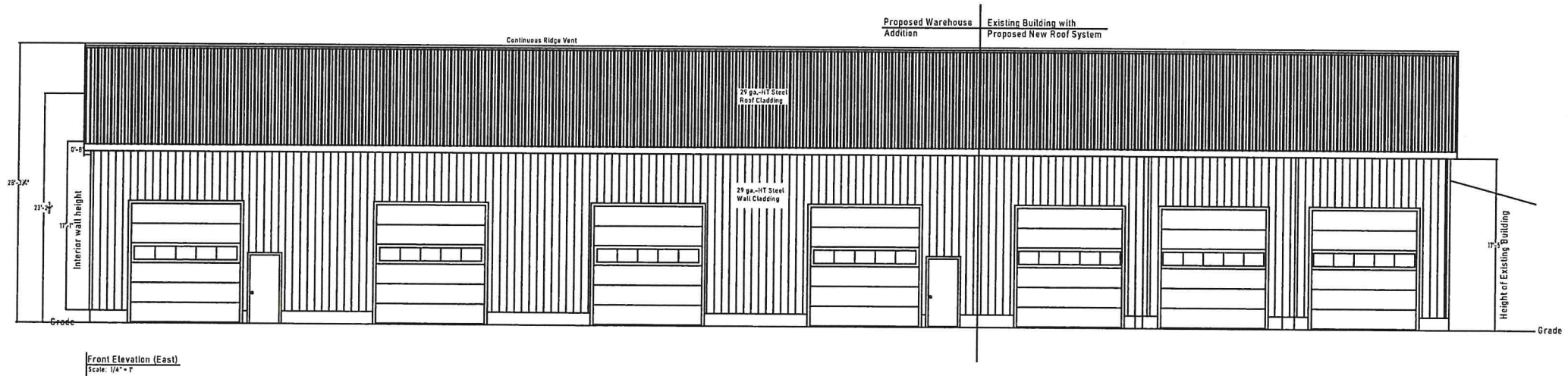
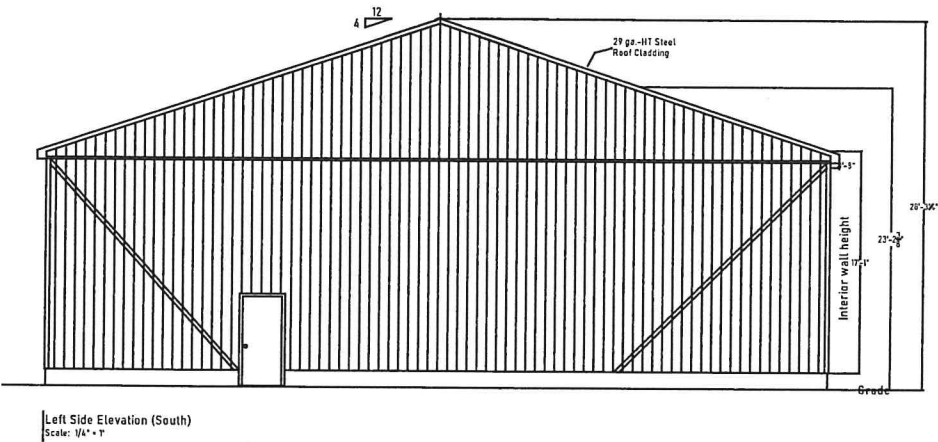
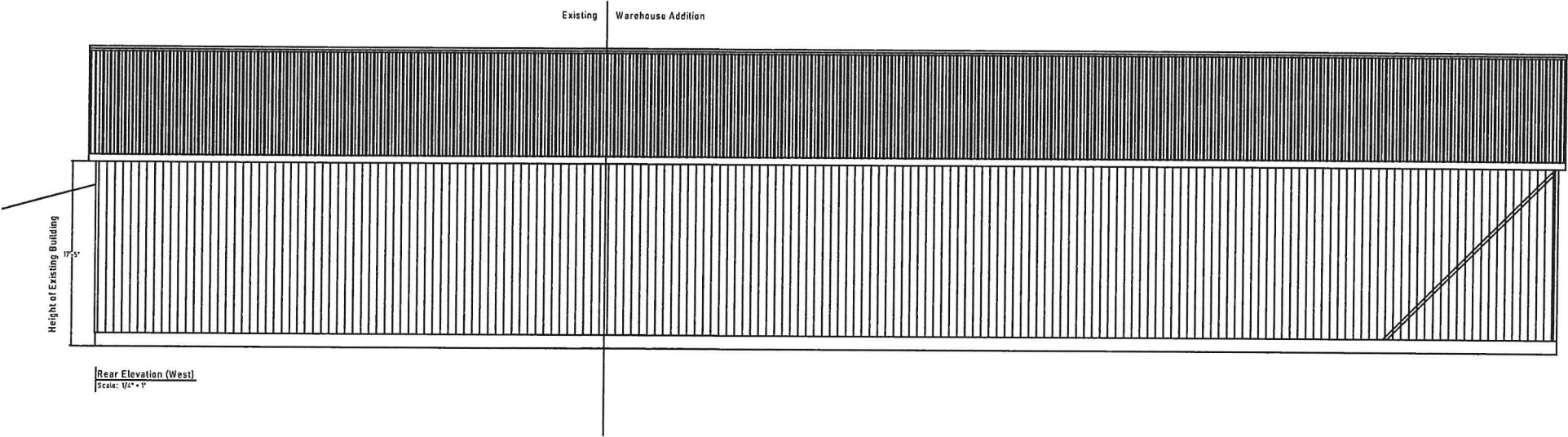


SKETCH
SHOWING EXISTING AND PROPOSED FEATURES
PART OF LOT 53
REGISTERED PLAN M-88
TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 300
DONALD G. CHAMBERS
ONTARIO LAND SURVEYOR

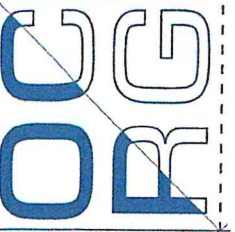
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LEGEND
DENOTES EXISTING GROUND ELEVATION
CB CATCH BASIN
MH MANHOLE
BOL BOLLARD
LS LIGHT STANDARD
HP HYDRO POLE
OU OVERHEAD UTILITY LINE
CL CHAIN LINK FENCE
AS ASPHALT SURFACE
CO CONCRETE SURFACE
GR GRAVEL SURFACE

FIELD WORK COMPLETION DATE: JULY 12, 2021		
REVISIONS		
Rev #	REVISION	Date
0	Submitted to client for review	19 July/21
1	Final submission	20 July/21
CHAMBERS AND ASSOCIATES SURVEYING LTD		
12 THOROLD ROAD EAST (905) 735-7841 / 735-7844 WELLAND ONTARIO L3C 3T2 FAX (905) 735-7333 www.cas-surveying.com		
DRAWN BY: D. H. T.	MISCAD: 02061-2_US	DWG: 02061-2_TOPO FILE NO: 02-61-2



ONTARIO
CONSTRUCTION
RESOURCE
GROUP



7731 Concession 3 Road
Smithville, ON
L0R 2A0
905.246.2565

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DATE	10.08.2021
SCALE	As Noted
DRAWN	Andrew
FILE	OCRG 21.009

PROJECT
60'x90' Warehouse
Addition

ADDRESS
214 St. Catharine St.
Smithville

DRAWING TITLE
ELEVATIONS

Sheet 2 of 7

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2018-##

**A BY-LAW TO AUTHORIZE A SITE PLAN AGREEMENT
BETWEEN THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN AND BERT VIS UPHOLSTERY, FOR
LANDS DESCRIBED AS CONCESSION 9, PART LOT 6, IN
THE FORMER TOWNSHIP OF SOUTH GRIMSBY, NOW IN
THE TOWNSHIP OF WEST LINCOLN, REGION OF
NIAGARA**

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with Bert Vis Upholstery for lands legally described as Concession 9, Part Lot 6, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara.

AND WHEREAS approval and authority for such 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 Bert Vis Upholstery, on the Lands described as Concession 9, Part Lot 6, in the former Township of South Grimsby, now in the Township of West Lincoln, Region of Niagara.
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
22nd DAY OF NOVEMBER, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

DATE: November 9, 2021

REPORT NO: PD-122-2021

SUBJECT: Updated Information Report – Zoning Bylaw Amendment –
7005 Concession 4 Road – JCT Services – Joe Dilluio (Owner)
Eldon Darbyson (Agent)

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

OVERVIEW:

- An application for Zoning Bylaw Amendment has been made to rezone the property municipally known as 7005 Concession 4 Road.
- The applicants are requesting to rezone a portion of the property located at 7005 Concession 4 Road from Agricultural (A) to Agricultural Related (AR-#) with a site specific exception to permit an encroachment of outside storage and equipment within 30 metres of a street line/lot line of a separate lot that contains a residential use, as well as to remove the required landscaped open space requirement.
- The applicants are also requesting to rezone another portion of the subject property from Agricultural (A) to Environmental Conservation (EC) to provide protection to the existing watercourses located on the property, which will include a buffer area as required by the Niagara Region as discussed at a previous Pre-Consultation meeting.
- This use began numerous years ago and has been operating ever since in a non-compliant way within the agricultural area. An application for rezoning and a Planning Justification Report were finally received on August 19th.
- The business known as JCT Services provides trucking services for hauling compost, trees, nursery stock, grains, and soil delivery. The business also provides loading excavating and grading services.
- The applicants are proposing a new 750 square metre accessory building which will be used to store and maintain the trucks and equipment.
- Following the public meeting held on October 12th 2021, staff have had a meeting to discuss location of the accessory building relating to the business and some detailed answers to the questions outlined in the conclusion of the technical report.
- A Recommendation Report will be prepared by Township Staff following an additional meeting with the applicant, agent and planning staff, and any agency comments, and will be presented at a future Planning/Building/Environmental Committee or Council Meeting.

