

TOWNSHIP OF WEST LINCOLN PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE AGENDA

MEETING NO. FIVE
Monday, May 9, 2022, 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.

**Submission of Public Comments/Virtual Attendance:

The public may submit comments for matters that are on the agenda, or request to attend the virtual meeting as "Attendees" by emailing jdyson@westlincoln.ca by May 9, 2022 before 4:30 pm. Email comments submitted will be considered as public information and read into the public record. 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:

- 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.
- 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. This meeting will be livestreamed and recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-ee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the

Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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

4. PUBLIC MEETING(S)

There are no public meetings.

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

6.1. ITEM P43-22

6

Simon Musca, Smithville Resident

Re: Stanpac Noise Concerns

FOR INFORMATION

6.2. ITEM P44-22

9

Karen Alexander, Invasive Species Centre

Re: European Water Chestnut in the Welland River

POWERPOINT PRESENTATION

6.3. ITEM P45-22

31

David Heyworth, Official Plan-Policy Consultant (Niagara Region)

Re: New Niagara Region Official Plan

POWERPOINT PRESENTATION

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 P46-22

CONSENT AGENDA ITEMS

RECOMMENDATION:

That the Planning/Building/Environmental Committee hereby approve the following Consent Agenda items:

- Items 1 and 2 be and are hereby received for information with the exception of Item no.(s)
- 1. Multi-Municipal Wind Turbine Working Group Minutes February 10, 2022

2. Information Report No. PD-51-2022 – Proposed Amendment to the Greenbelt Area boundary regulation – Growing the size of the Greenbelt

9. COMMUNICATIONS

9.1. ITEM P47-22

Julie Hamilton, Deputy Clerk (Municipality of Arran-Elderslie)
Re: Multi-Municipal Wind Turbine Working Group - Setback
Recommendations from Wind Turbines

RECOMMENDATION:

That, the correspondence received from Julie Hamilton, Deputy Clerk (Municipality of Arran-Elderslie) regarding "Multi-Municipal Wind Turbine Working Group - Setback Recommendations from Wind Turbines" dated April 22, 2022, be received for information.

10. STAFF REPORTS

10.1. ITEM P48-22

Director of Planning & Building (Brian Treble)
Re: Recommendation Report PD - 53 - 2022 - Stanpac Request to
Waive Minor Variance Fee and Building Permit Fee

RECOMMENDATION:

- That, report PD-53-22, regarding "Recommendation Report Stanpac Request to Waive Minor Variance Fee and Building Permit Fee", dated May 9, 2022 be RECEIVED; and,
- 2. That, Township staff work with the Committee of Adjustment to process a Minor Variance application in as timely a fashion as possible in order to allow a building permit to be issued; and,
- 3. That, the authority to waive fees apply prior to the ratification of this report by Township Council.

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10.2. ITEM P49-22

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

Re: Recommendation Report No. PD-49-2022 - Zoning By-Law Amendment – Neil Carter – 2990 South Grimsby Road 18 (File No. 1601-002-22)

RECOMMENDATION:

- That, Report PD-49-2022, regarding "Recommendation Report

 Zoning Bylaw Amendment Neil Carter 2990 South Grimsby
 Road 18 File No. 1601-002-22" dated May 9th 2022, be
 RECEIVED; and,
- That, an application for Zoning By-law Amendment 1601-002-22 submitted by Neil Carter - and a corresponding Zoning Bylaw be APPROVED and passed; and
- That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

10.3. ITEM P50-22

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

Re: Recommendation Report No. PD-50-2022 - Bill 109 – More Homes for Everyone Plan

RECOMMENDATION:

- That Planning Report PD-50-2022, regarding "Information Report – Bill 109 – More Homes for Everyone Plan", dated May 9, 2022, be RECEIVED FOR INFORMATION PURPOSES; and.
- 2. That, the Township hereby notify the Region of Niagara of their support for the Region's letter regarding "Response to More Homes for Everyone Act, 2022, Provincial Bill 109" dated April 29, 2022, as found at Attachment 1 to this report.

10.4. ITEM P51-22

Building Inspector and By-law Enforcement Officer (John Bartol) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-52-2022 – P. Budd Developments Inc. Site Alteration Application for "Station Meadows West – Phase 1" No. 3000-002-22

RECOMMENDATION:

 That, report PD-52-22, regarding "Recommendation Report – P. Budd Developments Inc. Site Alteration Application for "Station Meadows West – Phase 1" No. 3000-002-22", dated May 9, 2022 be RECEIVED; and, 111

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- 2. That, an authorizing By-law, as found at Attachment 2 to this report, be passed to permit the Mayor and Clerk to sign a site alteration agreement, in draft form as found at Attachment 3, ensuring compliance with their draft approved plan of subdivision, as well as, the conditions as set out in this report and draft site alteration permit; and,
- 3. That, all efforts be taken by the owner to acknowledge and protect neighbouring residents, including but not limited to: dust control, speed control, noise control, obeyance of the Highway Traffic Act, etc. Failure to do so will provide Enforcement staff with authority to revoke this permit at any time.

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11. OTHER BUSINESS

11.1. ITEM P52-22

Deputy Clerk (Jessica Dyson)

Re: Multi-Municipal Wind Turbine Working Group (MMWTWG) 2022 Membership Renewal

RECOMMENDATION:

That the correspondence regarding "Multi-Municipal Wind Turbine Working Group (MMWTWG) 2022 Membership Renewal" dated April 29, 2022, be received, and...

11.2. ITEM P53-22

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

Page 5 of 142

Request to Speak at a Meeting

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

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

Full Name: *			
Simon Musca			
Who are you representing? *			
Self			
Group/Organization			
Street Address: *			
Town/City: *	Postal Code: *		
Smithville	LOR 2A0		
How would you like us to contact you?*	Email Address: *		
Telephone			
Presentation Details			
	* 🙆	Deguested M	aatina
Which meeting would you like to present at? * ?		Requested Meeting Date: *	
Planning/Building/Environmental Committee		5/9/2022	#
What is the presentation topic?*			
Stanpac noise			

Do you have a presentation (slide deck)? *				
Yes	No No			
Have you presented before on this topic?*				
C Yes	No No			

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

I would like to bring to Council's attention the disruptive noise emanating from Stanpac since August 2020. There have been several, on-going complaints on this issue. I am looking for guidance and Council's support in the hopes that this issue can be resolved in a more timely manner.

Collection of Personal Information

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

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

Email: clerk2@westlincoln.caTelephone: 905-957-3346

Thank You

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

Request to Speak at a Meeting

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

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

Full Name: *	
Karen Alexander	
Who are you representing? *	
Self	
☐ Group/Organization	
a) Group/Organization	
Group or Organization Name: *	
Invasive Species Centre	
Street Address: *	
1219 Queen Street East	
Town/City: *	Postal Code: *
Sault Ste. Marie	P6A 2E5
How would you like us to contact you?*	Email Address: *
,	
ⓒ Email	kalexander@invasi

Presentation Details

Which meeting would you like to present at? * ? Planning/Building/Environmental Committee

Requested Meeting Date: *

5/9/2022

What is the presentation topic? *

European Water Chestnut in the Welland River

Do you hav	e a presentation (slide deck)?*	Please upload your presentation materials.			
Yes	No No				
Have you presented before on this topic?*					
C Yes	No No				

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

European Water Chestnut (EWC) is an invasive aquatic plant that has been detected in the Welland River. EWC was reported by a Citizen Scientist using EDDMapS (an online system that collects observations of invasive species); the first observation of EWC in Western Ontario. In July 2021, the Invasive Species Centre and Ducks Unlimited Canada paddled the river and confirmed a newly established population scattered like patchwork along 26 km of river between Wellandport and Welland. EWC is an annual plant that can be controlled using manual removal techniques to deplete the seed bank. Ontario Parks reports a 95% reduction in seeds after 3-4 years of repeat removal activities during the growing season.

The ISC has submitted two grant applications to request funds to implement an eradication program. The program will create local jobs and a collaborative of partners to align resources toward a control and management program. We have established partnerships with NPCA, Peninsula Paddlers, Ontario Federation of Anglers and Hunters, Ducks Unlimited Canada, and Ontario Parks. We have also brought the project to the attention of the Town of Pelham who has offered support for both applications. We have already spoken with Gerrit Boerema and thank the Town of West Lincoln for the letter of support and interest in the project.

We would like 10 minutes to present the project to the Environment Committee and go over any specific requests and opportunities for the Town to get involved and/or support the project this year. Specific requests will depend on the level of funding we can secure and the control program and response we are able to develop. We will share a slide deck prior to the presentation.

The ISC is a non-profit organization based out of Sault Saint Marie. We have staff located around Ontario. We work with municipalities in Ontario in various ways to prevent, contain, and manage invasive species. Please learn more by visiting our website: www.invasivespeciescentre.ca.