OVERVIEW cont'd:

- Staff wish to point out that we have concerns with the location, size, setbacks and nature of the use and have recommended that the applicant consider relocating the business to be within a cluster adjacent to the applicant's house so that the use is accessory to the house and not situated in close proximity to the neighbor's house.

RECOMMENDATION:

1. That, Report PD-122-2021, regarding "Updated Information Report – Zoning By-law Amendment - 7005 Concession #4 Road – JCT Services- Joe Dilluio (Owner), Eldon Darbyson (Agent)", dated November 9th, 2021, be RECEIVED; and,
2. That, a recommendation report be submitted to a future Planning/Building/Environmental Committee or Council meeting once a full staff and agency review has been completed and a full understanding of the applicant's proposal is achieved.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- Strategic, Responsible Growth

BACKGROUND:

An application for a Zoning Bylaw Amendment has been submitted by Eldon Darbyson (Agent) on behalf of Joe Dilluio (Owner) for the property located on the north east corner of Caistor Gainsborough Townline Road and Concession 4 Road, legally described as Concession 4, Part Lot 39, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 7005 Concession 5 Road. The subject lands are approximately 19.9 hectares in size. Approximately 0.89 hectares are current being used for residential and amenity space, approximately 0.77 hectares are being used for the client's contractor's establishment.

This application for rezoning has been submitted after a pre-consultation meeting which was held on September 23rd 2020. The subject property has been the subject of the Township's Bylaw Department for numerous years. A planning justification report to outline how the specific business is serving agriculture and how it fits with the Ministry of Natural Resources and Food, and OMAFRA guidelines has been provided by the applicant for review. (Attachment 2)

This zoning amendment is needed to recognize the existing business known as JCT Services, which the applicant describes as an Agricultural Service and Supply establishment, an Agricultural-Related use and a Contractors Establishment, as well as to permit a proposed 750 square metre accessory building for the business. The following table outlines the zoning amendments the applicant is requesting and the justifications that have been provided in support of this zoning bylaw amendment;

Amendment	Reason
To Rezone a portion of the property (approximately 5.08%) from Agricultural (A) to Agricultural Related (AR)	To permit an Agricultural Service and Supply Establishment, an Agriculture-Related Use and a Contractors Establishment
To add a special provision to the Agricultural Related (AR) zone to permit an encroachment of outside storage and equipment within 30 metres of a street line or a lot line of a separate lot that contains a residential use and/or top of bank of a watercourse	Required to recognize and permit the storage of trucks and outdoor storage in the front yard within 30 metres of the street line, adjacent residential use and top of bank of an adjacent watercourse
Special provision to remove the landscaped open space requirement	Landscaped open space already exists. Additional landscaping will be required through the site plan approval process
Rezone a portion of the property from Agricultural (A) to Environmental Conservation (EC)	Provides protection to the existing watercourse including a buffer area as required by the Niagara Region.

A final policy review will be evaluated with the recommendation report. This report is just providing an update on questions and unanswered issues that have arisen.

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural Area;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and the farming operation;
- e) Whether the use is consistent with and maintains the character of the agricultural area;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;
- i) The use complies with all other applicable provisions of the Regional Official Plan

CURRENT SITUATION:

Township staff have completed a preliminary review of this application and the Planning Justification Report against the applicable planning policies.

Staff had concern with some elements of the submitted Planning Justification Report and are hoping to have them addressed prior to a future recommendation report.

1. More justification as to how this is an Agricultural-Related Business and how the business serves agriculture.
2. More information on the scale of this Agricultural operation and what percentage of the work is agricultural related verses general contracting work.
3. How this serves the immediate surrounding agricultural lands.

4. Does this business impact the no truck route on Concession 4 Road and needs to be situated in this location to be in close proximity to the area that is being serviced?
5. Is Concession 4 Road adequately built and designed to withhold the traffic flow from the current proposed use.
6. Details on how the business operated including what uses and employees are on site at any given time and frequency and direction of traffic flows.

Following the public meeting staff met with the applicant and their agent on Thursday October 28th 2021 and further discussed the above 6 questions in more detail as well as the location of the accessory building, and if the proposed location could be altered to be closer to the applicants dwelling to cluster existing buildings instead of the neighbouring residential dwelling, and to be seen as accessory to the main use. The applicant agreed to prepare detailed answers to planning staff regarding these 6 questions and comment back to the planning department on the location of the building after they had the time to discuss.

FINANCIAL IMPLICATIONS:

Not applicable to this report

INTER-DEPARTMENTAL/PUBLIC COMMENTS:

Not applicable to this report

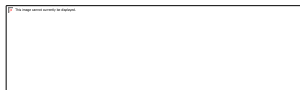
CONCLUSION:

Planning staff plan to have a second follow up meeting in the next few weeks and are prepared to bring a recommendation report to the next planning/building/environmental committee meeting once all details are finalized and agreed upon.

ATTACHMENTS:

1. Concept Plan

Prepared & Submitted by:




Brian Treble
Director of Planning & Building

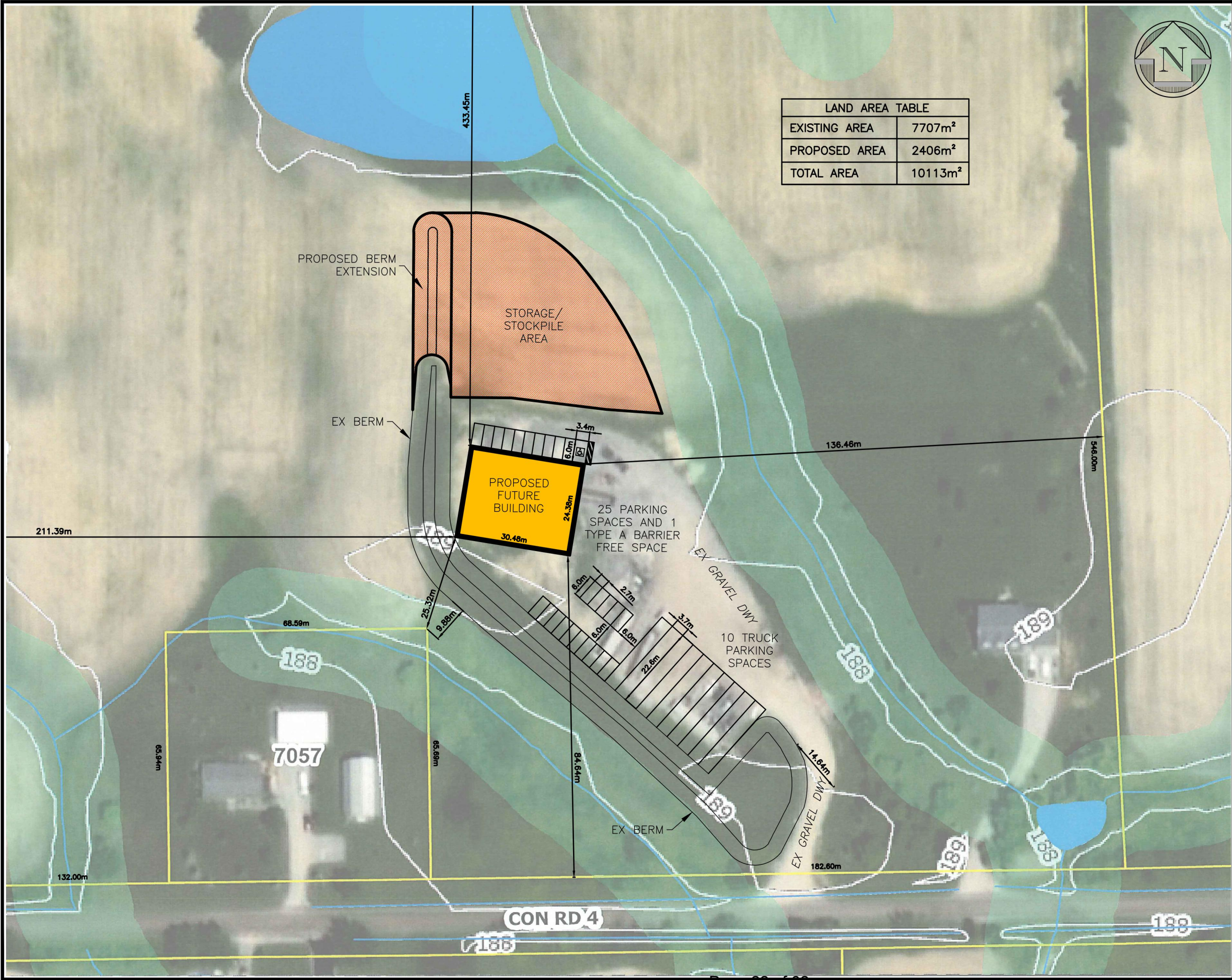


Madyson Etzl
Planner II

Approved by:



Bev Hendry
CAO



LAND AREA TABLE	
EXISTING AREA	7707m ²
PROPOSED AREA	2406m ²
TOTAL AREA	10113m ²

DATE	REVISION
MAY 5/21	ADDED LAND AREA TABLE

LEGEND:

NPCA APPROX REGULATION LANDS

WATER BODIES

EXPANSION AREA

Stamp



vallee
*Consulting Engineers,
Architects & Planners*

G. DOUGLAS VALLEE LIMITED
CONSULTING ENGINEERS AND ARCHITECT
2 TALBOT STREET NORTH
SIMCOE, ONTARIO N3Y 3W4
(519) 426-6270

Project Title
JCT EXPANSION
7005 CONCESSION 4 RD
SMITHVILLE - WEST LINCOLN

Drawing Title
CONCEPT SITE PLAN

Designed by : TJC	Drawn By : TJC	Checked By : JDV
Scale : 1:1000	Date : AUG 28/20	Drawing No. 01
Project No. 20-075		

DATE: November 9, 2021

REPORT NO: PD-123-2021

SUBJECT: **Recommendation Report – Zoning Bylaw Amendment – Site Plan Authorizing Bylaw – Post Time Services – Kevin Vanderwier**

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

OVERVIEW:

- The intent of this rezoning application is to fulfill a condition of consent for severance file B08/2021WL.
- B08/2021WL was heard and conditionally approved by the Committee of Adjustment on May 26th 2021.
- This application proposes to rezone the previously severed 2 acre parcel, which was severed from the property located at 4141 Canborough Road and landowner title merged with the Post Time property located at 4061 Canborough Road from Agricultural (A) to Agricultural Related (AR)
- This zoning application also proposes to rezone the newly sized agricultural parcel located at 4141 Canborough Road from Agricultural (A) to Agricultural with a site specific exception (A-210) to recognize a deficient agricultural lot size of 2.322 hectares (5.74 acres) whereas 40 hectares is the required minimum lot size for an Agricultural lot.
- The purpose of this zoning application is to allow Post Time Services to expand their successful Agricultural Related operation.
- As this application will result in the extension of a commercial business, site plan approval is also required as a condition of the consent.
- A public meeting was held via Zoom on October 12th 2021. No public comments were received during this meeting. Staff have reviewed the proposed zoning by-law amendment against all relevant Provincial, Regional and Local policy and can recommend approval of this application.