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Email: clerk2@westlincoln.caTelephone: 905-957-3346

Thank You

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European Water Chestnut in the Welland River

Presented by Karen Alexander
Policy Coordinator, Invasive Species Centre

The Invasive Species Centre acknowledges that we are living and working on the traditional territory of the Anishinaabe Peoples, in the Robinson Huron Treaty area. We recognize the long history of Indigenous and Métis Peoples in this area and across Canada and want to show respect to them and demonstrate our gratitude for their ongoing care of the land and water. Page 14 of 142



The **Invasive Species Centre** is a not-for-profit organization that connects stakeholders, knowledge and technology to prevent the introduction and spread of invasive species that harm Canada's environment, economy and society.

www.invasivespeciescentre.com



AGENDA



Introducing the Invasive Species Centre

European Water Chestnut Rapid Response program

Questions?

European Water Chestnut





Economic	Social	Ecological
Decreases property valueImpacts commercial fishing	Inhibits boating and swimmingSharp seeds are painful to step on	 Kill native vegetation Reduce oxygen levels Impact fish populations SAR habitat
Page 17 of 142	Invasive Species Centre	



European water chestnut

Trapa natans

Forms dense floating mats, making angling and boating nearly impossible.

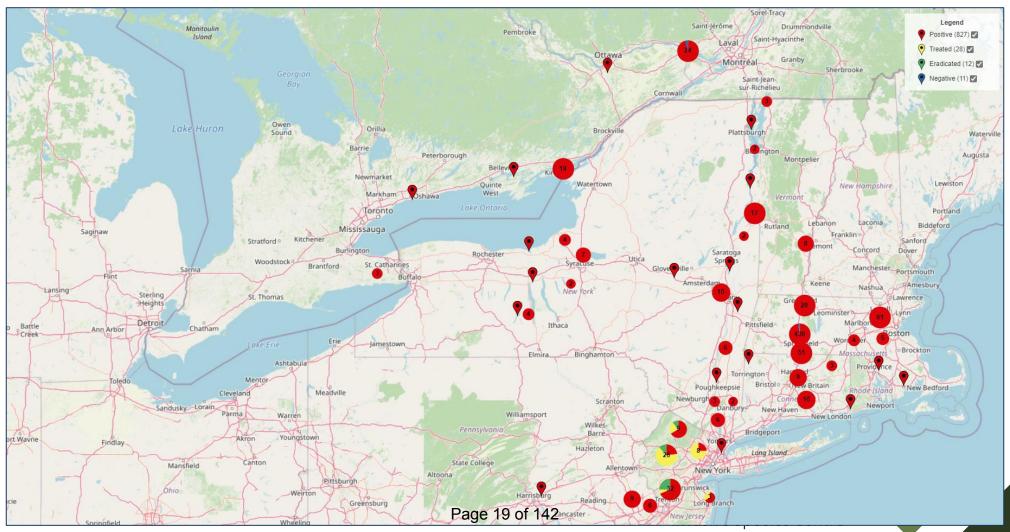
Prohibited species in Ontario

- Prohibited species in Ontario under the Invasive Species Act (2015)
- This means:
 - It is illegal to import, possess, release, transport, breed/grow, sell, lease or trade
 - Anyone boating in infested waters must:
 - AVOID spreading the plants
 - Remove plants from boat, motor, trailer, etc. Before travelling over land
 - Dispose the plants so they won't end up back in the water