RECOMMENDATION:

1. That, Report PD-123-2021, regarding “Zoning By-law Amendment – Site Plan Authorizing Bylaw–Post Time Services – Kevin Vanderwier”, dated November 9th 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 Post time Services - Kevin Vanderwier 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; and,
5. That, an authorizing bylaw be passed to permit the Mayor and Clerk to sign an amending Site Plan Agreement once completed to the satisfaction of staff.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic, Responsible Growth**

BACKGROUND:

An application for a Zoning Bylaw Amendment has been submitted by Kevin Vanderwier of Post Time Services for a zoning by-law amendment for the property legally described as Concession 1, Part Lot 23, RP30R7837 Part 2, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 4141 Canborough Road. (See attachment 1 for a survey sketch)

This application for rezoning has been submitted to fulfil a condition of consent for the application B08/2021WL, a severance application which was conditionally granted approval by the Committee of Adjustment on May 26th 2021. This consent application was submitted to enable the applicants to expand their business, which is known as Post Time Services.

The Zoning By-Law Amendment is needed to both recognize the deficient lot area on 4141 Canborough Road and to extend the Agriculturally Related Zone for the existing business located at 4061 Canborough Road to facilitate an expansion to their existing operation and provide adequate room for their growing storage needs in West Lincoln.

The applicants have also submitted a required Site Plan Control Application which will be circulated after the zoning amendment decision is made and the 20 day appeal period is completed. This will recognize the entire Post Time Services lot located at 4061 Canborough Road which will be 1.761 hectares (4.35 acres) in size, following consent approval. The expansion of the business area is expected to accommodate future growth and the concentration of existing overflow of storage that is currently located on the property to the south of Canborough Road, specifically known as 4076 Canborough Road.

A public meeting was held for the proposed application on October 12th 2021. No written or verbal comments were received from the public in regards to this application.

CURRENT SITUATION:

Township Staff have reviewed and are providing the relevant Provincial, Regional and Local Planning policy that applies to Agriculture related properties.

1. Provincial Policy Statement (PPS)

The PPS guides the growth and development of the Province and provides the general framework for planning in the Province. All planning decisions must be consistent with the PPS. The subject property is within the agricultural area of West Lincoln.

Section 1.1.4.1 of the Provincial Policy Statement states that healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources. The PPS also states that providing opportunities for economic activities in prime agricultural areas, shall be in accordance with policy 2.3.

There will be a site plan application to follow this rezoning application should it be approved. Planning staff have received a preliminary site plan application, however are in contact with the applicants to provide a more detailed Site Plan drawing for the circulation process.

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

Applications filed after June 16, 2006 must conform to the Growth Plan, The current version is a plan for the Greater Golden Horseshoe, 2019. 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.

Section 2.2.9.1 of the Provincial Growth Plan encourages municipalities to plan for a variety of economic opportunities within rural areas to serve the needs of rural residents and area businesses. The subject lands that were recently severed and merged with the abutting agriculturally related business are located within the agricultural area located to the west of Boyle on the corner of Canborough Road and Elcho Road.

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 located 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 Regional Policy Plan (RPP) provides general policies that are to be applied across the Niagara Region. The RPP is a guiding planning document for the physical, economic and social development of the Niagara Region.

Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of the RPP and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

Policy 5.B.18 of the RPP states that farm diversification refers to those agriculture related value added and secondary uses that complement farming activities and provide for increasing the economic value and consumer appeal of an agricultural product or use. Farm diversification uses shall complement the principal agricultural uses on the property and in the surrounding area, and shall contribute to the sustainability and viability of the farming operation. All uses outside of settlement areas are subject to the Region's servicing policies.

Policy 5.B.19 states that Farm diversification uses shall be consistent with the applicable provisions of the Provincial Policy Statement (2005), and conform to the Niagara Escarpment Plan and the Greenbelt Plan.

Policy 5.B.21 of the RPP states the following criteria shall be considered when identifying whether or not diversification activities should be permitted in the Zoning By-law:

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or in the Rural Area;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and the farming operation;
- e) Whether the use is consistent with and maintains the character of the agricultural area;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- h) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;
- i) The use complies with all other applicable provisions of the Regional Official Plan

Planning staff feel that this application meets the Regional Official Plan policies for the agricultural area of West Lincoln.

5. Township of West Lincoln Official Plan (OP)

The subject property is designated Good General Agriculture in the Township's Official Plan. Agricultural Lands within the Township consist of Unique Agricultural Lands, Good General Agricultural Lands, and Rural Lands. The Agricultural Lands shall be protected in accordance with their level of agricultural viability with the Unique Agricultural Lands receiving the highest level of protection and the Rural Lands receiving the lowest level of protection. The Township of West Lincoln's rural area is also permitted to support Agriculturally Related Uses.

The Township's Official Plan outlines General Agricultural Policies in Section 4.2.1 specifically stating, "Small scale agriculturally related uses related directly to serving, and requiring close proximity to the surrounding agricultural areas may be permitted where no opportunities exist for such uses to be located with the designated Urban and Hamlet Settlement Areas. The locating of these uses shall be subject to the policies of the Official Plan.

The Township of West Lincoln defines the subject business service "Post Time" as an agriculture-related use. This is defined as a premises used for commercial uses and industrial uses that are directly related to agricultural uses in the area, require a location that is in close proximity to agricultural uses, and directly provide products and/or services to agricultural uses as the primary business, including agricultural service and supply establishments, commercial kennels, veterinary clinic, and farm produce processing and storage facilities. Post Time Services is a family owned business which includes a farm and country retail store including fencing supplies, agricultural and residential fencing installation as well as a horse feed and delivery service.

Township planning staff feel that this application meets the intent of the Township's Official Plan.

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

The property located at 4061 Canborough Road is currently zoned Agriculture-Related (AR) in the Township's zoning By-law. The AR zone permits commercial uses and industrial uses that are directly related to agricultural uses in the area, require a location that is in close proximity to agricultural uses, and directly provide products and/or services to agricultural uses as the primary business, including agricultural service and supply establishments, commercial kennels, veterinary clinic, and farm produce processing and storage facilities.

The property located at 4141 Canborough Road is currently zoned Agricultural (A) in the Township's ZBL. This zone allows for agricultural and residential uses, as well as uses accessory thereto. The minimum lot area for an Agricultural property is 40 hectares. As previous consent application B08/2021WL is conditionally granted, this causes the property located at 4141 to be 2.322 hectares (5.74 acres) in size and therefore requires site specific exception to recognize the deficient lot size. Planning staff feel that this application meets the policies outlined in the Township's Zoning By-law.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS:

Notice of Public Meeting for the rezoning was circulated to all relevant agencies on September 9th 2021. A yellow sign was posted on the property and a notice of hearing was posted to the website.

The recommendation report also addresses the need for an authorizing bylaw for the site plan amendment in order to streamline the approval process for this application.

The Niagara Region provided comments which state that the proposed expansion will result in additional outdoor storage and that no site disturbance is proposed at this time. Regional staff acknowledge that no works are proposed within the Regional Road allowance (Canborough Road); however, any construction works within the Regional road allowance would require a Regional Construction Encroachment Permit from Niagara Region's Transportation Services Division

Township Building Department, Septic Inspector, Public Works Department, Drainage Superintendent and the Niagara Peninsula Conservation Authority have no objections to the rezoning application as proposed.

PUBLIC COMMENTS:

A Notice of Public Hearing for the zoning amendment application was circulated to all residents within a 120m radius of the property on September 9th 2021. In addition, a yellow sign was posted on the property and the notice of hearing was posted to the Township's website. As of the preparation of this Technical Report, staff have received no public comments regarding this rezoning application.

The site plan application is interpreted to be straight forward and will be circulated to appropriate agencies following rezoning approval without appeal.

CONCLUSION:

Township staff have completed a preliminary review of this application against the applicable planning policy. Planning staff can recommend approval of this application to rezone the previously severed 2 acre parcel, which was severed from the property located at 4141 Canborough Road and which will be merged with the Post Time property located at 4061 Canborough Road from Agricultural (A) to agricultural Related (AR), and to rezone the newly sized agricultural parcel located at 4141 Canborough Road from Agricultural (A) to Agricultural with a site specific exception (A-210) to recognize a deficient agricultural lot size of 2.322 hectares (5.74 acres) whereas 40 hectares is the required minimum lot size for an Agricultural lot.

Staff also recommend the passing of a Site Plan Authorizing Bylaw at this time so that the approval process can be streamlined as quickly as possible.