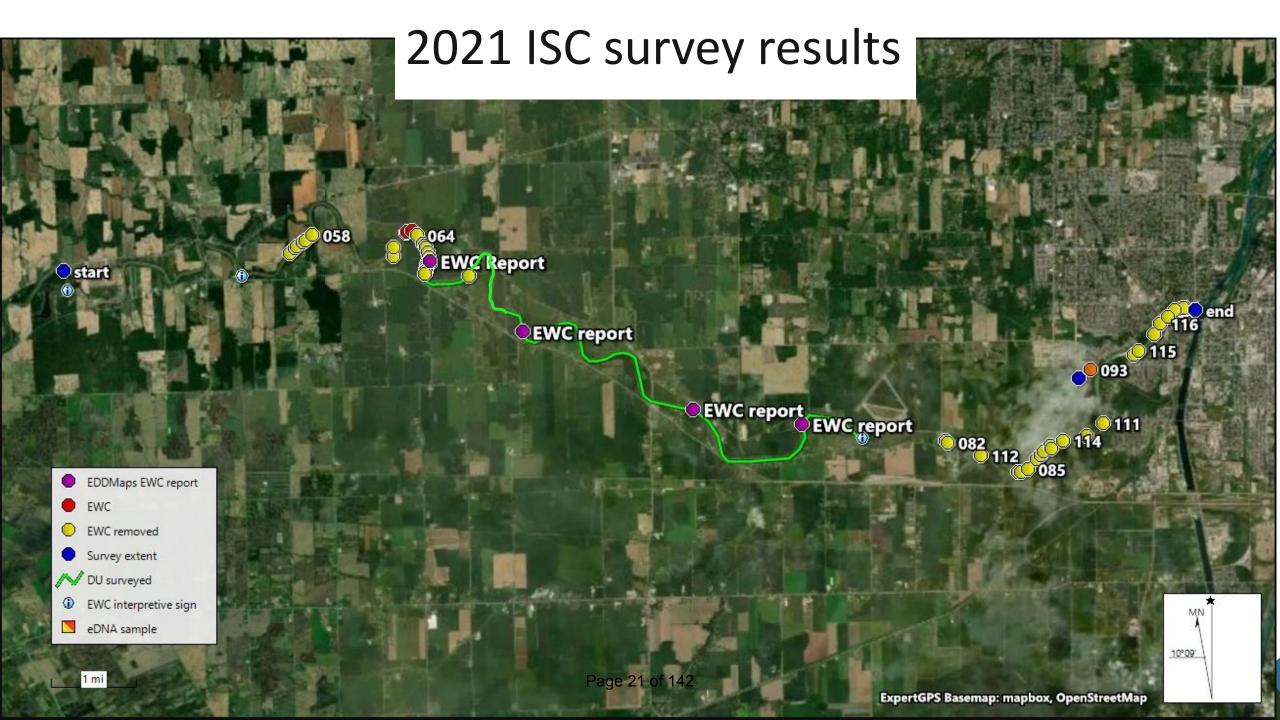
European Water Chestnut

Pathways of Spread: seeds generally fall almost directly beneath their parent plants. Rosettes can move downstream in currents with/without seeds. Waterfowl may also spread nuts if they get caught in feathers.



EDDMapS. 2021. Early Detection & Distribution Mapping System. The University of Georgia - Center for Invasive Species and Ecosystem Health.







Control Methods

- $0 100 \text{ m}^2$, mixed with native vegetation
 - Hand pull individual plants or use rakes; wading or from canoes, kayaks, boats
 - Pull before the plant matures and nutlets (seeds) drop off the plants
- >100 m², mixed with >50% native vegetation
 - Employs heavy equipment to cut or rake (e.g., Truxors)
 - Herbicide (Reward Aquatic Herbicide)
- Efficacy: 95% reduction in seed viability within 4 years @ Voyageur PP
- Requires repeat monitoring and follow-up control for up to 10 yrs.



Proposed EDRR program

- Welland River Collaborative
 - NPCA, low-tier municipalities, Peninsula Paddlers, Bert Miller Nature Club, Niagara College, others as interested
- Field program, July 2022 September 2022
 - 4 ISC hires through the OFAH Hitsquad program
 - Manual control & NPCA home base @ Chippewa Conservation Area
 - Potential contractor with heavy equipment
- Community Engagement
 - Riverfront landowner mail out
 - Organized paddling tours/ River Watchers







Long term control and monitoring

- Invasive Species Centre intends to continue to invest in control of EWC as required
- River Watchers
 - Paddling tours to teach community how to identify and report observations
- Exploring options for long-term management
 - OFAH Hitsquad students
 - Niagara College partnership / paddling trips (limited to September)



How can the Town of West Lincoln help?

Join the Welland River Collaborative

River access/boat launch (Community Centre)

Additional biomass disposal? (if needed)

Public relations using social media and website

Assistance with distribution of information to riverfront landowners

Funding Dependent: Heavy Equipment

Truxors & Barges (contractor-owned)

• Requires on-shore heavy equipment to lift biomass off the barge



Low-Cost Municipal Actions: Prevention is key

Create new policies

- Clean Equipment Protocols
- Maintain a healthy landscape with a diversity of native species

Increase Awareness

- ISC Monthly Webinar Series
- Forest Pests and Oak Wilt Courses
- Community Science, Early Detection and Rapid Response
- Grow Me Instead Guide

Stay Connected

- Sign-up to receive our quarterly newsletter
- Bi-weekly media, research, and event scans



Spotted Lantern Fly



Hemlock Wooly Adelgid



Beech Leaf Disease



Oak Wilt

ISC's Municipal Community of Practice

- Facilitates discussion and exchange of resources and expertise between invasive species practitioners
- Online discussion forum and twice-yearly conference calls
- Membership composed of municipal and conservation authority staff
- Please share in your circles!









Visit our website to sign up for

- Quarterly newsletters
- Bi-weekly media, research, and events scans
- Event and webinar invitations

www.invasivespeciescentre.ca

Karen Alexander

Invasive Species Policy Coordinator

<u>kalexander@invasivespeciescentre.ca</u> <u>www.invasivespeciescentre.ca</u> Page 30 of 142

Official Plan Update

Township of West Lincoln

May 9, 2022



new niagara official plan



OUR NATURAL ENVIRONMENT SYSTEM

Improved mapping of the Region's natural heritage features and water resources



OUR RESPONSE TO CLIMATE CHANGE

Prioritize climate change throughout the plan to achieve sustainable and resilient communities.



OUR HOUSING MIX

Support a diverse range of dwelling types to addresses affordability and market demand.



OUR ECONOMIC COMPETITIVENESS

Identified areas that are protected for long-term investment in employment uses.



OUR PLANNING FRAMEWORK

Clearer policies for local implementation and coordination with Regional planning.

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niagara 2051 review



Niagara Official Plan

Forecasts when and where growth will occur.

Transportation Master Plan

Plans for improvements to the street network.

Master Servicing Plan

Plans for improvements to the W/WW network.

Development Charges By-law

Growth pays for growth.





vision and pillar statements





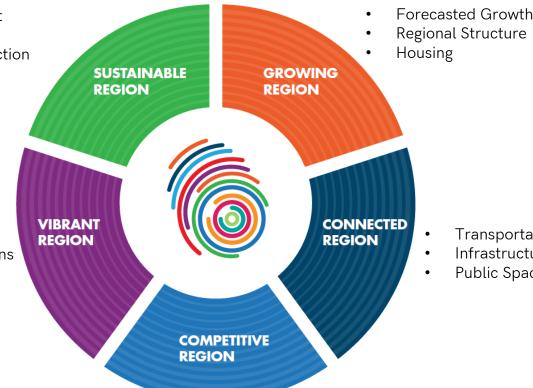


official plan chapters



- Watershed Planning
- Source Water Protection
- Stewardship
- Climate Change
- Niagara Escarpment
- **Excess Soil**

- District and Secondary Plans
- Urban Design
- Archaeology
- Cultural Heritage



- Agriculture
- **Employment**
- Mineral Aggregate Resources
- Petroleum and Mineral Resources
- **Economic Prosperity**







Public Spaces, Recreation, Parks, Trails and Open Space

Transportation

Infrastructure

climate change

Policies across the Niagara Official Plan support the transition to net-zero, climate-resilient communities.

Support built form and land use patterns that use land efficiently and reduce transportation emissions



Enhance carbon sinks that store and sequester carbon



Mitigate hazards and coordinate with emergency management



Support conservation and energy reduction



Enhance the adaptive capacity of infrastructure







official plan purpose







what we protect







natural environment system

Regional Council selected the strongest option for environmental protection for incorporation into the draft consolidated Official Plan.

The Region's integrated Natural Environment System will include:

Key hydrologic features (wetlands, watercourses, etc.)

Provincial natural heritage systems

Key hydrologic areas and other water resource features to be informed by watershed planning

Linkages and buffers

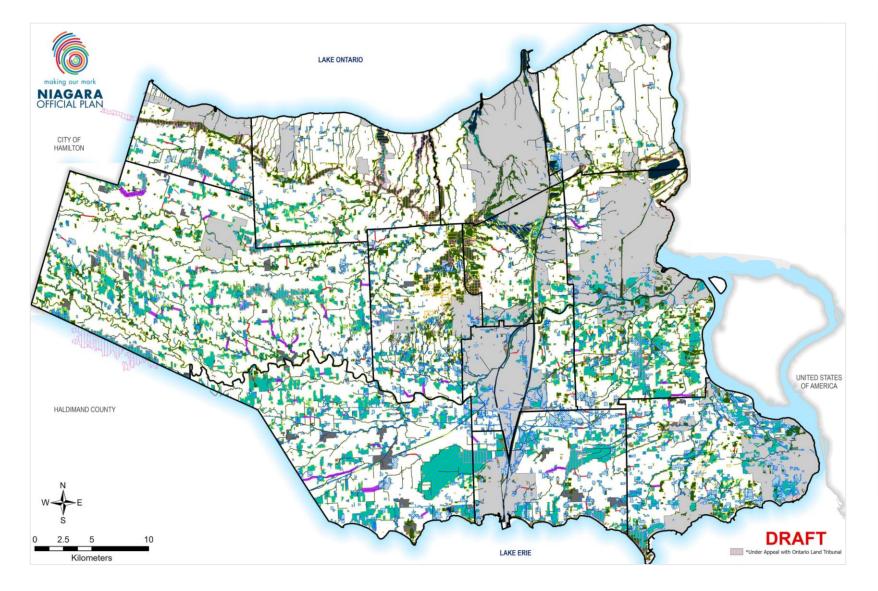
Key natural heritage features (woodlands, valleylands, etc.)