ATTACHMENTS:

1. Site Sketch
2. Draft Zoning By-law
3. Draft Authorizing Site Plan Bylaw
4. Agency Comments

Prepared & Submitted by:

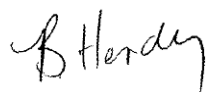


Brian Treble
Director of Planning & Building

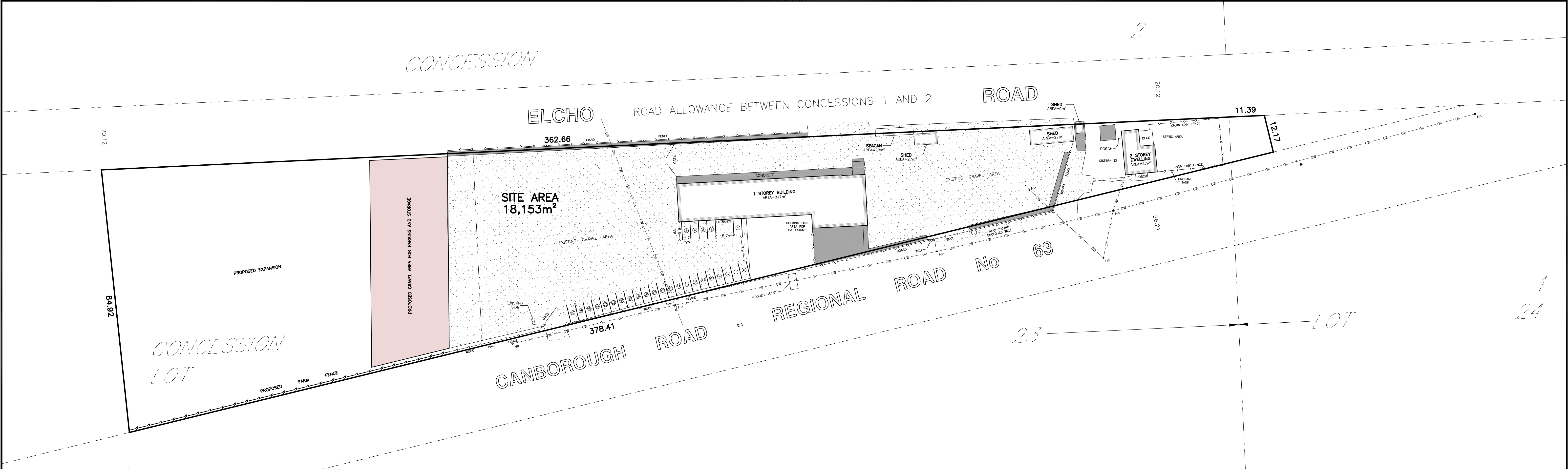


Madyson Etzl
Planner II

Approved by:



Bev Hendry
CAO



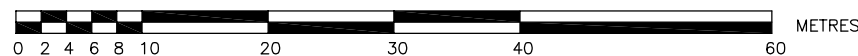
SITEPLAN

SHOWING EXISTING AND PROPOSED FEATURES

PART OF LOT 23, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH
IN THE

TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 600



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LEGEND

HP	+	DENOTES	HYDRO POLE
---	+		PROPOSED BERM
■	■		CONCRETE SURFACE
■	■		EXISTING GRAVEL SURFACE
■	■		PROPOSED GRAVEL SURFACE

FIELD WORK COMPLETION DATE: MAY 20, 2021

REVISIONS

Rev #	REVISION	Date
0	Submitted to client for review	2 July/21
1	Revised per clients comments	13 Aug/21
2	Added parking spaces per township comments	26 Oct/21

**CHAMBERS AND ASSOCIATES
SURVEYING LTD**

12 THOROLD ROAD EAST
WELLAND ONTARIO
L3C 3T2

(905) 735-7841 / 735-7844
FAX (905) 735-7333
www.casl-surveying.com

DRAWN BY: D. H. T. MSCAD: 94185-4_MS DWG: 94185-4_SP2 FILE No: 94-185-4

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 'E9' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on CONCESSION 1, PART LOT 23, RP30R7837 PART 1, formerly in the Township of Gainsborough now in the Township of West Lincoln, known municipally as 4061 Canborough Road, shown on the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'E9' 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 a Agricultural Related 'AR' zone to expand the business parcel.
3. THAT Schedule 'A' Map 'E9' to Zoning By law No. 2017-70, as amended, is hereby amended by changing the zoning on CONCESSION 1, PART LOT 23, RP30R7837 PART 2, formerly in the Township of Gainsborough now in the Township of West Lincoln, known municipally as 4141 Canborough Road, shown on the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
4. THAT Map 'E9' 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 with a site specific exception 'A-210' zone.
5. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
A-210
Permitted Uses:
As per the parent zone.
Regulations:
As per the parent zone, except: a deficient lot size of 2.2 hectares (approximately 5.7 acres) whereas 40 hectares is the required minimum.
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
22ND DAY OF NOVEMBER, 2021.**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

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

Location:

This By-law involves two parcels of land located on the north side of Canborough Road, legally known as Concession 1, Part Lot 23, RP30R7837 Part 1, formerly in the Township of Gainsborough now in the Township of West Lincoln, known municipally as 4061 Canborough Road, and an abutting parcel of land legally known as Concession 1, Part Lot 23, RP30R7837 Part 2, formerly in the Township of Gainsborough now in the Township of West Lincoln, known municipally as 4141 Canborough Road.

Purpose & Effect:

The property municipally known as 4061 Canborough Road is currently zoned as Agricultural Related 'AR'. The rezoning proposes to rezone the added lands from severance B08/2021WL from Agricultural 'A' to Agricultural Related 'AR' for the expanding business known as Post Time Services.

The property municipally known as 4141 Canborough Road is currently zoned Agricultural 'A' and is proposed to be rezoned to Agricultural with a site specific exception 'A-210' to recognize a lot area of approximately 2.3 hectares (5.7 acres) whereas 40 hectares is the required minimum lot size for an Agricultural lot.

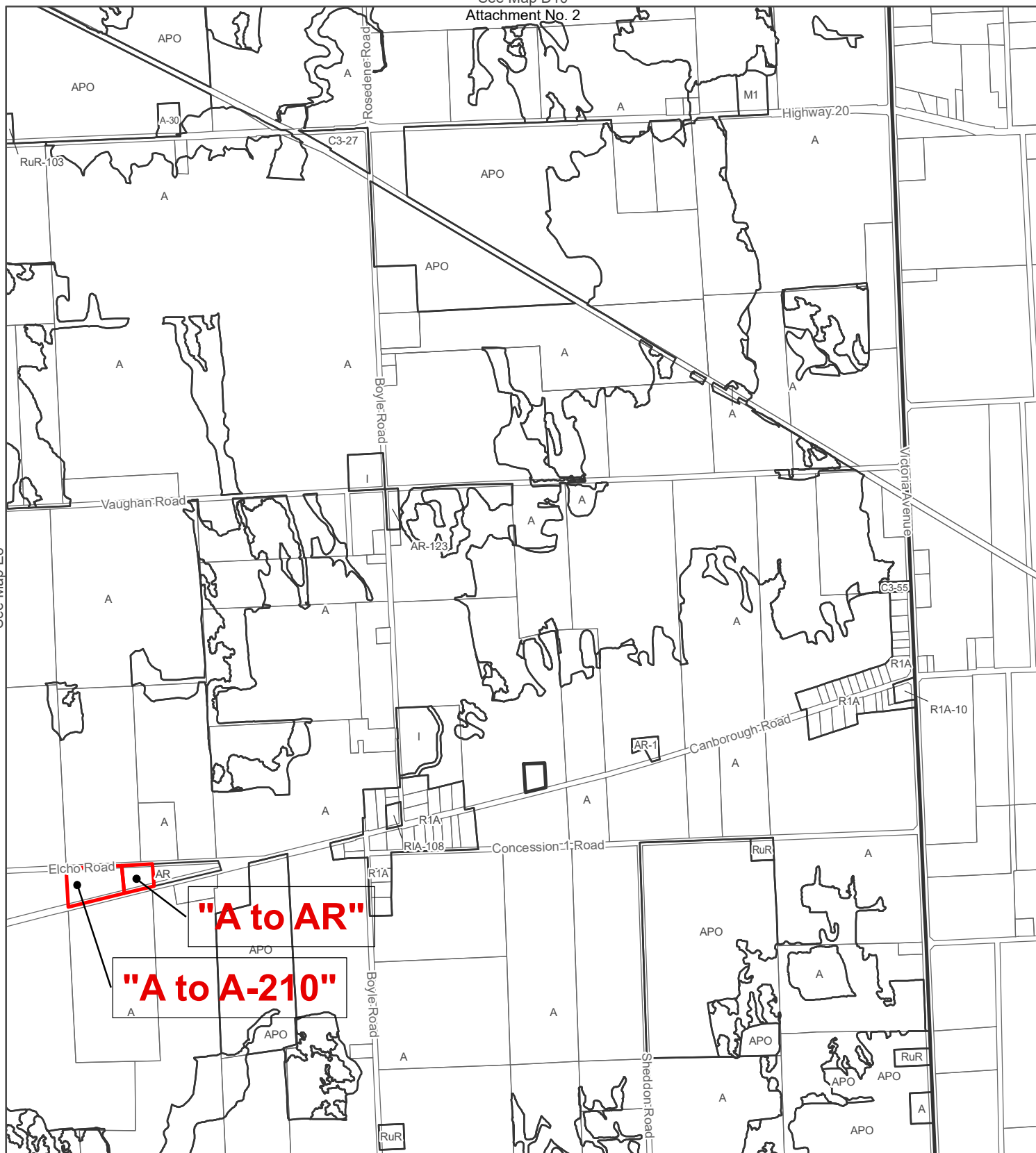
Public Consultation:

The Public Meeting was held on Tuesday October 12th 2021. The Township received no oral or written comments.