Supporting features and areas, enhancement areas









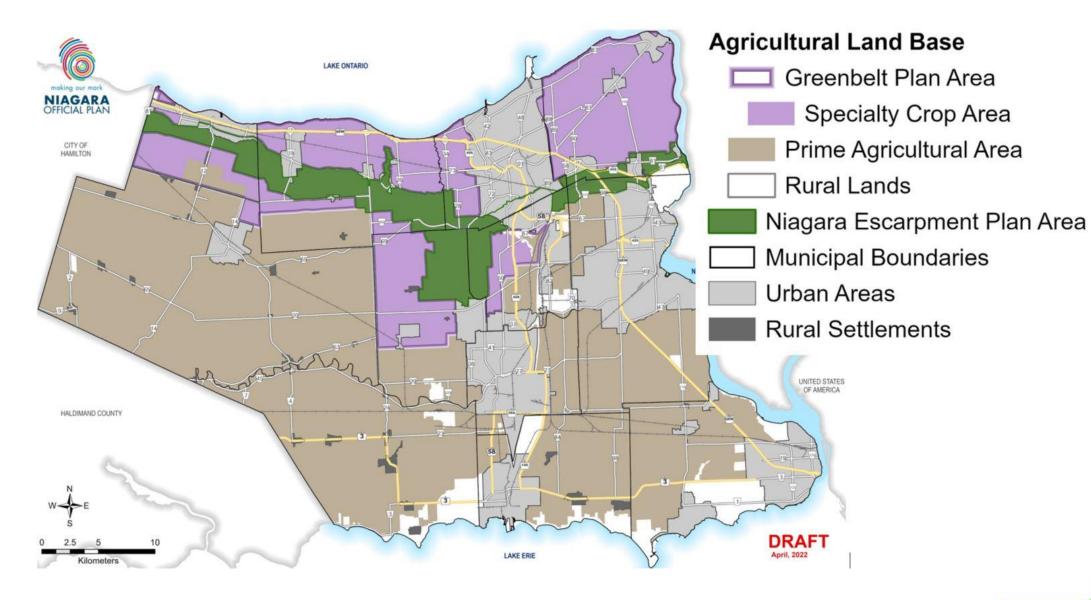
LEGEND

- Settlement Area
- Medium and Large Linkages
- Small Linkages
- Life Science ANSI
- Earth Science ANSI
- Significant Woodlands
- Other Woodlands
- Other Wetlands and Non Provincially Significant Wetlands
- Provincially Significant Wetlands
- Waterbodies
- Inland Lakes
- Mapped Vegetation
 Protection Zones/Buffers





base land gricultural a







how we grow

The Niagara Official Plan will strategically direct forecasted growth to make efficient use of existing infrastructure and built-up areas, while addressing overall housing need.

202K

increase in population between 2021 and 2051 85K

increase in employment between 2021 and 2051 60%

of housing directed to existing built-up areas

1%

regional land base added to settlement areas





growth forecast and intensification targets

Population and Employment Forecasts by Local Municipality

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

Niagara Region Intensification Targets by Local Municipality

Municipality	Units	Rate
Fort Erie	3,680	50%
Grimsby	4,500	98%
Lincoln	8,895	90%
Niagara Falls	10,100	50%
Niagara-on-the-Lake	1,150	25%
Pelham	1,030	25%
Port Colborne	690	30%
St. Catharines	18,780	95%
Thorold	1,610	25%
Wainfleet	0	0%
Welland	10,440	75%
West Lincoln	1,130	13%
Niagara Region	62,005	60%





how we grow

SETTLEMENT AREAS

intensification target of 60% in built-up areas



EMPLOYMENT AREAS

identified for long-term protection





STRATEGIC GROWTH AREAS

accommodate approximately 30% of Region's growth



HOUSING

housing mix + targets and tools for affordable housing





adjusting boundaries

The Region is responsible for determining whether settlement area boundary expansions are needed to accommodate growth.

LAND NEED

Dependent on regional land need forecasts.

CRITERIA

Subject to a comprehensive evaluation.

TIMING

Permitted only during the new Official Plan.

Technical adjustments and rationalizations are also included for Provincial conformity, to correct mapping errors, and to recognize existing conditions.







land need assessment

Regional Land Need (March 2022)		
Community Area	+785 hectares	
Employment Area	+260 hectares	
Rural Area	+115 hectares	

Outside of urban area land need, the new Official Plan includes:

1,400 + ha of Greenbelt Protected Countryside

3,300 + ha of Growth Plan Prime Agricultural Area

ha of Provincial Natural Heritage system





urban area evaluation criteria



Land Use

- Complete communities
- Land needs
- Surrounding neighbourhoods



Aggregates

Aggregate operations



Sanitary Services

- Existing treatment plant(s)
- Sanitary servicing
- Environmental impact



Agriculture

- Soil classification
- Livestock operation(s)
- Agri-food network



Transportation

- Major road access
- Existing/local road networks
- Public transit
- Active transportation



Water Services

- Municipal water servicing
- Future connections
- Environmental impact



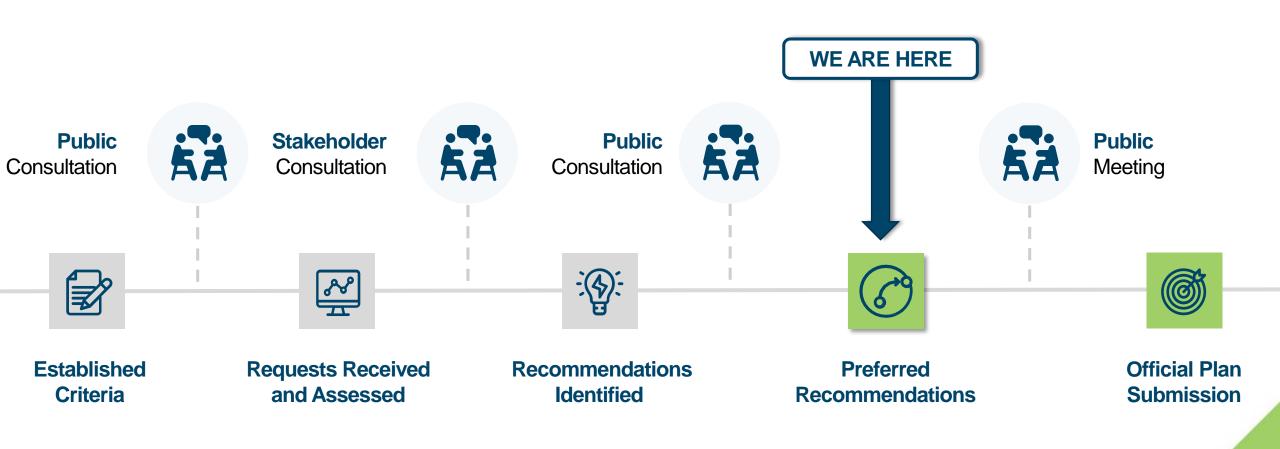
Environment

- Natural heritage features
- Fragmentation
- Watershed impacts
- Water quality
- Species at risk
- Topographic impacts