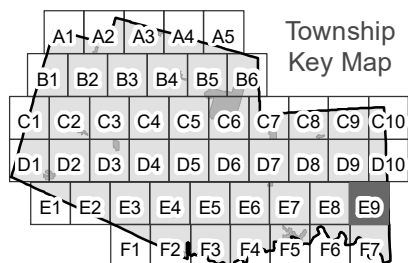
File: 1601-013-21

Applicants: Post Time Services – Kevin Vanderwier

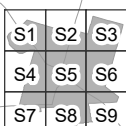
See Map E8



See Map F7



Smithville Key Map



- Settlement Area Boundary
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

Township of West Lincoln Schedule A Zoning By-law No.2017-70

1:20,000
0 500 m
N
Last Updated: February 2021

Map
E9

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 KEVIN VANDERWIER (POST TIME SERVICES) FOR LANDS DESCRIBED AS CONCESSION 1, PART LOT 23, RP30R7837 PART 1, FORMERLY IN THE TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Plan Agreement with Kevin Vanderwier of Post Time Services for lands described as Concession 1, Part Lot 23, RP30R7837 Part 1, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara.

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 Kevin Vanderwier of Post Time Services for lands described as Concession 1, Part Lot 23, RP30R7837 Part 1, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara.
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
22ND DAY OF NOVEMBER, 2021.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

From: [Nikolas Wensing](#)
To: [Madyson Etzl](#)
Subject: NPCA Comments - Notice of Public Meeting 1601-013021 - Zoning Amendment - Post Time Services
Date: September 14, 2021 3:16:50 PM
Attachments: [Notice of Public Meeting - 1601-013-21 - Post Time Services \(Merged\).pdf](#)

Hello Madison,

I can confirm that the NPCA will have no objections to the proposed Zoning By-law Amendment as indicated in the attached notice.

I will however reiterate previous NPCA comments where I had indicated the presence of a Watercourse on 4061 Canborough Road, West Lincoln. Any further development or site alteration proposed on 4061 Canborough Road should be circulated to the NPCA for review and approval.

Sincerely,

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

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
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 are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

From: [Alderman, Aimee](#)
To: [Madyson Etzl](#)
Cc: [Development Planning Applications](#); [Alguire, Robert](#)
Subject: RE: Notice of Public Meeting 1601-013021 - Zoning Amendment - Post Time Services
Date: September 20, 2021 2:57:36 PM
Attachments: [image007.png](#)
[image010.png](#)
[image012.png](#)

Good afternoon Maddy,

All Provincial and Regional comments associated with this proposal were relayed with the previous (associated) consent application; as such, Regional staff do not have any comments to provide for the proposed rezoning of the subject property.

Should you have any questions regarding these comments, please do not hesitate to contact me.

Thank you,

Aimee Alderman, MSc, MCIP, RPP
Senior Development Planner
Planning and Development Services
Regional Municipality of Niagara | 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

From: Madyson Etzl <metzl@westlincoln.ca>
Sent: Thursday, September 09, 2021 11:25 AM
Subject: Notice of Public Meeting 1601-013021 - Zoning Amendment - Post Time Services

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good Afternoon,

Please find attached the above mentioned notice and Application Submission for - 1601-013-21 – Zoning Bylaw Amendment – Post Time Services

Comments would be appreciated by **Friday October 1st 2021** in order to be included in Staffs Technical report.

If you have any questions, please contact me at 905-957-5131 or by email at metzl@westlincoln.ca

Sincerely,
Madyson Etzl



The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

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.

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

DATE: November 9, 2021

REPORT NO: PD-126-2021

SUBJECT: Recommendation Report - Snow Event/Weather Advisory Focused Winter Parking Enforcement to Accommodate the Procedural Review of Parking, Driveway, Boulevard and Culvert Bylaws

CONTACT: Tiana Dominick, By-law Enforcement Officer
Gerrit Boerema, Planner II
Brian Treble, Director of Planning & Building

OVERVIEW:

- Township Planning, Building, Bylaw and Public Works Staff have had difficulty dealing with unauthorized driveway widenings, entrance construction and boulevard alterations over the past few years.
- A large number of residential lots throughout Smithville have altered their driveways, curbs and boulevards. There have been several complaints from residents and a number of ongoing bylaw files that have prompted this report requesting a bylaw and procedural review in order to protect the Township's assets.
- Township staff believe that winter parking enforcement on Township streets is contributing to residents widening their driveways to accommodate more vehicles within their property, and on the Township boulevards.
- In addition to Township staff seeking to create a clear process for members of the public to install a new driveway entrance, or alter an existing driveway or boulevard, Township staff also wish to explore alternative winter parking regulations allowing greater flexibility for on-street parking.
- Due to the procedural review process being incomplete and minimal bylaw enforcement resources, staff seek to proceed with a "pilot project" for the 2021/2022 winter season which will generally target vehicles parked on the municipal roadway 24 hrs. before and after a snow event/weather advisory. The ticket will be the set fine of \$75.00 for interference with snow removal, versus the \$30.00 ticket typically issued for parking on the roadway between 2:00 AM – 6:00 AM.

RECOMMENDATION:

1. That, report PD-126-2021, regarding "Snow Event/Weather Advisory Focused Winter Parking Enforcement to Accommodate the Procedural Review of Parking, Driveway,

- Boulevard and Culvert Bylaws”, dated November 9th, 2021 be received; and,
2. That enforcement staff proceed with a parking enforcement focus 24 hrs. before and after a snow event/weather advisory, with an increased set fine to accommodate the ongoing procedural review of the Parking, Driveway, Boulevard and Culvert Bylaws; and,
 3. That enforcement staff provide feedback to Council at a later date in regards to the procedural review, and snow event/weather advisory focused parking enforcement.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3, 5, and 6

- Strategic, Responsible Growth
- Community Health and Safety
- Efficient, Fiscally Responsible Operations

BACKGROUND/CURRENT SITUATION:

In the past winter seasons, the Enforcement Officer issued proactive education notices regarding winter parking for approximately two weeks prior to commencing enforcement and issuing penalty notices on November 1st. Additionally, education notices were also posted at all Township facilities, on the Township of West Lincoln website, and in the local newspapers. Staff have continued with this proactive, customer service focused approach for the 2021 winter season.

Due to minimal staff resourcing for by-law enforcement, the past two winters have seen the Enforcement Officer attempt to alternate Monday – Wednesday – Friday, and Tuesday – Thursday for the winter parking enforcement shift which commences at 4:00 AM. The ticket most frequently issued was “Park between 2:00 AM – 6:00 AM” which is a \$30.00 penalty. With that being said, often times the scheduled alternating day did not align with the winter storm advisory and projected forecast. Many residents have also voiced that they understand enforcement when the snowplows are out, but do not agree with enforcing overnight parking if we have an additional bylaw that prohibits parking for longer than 12 hrs on any municipal roadway. This feedback is being considered in the procedural review of the Parking, Driveway, Boulevard and Culvert By-laws.

Staff recommend a “pilot project” approach for the 2021/2022 winter season, with focused parking enforcement 24 hrs. before and after a snow event/weather advisory which guarantees assistance with the municipal snow clearing operations. With this approach, the penalty issued is “Interference with snow clearing operations” which has a set fine of \$ 75.00. This process does not require any amendments or further action from Council. Rather it provides Planning, Building, Enforcement and Public Works staff with further insight for the procedural review in regards to what enforcement process is most effective.

For the purposes of this approach, the Enforcement Officer has discussed the terms “snow event” and “weather advisory” with the Township Public Works Department, and it has been determined that the two interchangeably shall mean any accumulation of snow that sticks to the roadway.

FINANCIAL IMPLICATIONS:

Staff have not identified any financial implications at this time.

INTER-DEPARTMENTAL COMMENTS:

Township Building & Enforcement Department, Planning Department and Public Works Department have had discussions about this enforcement approach and report.

CONCLUSION:

While Planning and Enforcement staff continue to work on the procedural review of the Parking, Driveway, Boulevard and Culvert Bylaws, staff recommend the “pilot project” approach for the 2021/2022 winter season, with targeted parking enforcement 24 hrs. before and after a snow event/weather advisory as outlined in this report, which guarantees assistance with the municipal snow clearing operations. This project will provide staff with further insight for the procedural review in regards to what enforcement process for winter parking is most effective and beneficial to our staff and residents. Feedback will be shared with Council at a later date.

ATTACHMENTS:

No attachments to disclose.

Prepared & Submitted by:



Tiana Dominick
By-law Enforcement Officer

Approved by:



Gerrit Boerema
Planner II



Brian Treble
Director of Planning & Building



Bev Hendry
CAO

REPORT
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: November 9, 2021

REPORT NO: PD-119-2021

SUBJECT: **Comprehensive Zoning Bylaw 2017-70, as amended**
Housekeeping Amendments No. 6

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) 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.
- Two additional housekeeping amendments have been completed this year dealing with general housekeeping updates and new regulations for back-to-back townhouse dwellings.
- Township Planning staff have identified a few other items that now need to be address through an additional round of housekeeping which include:
 - The definition of lot as it relates to natural severances
 - Zoning change on Concession 9, Part Lot 4, South Grimsby fronting onto Spring Creek Road
 - Zoning change on Plazek Auto Recycler property – 9558 RR 65
- Planning Staff recommend that a public notice be issued and that a public meeting be held at a future Planning/Building/Environment Committee Meeting to address these proposed changes.
- This effort is part of an ongoing attempt to keep the ZBL current and functional so that Council is setting the standards in advance.

RECOMMENDATION:

1. That, Report PD-119-2021, regarding “Housekeeping Amendments No. 6 to Zoning Bylaw 2017-70, as Amended”, dated November 9, 2021 be received; and,
2. That, proper notice be given and a public meeting be held, as required by the Planning Act, at a future Planning/Building/Environmental 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 twice in 2021.

Another round of housekeeping amendments is being proposed to address a number of additional items. The first item is the zoning bylaw definition of lot. The definition of lot is one of the most significant definitions in the Township's zoning bylaw as it dictates what is and is not a lot for the purposes of building. If something is not considered a lot, building permits cannot be issued. This has historically applied to lots created through Testamentary devise and occasionally, but not always, natural severance.

The second item that staff are reviewing deals with a property currently just outside of the Smithville urban boundary owned by the Griffin family. The property has frontage on Spring Creek Road and is immediately east of the urban boundary. It is within the Master Community Plan study area and is being reviewed for possible inclusion into the urban boundary.

In 2015 the property's zoning was amended through an amendment to the Township's former Zoning Bylaw 79-14 to permit a contractor's establishment including outdoor storage of machinery and equipment. This zone was only added to a portion of the property abutting the rail tracks on the south end. This area was previously within the Smithville urban boundary prior to the SWAP process completed in 2015 which saw the lands removed.

When the Township approved and implemented its new zoning bylaw 2017-70, the exception clause text was added to the zoning bylaw but the zoning exception was not included in the mapping. It has now come to our attention that this discrepancy exists and staff are now reviewing whether the zone should be included in the mapping.

CURRENT SITUATION:

Within the Township of West Lincoln there are a number of parcels of land that do not meet the definition of 'lot' in the Township's current zoning bylaw, 2017-70, or its former zoning bylaw, 79-14. The definition of lot has been developed to ensure parcels can only be built on if they meet the following criteria:

- Were created through a Planning Act process such as a Plan of Subdivision or Condominium or Consent

- Were created prior to March 5, 1979 (date of implementation of Zoning Bylaw 79-14)
- Have frontage along a public street or tied to a plan of condominium or frontage along an existing private street.

This has historically excluded parcels that were created through Testamentary Devise and Natural Severances under the Navigable Waters Act from being defined as 'lots' as they were not created through a process under the Planning Act.

Testamentary Devise was a process used in the 80's and 90's to skirt the Planning Act lot creation process to create lots typically on Agricultural land through an individual's last will and testament. The Township currently has 115 parcels of land created through this process throughout the agricultural area of the Township that the staff are currently aware of.

Natural severances under the Beds of Navigable Waters Act occurs when a property is further divided along lines of navigable waters. This occurs when a landowner makes an application to the courts to confirm that the bed of a watercourse that traverses their property was never originally released from the Crown, and that those lands have always belonged to the public for navigation. This Crown ownership often results in the creation of separate parcels on each side of the Crown land.

The proposed change to the zoning bylaw deals with the later issue of natural severances under the Beds of Navigable Waters Act as staff and legal Counsel believe that the Township's current bylaw is adequate in dealing with the Testamentary Devise parcels.

Recently the Township has witnessed a number of Natural Severances under the Navigable Waters Act where the Courts approved a parcel fabric which does not meet the Township's objectives or policies for the agricultural area and where the courts have deemed the remnant parcels as lots for the purposes of building.

Township Staff, in consultation with Legal Counsel, have reviewed a potential change to the definition of lot which gives the Township greater control over the ability to issue building permits on parcels created through Natural Severances under the Navigable Waters Act. Township Staff are looking at proposing these changes through a housekeeping zoning amendment at which time the public can provide comments.

Secondly this housekeeping amendment is needed to review a zoning bylaw mapping change for a property just east of the existing urban boundary of Smithville owned by the Griffin family. In 2015 zoning bylaw amendment 2015-81 was approved by Township Council which permitted the following on the southern portion of the property abutting the rail tracks:

A1-559 To permit a contractors yard, which will include the outside storage of materials, machinery and other products used in association with the use of the property, as well as permit any structures and buildings accessory

thereto. Any buildings and structures will be serviced by private services. Any manufacturing that requires municipal servicing of sewer and water are prohibited on the subject lands.

Bylaw 2015-81 can be found attached to this report.

The subject property was subsequently mapped as Agricultural 'A' in the Township's new zoning bylaw 2017-70, but the exception text remained in Section 13 of the bylaw as 'A-111'. Township staff have reached out to the consultant who worked on the new zoning bylaw and have concluded that at some point of the process of creating the new zoning bylaw the 'A-111' zone was dropped from the mapping, potentially due to the significant amount of environmental zoning on the property.

Township staff are now requesting a public consultation process to see if the 'A-111' zone can be re-established on the subject property.

A third change that Township staff are reviewing deals with the Plazek Auto Recycling operation on Silver Street. The owners of the subject properties have retained Upper Canada Consultants to address some site plan related matters on the property requiring an updated site plan. The work being done for that process has identified a number of areas where the zoning mapping needs to be adjusted to reflect the current uses of land.

Finally there may be additional mapping related changes dealing with properties within Smithville that have current zoning issues such as no frontage. A recent issue has come up on a property within Smithville which staff are still determining if that property needs to be included in this round of housekeeping amendments.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report or the proposed changes to the Zoning Bylaw. The housekeeping amendment and proper notice requirements can be processed based on the approved 2021 planning operating budget.

INTER-DEPARTMENTAL & PUBLIC COMMENTS:

Planning staff are recommending that a public consultation process commence which will provide notice of the proposed changes to Township departments, agencies and the public by way of a newspaper notice. The Township will also consult with the affected property owners and with Legal Counsel concerning the definition of lot.

CONCLUSION:

Staff recommends that a public meeting be held at a future Planning/Building/Environmental Committee meeting to address any concerns from the public and to meet the requirements of the Planning Act to address the number of issues identified in the Township Zoning Bylaw.

Attachments

1. Bylaw 2015-81 – Griffin Property

Prepared & Submitted by:

A rectangular box with a thin black border, used to redact the signature of the preparer.

**Gerrit Boerema
Planner II**

A handwritten signature in black ink, appearing to read "Brian Treble".

**Brian Treble
Director of Planning & Building**

Approved by:

A handwritten signature in black ink, appearing to read "Bev Hendry".

**Bev Hendry
CAO**

Attachment 1 to PD-119-2021
THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2015- 81

**A BY-LAW TO AMEND ZONING BY-LAW NO. 79-14, 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 1 to Zoning By-law No. 79-14, as amended, is hereby amended by changing the zoning on Part Lot 4, Concession 9 in the former Township of South Grimsby, now in the Township of West Lincoln, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. That Map 1 to Schedule 'A' to Zoning By-law 79-14, 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 a "Development (D)" zone to an "Agricultural Exception (A1-559)" zone.
3. THAT Section 8 of Zoning By-law 79-14, as amended, is hereby amended by adding the following to Section 29:

A1-559 To permit a contractors yard, which will include the outside storage of materials, machinery and other products used in association with the use of the property, as well as permit any structures and buildings accessory thereto. Any buildings and structures will be serviced by private services. Any manufacturing that requires municipal servicing of sewer and water are prohibited on the subject lands.
4. 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
28th DAY OF SEPTEMBER, 2015.**

MAYOR DOUGLAS JOYNER

CAROLYN LANGLEY, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2015-81

This By-law involves a parcel of land located on the south side of Spring Creek Road, known as 6008 Spring Creek Road and legally described as being Part of Lot 4, Concession 9 in the former Township of South Grimsby, now in the Township of West Lincoln.

The subject lands are currently zoned as Agricultural A1 and Development D. The rezoning is required to remove the Development zone on the property as a result of Official Plan Amendments 37 and 38 which removed these lands from the urban boundary of Smithville. This application is required to return the lands to an agricultural zone, but to allow the existing contractor's yard use to continue.

File: 1601-003-15

Applicants: Griffin (Township initiated)

DATE: November 9, 2021

REPORT NO: PD-124-2021

SUBJECT: Recommendation Report - Authority to Sign an Amending Site Plan Agreement with West Niagara Agricultural Society (WNAS)

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- A site plan agreement was first signed in 2015 between the Township of West Lincoln and the West Niagara Agricultural Society (WNAS) to permit the agricultural society's new development to proceed at 7402 Mud Street.
- The original site plan was signed on March 23, 2015 and registered as Instrument No. NR378918.
- The site plan (attachment 2) as situated at 7402 Mud Street (attachment 1) contemplated multiple buildings.
- In 2016, an amendment to the site plan occurred to permit a pole barn type structure as a tie stall building.
- In 2018, an amendment to the site plan occurred to permit a midway area, tractor pull area and related berm and features.
- Now, there is a proposal to add a new building (livestock building) which is contemplated on the approved site plan and an additional tie stall barn that is not contemplated by the site plan.
- Staff proposed to add the second tie stall barn by another amendment to the site plan. The second amendment that occurred in 2018 was processed with the site plan fee being waived by Council.

RECOMMENDATION:

1. That, Report PD-124-2021, regarding "Recommendation Report, Authority to Sign an Amending Site Plan Agreement with West Niagara Agricultural Society (WNAS) ", dated November 9th, 2021, be RECEIVED; and,
2. That, a by-law be passed to authorize the Mayor and Clerk to sign an amending site plan agreement once completed to staff's satisfaction.

ALIGNMENT TO STRATEGIC PLAN:

Theme ##3

- Strategic, Responsible Growth

BACKGROUND:

The West Niagara Agricultural Society (WNAS) has slowly been building out as contemplated on the original site plan. Currently, there is a building permit under review for a new livestock building. A second permit is also being prepared for a new tie stall building. This tie stall building requires that the existing site plan be red-line revised.

CURRENT SITUATION:

Current discussions are underway to add a new livestock barn which is labelled as “existing” on the currently approved site plan.

A tie stall building was added in 2016 through a red-line revision. The first red-line revision was completed in 2016 and permitted a tie stall building with dimensions of 34 x 40 being 126m². A new tie stall building with dimensions approximately 34 x 40 being 126m² is now proposed. It is a separate building to the south of the existing tie stall building as a free standing structure.

A second amendment occurred in 2018 to permit the midway and tractor pull area and associated berms and features as shown on attachment 2.

An authorizing by-law is required to sign an amending site plan agreement.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

The Planning and Building Department have been working jointly on this proposal.

CONCLUSION:

Staff recommend that an authorizing by-law be passed to sign an amending site plan agreement with the West Niagara Agricultural Society (WNAS) to permit the additional tie stall building.