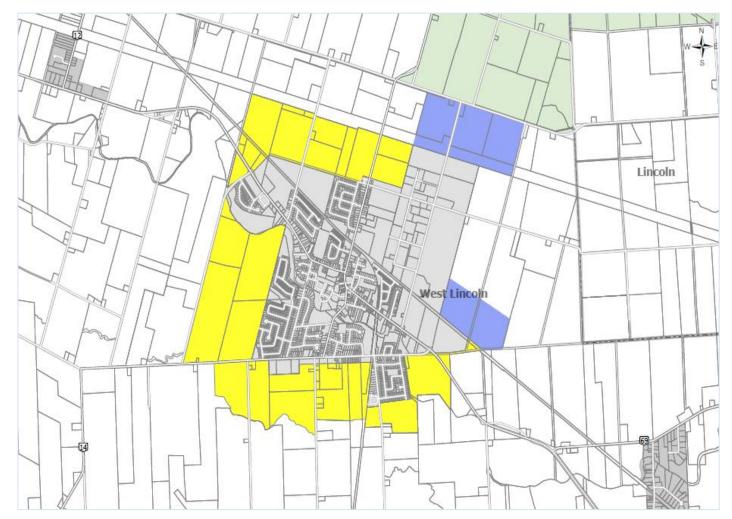
settlement area boundary review process







expansion recommendations





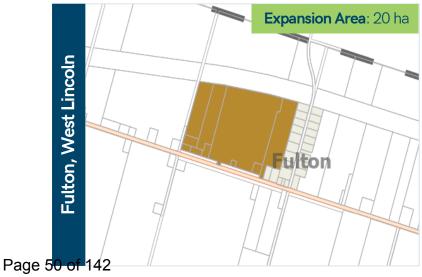


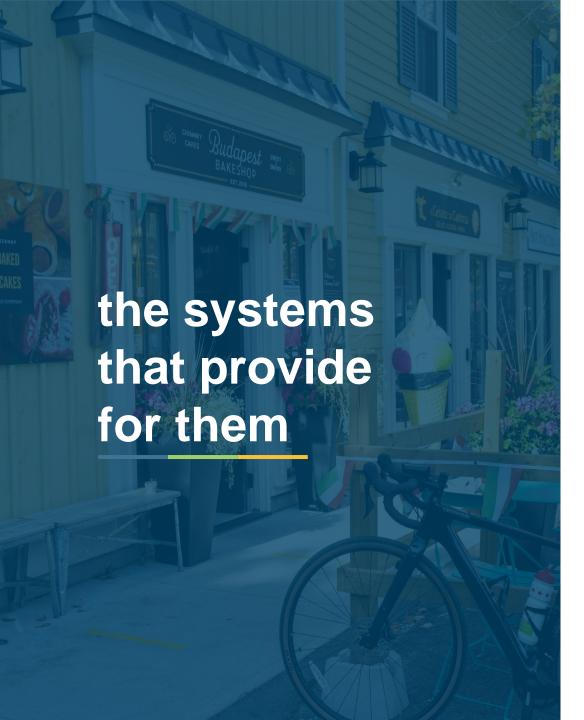
expansion recommendations











District and Secondary Plans

Neighbourhood level plans that envision the types of land uses to be developed within a specified area and the improvements needed to realize that vision.

Urban Design

Policies and/or guidelines that outline the scale, form, and design standards used for a community's built form, streetscape, and public realm.

Infrastructure & Transportation Policies

Policies that identify how infrastructure will support where and how we grow and provide a sustainable transportation system that accommodates forecasted growth.

Sub-Watershed Planning

Comprehensive approach to protecting the Natural Environment System while planning for development.



outcomes



Affordable housing opportunities.



Investments in public amenities.



Climate change adaptation and mitigation.



Protection of natural and rural systems.



Efficient use of infrastructure.



Support for economic development.





official plan timeline

NOVEMBER and **DECEMBER 2021** **JANUARY** and **FEBRUARY 2022** **MARCH** and **APRIL 2022**

MAY and **JUNE 2022**

JULY 2022







- SABR
- Natural **Environment**

Consolidated Official Plan Release

- **Public Information** Centres
- SABR Comment Deadline

Statutory Public Open House and **Public Meeting** (April)



Recommendation Report to Council (June)

Deadline for **Provincial** Approval





Questions?







Multi Municipal Wind Turbine Working Group MINUTES

Meeting No. MMWTWG-01-2022 Thursday, February 10, 2022, 7:00 p.m. Via Zoom

Members Present: Mark Davis - Municipality of Arran-Elderslie

Doug Bell - Municipality of Arran-Elderslie

Bill Palmer - Citizen - Municipality of Arran-Elderslie

Steve Adams - Municipality of Brockton

Philip M. Englishman - Citizen - Municipality of Brockton

Alex Westerhout - Municipality of Central Huron

Scott Mackey - Township of Chatsworth

Elizabeth Thompson - Township of Chatsworth Paul McQueen - Municipality of Grey Highlands Tom Allwood - Municipality of Grey Highlands

Stewart Halliday - Citizen - Municipality of Grey Highlands

Randy Roppel - Municipality of Kincardine Dave Bylsma - Township of West Lincoln

Others Present: Julie Reid - Recording Secretary

Warren Howard Carla Stachura Vern Martin Jane Wilson

1. Call to Order

Chair Allwood called the meeting to order at 7 p.m. A quorum was present.

2. Adoption of Agenda

MMWTWG-2022-1

Moved by: Mark Davis - Municipality of

Arran