ATTACHMENTS:

1. Location Map
2. Draft Amending Site Plan
3. Draft By-law

Prepared & Submitted by:

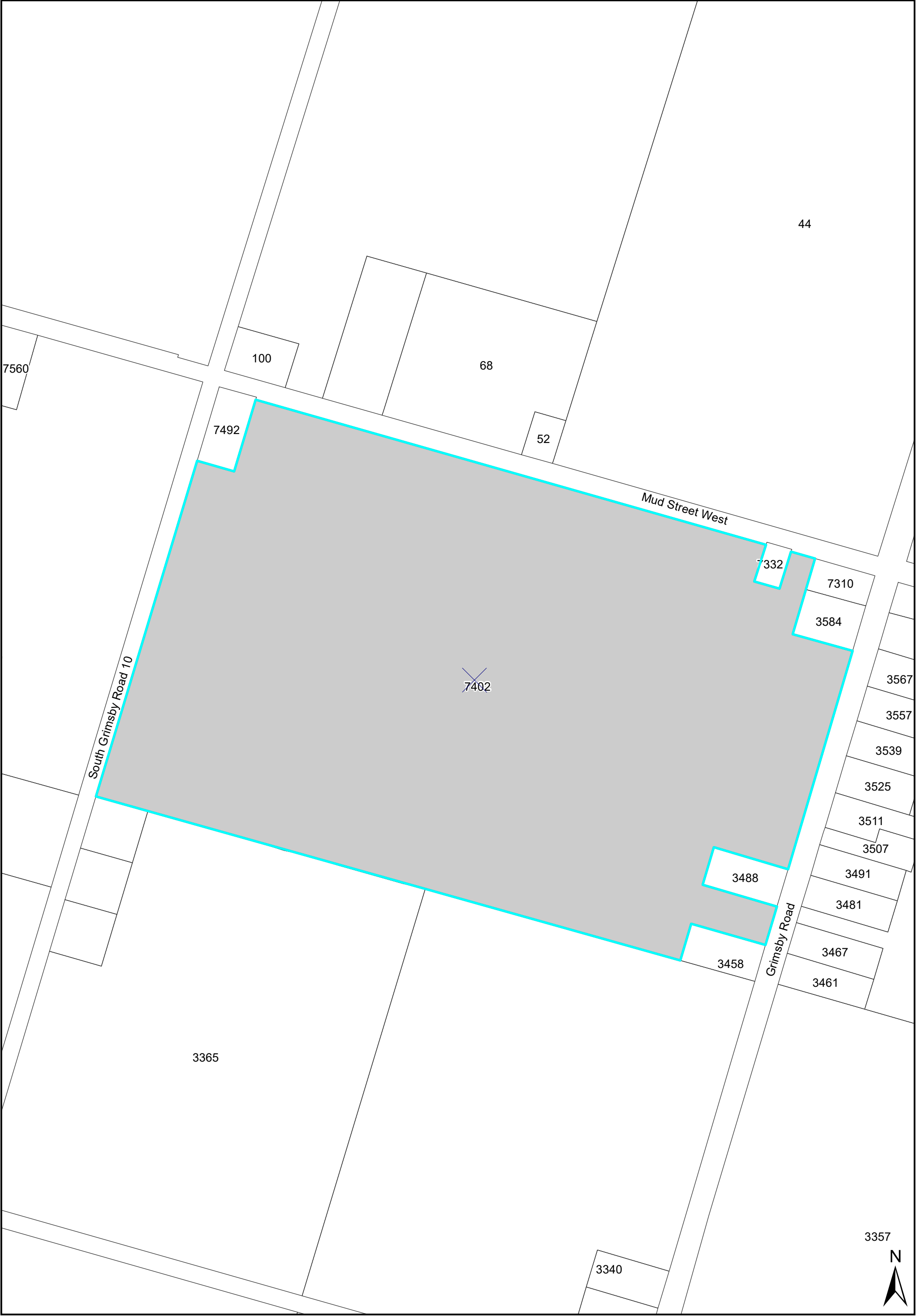


Brian Treble
Director of Planning & Building

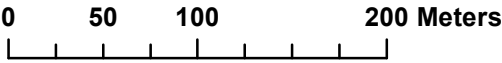
Approved by:



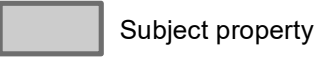
Bev Hendry
CAO

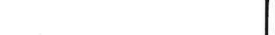


Location Map
7402 Mud Street West



Legend





THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-XX

A BY-LAW TO AUTHORIZE AN AMENDING SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND WEST NIAGARA AGRICULTURAL SOCIETY FOR LANDS DESCRIBED AS CONCESSION 7, PART LOTS 9 AND 10, 30R-14131, PART 1, IN THE FORMER TOWNSHIP OF SOUTH GRIMSBY, NOW IN THE TOWNSHIP OF WEST LINCOLN (MUNICIPALLY KNOWN AS 7402 MUD STREET).

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into an amending Site Plan Agreement with West Niagara Agricultural Society, for lands legally described as Concession 7, Part Lots 9 and 10, 30R-14131, Part 1, in the former Township of South Grimsby, now in the Township of West Lincoln (municipally known as 7402 Mud Street);

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 an amending Site Plan Agreement with 1970187 Ontario Inc., on the Lands described Concession 7, Part Lots 9 and 10, 30R-14131, Part 1, in the former Township of South Grimsby, now in the Township of West Lincoln (municipally known as 7402 Mud Street).
2. THAT the Mayor and Clerk be and each of them is hereby authorized to sign the said amending Site Plan Agreement and any other document or documents necessary to implement the intent of this By-law and the said amending 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 amending 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
22nd DAY OF NOVEMBER 2021.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

DATE: November 9, 2021

REPORT NO: PD-125-2021

SUBJECT: Recommendation Report - Authorizing By-law to remove an Existing Site Plan from Title of Part Lot 16, Conc 8, owned by the Davis Family to Allow Conveyance of a Road Allowance to the Region

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- On June 24th, 2020, Township Committee of Adjustment supported an application for consent (File No. B02/2020WL) to sever and merge a one acre parcel of land from the Davis Family farmland to be added to the title of the Niagara Pallet property owned by Top O' the Hill Farms.
- A condition of consent was the conveyance of the 0.4 hectares of land on the severed lands to the Region as a widening of Regional Road 20.
- A survey was completed on January 26th, 2021 and is found at Attachment 1 to this report. Part 1 of 30R15738 is to be conveyed to Niagara Pallets and merged on title and Part 2 of 30R15738 will be conveyed to the Region as a road widening.
- The Region will only accept ownership of the road widening property once it is free and clear of all encumbrances.
- Upon undertaking a title search, it was determined that a site plan was registered in 1989 on the Davis family farm lands as Instrument No. 587518.
- This site plan needs to be removed from the widening lands before the Region will accept the land. An authorizing by-law is recommended to be approved so that removal of the site plan agreement from the road widening lands can occur.

RECOMMENDATION:

1. That, Report PD-125-2021, regarding "Recommendation Report, Authorizing By-law to Remove Site Plan from Title of Part Lot 16, Conc 8, owned by the Davis Family to Allow Conveyance of a Road Allowance to the Region", dated November 9th, 2021, be RECEIVED; and,

2. That, a by-law be passed to authorize the Mayor and Clerk to sign all documents necessary for the removal of the existing site plan from Part 2 of 30R15738, the Regional road allowance lands, for road widening purposes, prior to transfer to the Region of Niagara.

ALIGNMENT TO STRATEGIC PLAN:

Theme ##3

- Strategic, Responsible Growth

BACKGROUND:

On June 9, 1989, a site plan was registered against Part of Lots 16 and 17 Concession 9 and Part Lot 16, Concession 8, Township of West Lincoln (former Township of South Grimsby). This site plan was registered to permit the construction of a farm help house on the dairy farm of the Davis Family. The site plan agreement only needs to be linked to the lands on the South side of Regional Road 20 (Concession 9) but the site plan agreement was registered against all lands including the farm lands on the north side of Regional Road 20 (Concession 8), including the lands now being conveyed to the Region for road widening purposes.

CURRENT SITUATION:

In February 2016, Niagara Pallets purchased the former Greenline Farm Equipment Dealership in order to accommodate the relocation of the Niagara Pallets operation.

In 2020, an application for consent was received in order to add additional lands to the existing Niagara Pallet property from the west side where the Davis Family owned additional farm land. The application drawing is found at attachment 2 to this report.

As part of the ongoing review, the Region requested a road widening along Regional Road 20 along the frontage of the severed parcel. The wording is found at attachment 3.

In order for the lands to be conveyed to the Region, they must be free and clear of all other interests. A site plan agreement from 1989 must be removed from the subject lands. This site plan authorized a farm help house on Concession 9, in the former Township of South Grimsby. This must be removed from the title of the Region's road widening lands.

An authorizing by-law is required in order to remove the agreement from the title of the road widening lands.

FINANCIAL IMPLICATIONS:

Not applicable to this report.

INTER-DEPARTMENTAL COMMENTS:

This report and the need for the removal of the site plan from the title to the lands being conveyed to the Region has been discussed with Andrew Maloney, lawyer with Sullivan Mahoney, who is acting for Niagara Pallets Inc.

CONCLUSION:

Staff recommend that an authorizing by-law be passed by Council to authorize the removal of the 1989 site plan agreement for a farm help house from title of the lands that are to be conveyed to the Region of Niagara for road widening purposes.

ATTACHMENTS:

1. Road widening survey
2. Consent application sketch
3. Conditions of Consent Approval (B02/2020WL)
4. Draft Authorizing By-law

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO

May 31, 2021

VIA E-MAIL

Regional Municipality of Niagara
Planning and Development Services Department
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Attention: Aimee Alderman

Dear Sirs,

Re: Road Widening – Concession 8, Part of Lot 16, in the former Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara
West Lincoln Committee of Adjustment File No. B02/2020WL

We have obtained a conditional severance from the Township of West Lincoln Committee of Adjustment for the above noted property pursuant to File No. B02/2020WL.

As a condition of severance, we are required to dedicate a 0.74 metre road widening to the Regional Municipality of Niagara.

By way of this letter, we the undersigned undertake to dedicate a 0.74 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 20 (Highway 20), to the satisfaction of the Niagara Region Planning & Development Services Department, after the final clearance of consent has been obtained from the Township of West Lincoln

We trust you will find the above satisfactory. If you have any further questions in this regard, please contact Craig Rohe, a Senior Planner with Upper Canada Consultants. You may also contact our lawyer, D. Andrew Maloney with the law firm of Sullivan Mahoney LLP, with any questions you may have. Mr. Maloney can be reached on his direct line at 905-688-4304, or by email at amaloney@sullivan-mahoney.com.

Yours very truly,



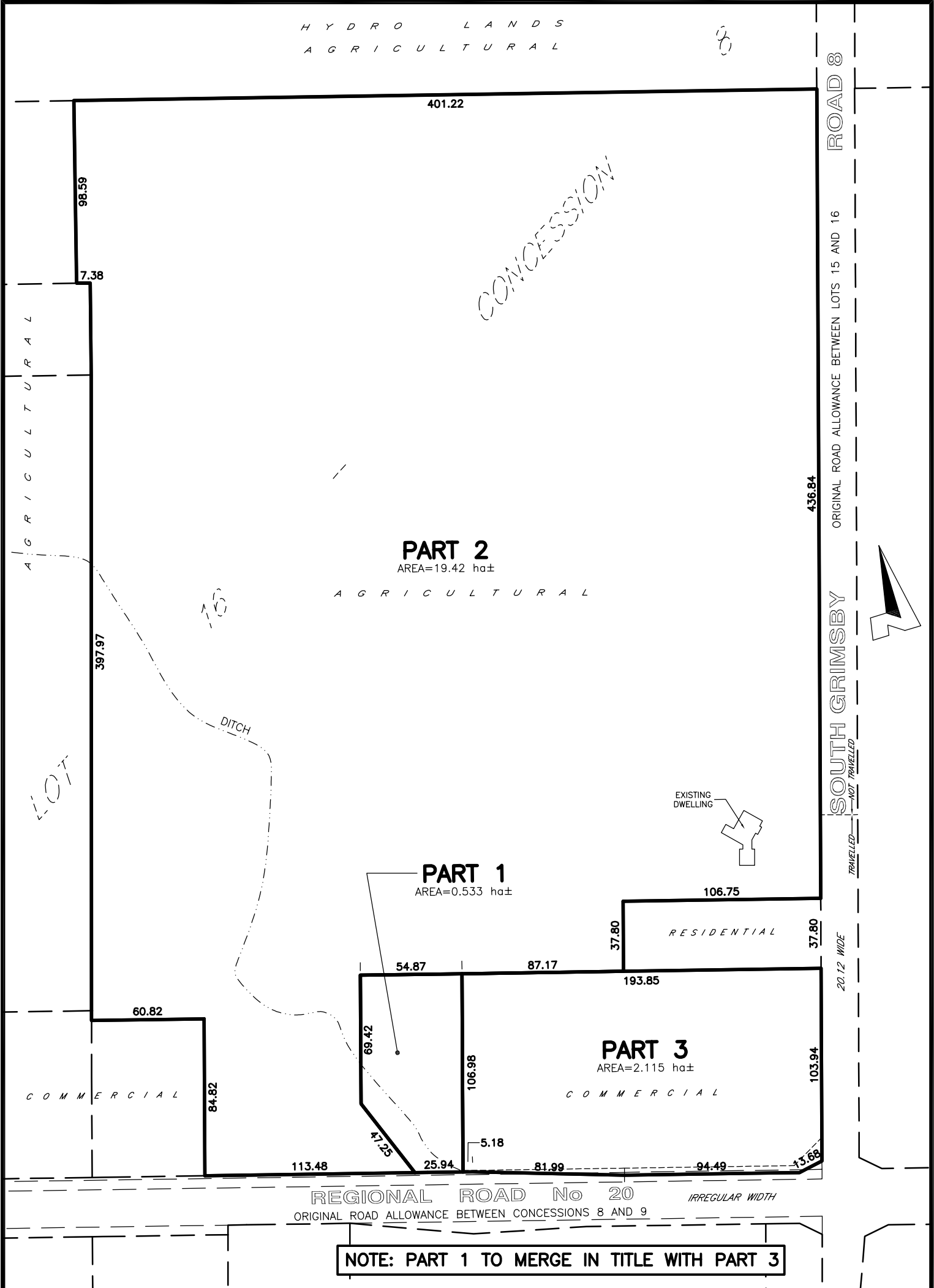
Pamela Davis



Gary Davis



Gale Davis




SKETCH
PREPARED FOR SEVERANCE APPLICATION
PART OF LOT 16, CONCESSION 8
GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY
IN THE
**TOWNSHIP OF
WEST LINCOLN**
REGIONAL MUNICIPALITY OF NIAGARA
SCALE 1 : 2500 (METRIC)

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DONALD G. CHAMBERS, B. Sc., O.L.S.

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Page 58 of 62
DATE FEBRUARY 25, 2020 FILE No 89-455-3 (89455-3_SEV)

This is Schedule 'A' attached to and forming part of the decision on application for Consent File B02/2020WL – on behalf of Pamela, Gary & Gale Davis

Conditions:

1. That this approval applies to the transaction as applied for.
2. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
3. The applicant's solicitor shall provide the Secretary-Treasurer with an undertaking confirming that the Property Identification Numbers (PINS) of the subject parcel and the land with which the subject parcel will be merged with will be consolidated (consolidation of PIN's). A conveyance of land or parcel to the Township or Region to effect merger may be required.
4. That a Zoning By-law application be submitted and deemed complete to rezone the lands to an appropriate zone and recognize any deficiencies.
5. That, an application be submitted and deemed complete to amend the existing site plan agreement to include the additional lands to be severed and merged.
6. That the applicants obtain an NPCA work permit to re-align the watercourse and that the approved work permit be provided to the Regional Planning and Development Services and the Township of West Lincoln.
7. That a Restoration Planting Plan be prepared and submitted to Regional Planning and Development Services for review and approval, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the Fish Habitat buffer, as appropriate.
8. That the owner submits a signed Legal Undertaking to Regional Planning and Development Services wherein the owner agrees to implement the mitigation measures and recommendations found in Section 5.1 of the EIS (prepared by Beacon Environmental, dated February 2020) and that these be included within the site plan agreement, including but not limited to:
 - a. That the channel for the realigned portion of the Headwater Drainage Features will be designed to replicate the seasonal flow conveyance of the existing features.
 - b. That detailed sedimentation and erosion control plans be prepared for review and approval by the Region. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
 - c. That clearing/grading of the meadow habitat should not be undertaken from mid-April through to the end of August, to avoid impacts to nesting birds.
 - d. That no construction materials or equipment is to be located, even on a temporary basis, within the buffers of Fish Habitat.
 - e. Implementation of the approved Restoration Planting Plan.
9. That the owner dedicates a 0.74 metre road widening to the Regional Municipality of Niagara along the frontage of Regional Road 20 (Highway 20), to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
10. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
11. All municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of parkland dedication, property maintenance, compliance with Zoning By-law provisions for structures, and any related requirements, financial or otherwise.
12. That all conditions of consent be fulfilled within one (1) year of the notice of decision, failing which the application shall be deemed to be refused.

Reasons:

1. The Committee is satisfied that the application would conform to the general intent and purpose of the Provincial Policy Statement (2014), and for the consent policies of the Regional Policy Plan.
2. That the application meets the general purpose and intent of the Township Official Plan policies.

Attachment No. 3 to PD-125-2021

3. That written and oral comments received throughout the public consultation process were considered as part of the decision making process as discussed in Planning Report PD-059-20 and identified in the minutes of the June 24th, 2020 hearing date.
4. This decision is rendered having regard to the provisions of Section 51(24) and 51(25) of the Planning Act, R.S.O 1990, as amended.

Date of Decision: **June 24th, 2020**

Date of Mailing: July 8th, 2020



Alexa Cooper
Secretary-Treasurer

Last date of filing an appeal to the Local Planning Appeal Tribunal under Section 53 of the Planning Act: July 28th, 2020

Effect of Public Input:

Public consultation on the proposal for Consent application B02/2020WL was provided for a 22 day public commenting period, between June 2nd, 2020 and June 24th, 2020. A public meeting to receive input on the proposal was held on June 24th, 2020. As a result of the public consultation, the Township received 0 comments in writing and 1 oral submissions at the public meeting. Written and oral comments received throughout the public consultation process were considered as part of the decision making process as discussed in Planning Report PD-059-20 and identified in the minutes of the June 24th, 2020 hearing date.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2021-XX

A BY-LAW TO AUTHORIZE THE REMOVAL OF THE PREVIOUSLY REGISTERED SITE PLAN AGREEMENT FROM TITLE ON LANDS DESCRIBED AS CONCESSION 8, PART LOT 16, 30R15738, PART 2, IN THE FORMER TOWNSHIP OF SOUTH GRIMSBY, NOW IN THE TOWNSHIP OF WEST LINCOLN (MUNICIPALLY KNOWN AS 2930 SOUTH GRIMSBY 8).

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to remove the previously registered site plan agreement from title on lands described as Concession 8, Part Lot 16, 30R15738, Part 2, in the former Township of South Grimsby, now in the Township of West Lincoln (municipally known as 2930 South Grimsby Road 8), prior to conveyance to the Region of Niagara for road widening purposes.

AND WHEREAS approval and authority for such signing of an agreement for the removal of site plan from title is required;

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

1. That, the Mayor and Clerk be and are hereby authorized to sign any and all required documentation to have the site plan agreement registered in 1989 as Instrument No. NR587518 removed from title on a portion of the subject lands to be conveyed to the Region of Niagara, as described above.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF NOVEMBER, 2021.

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK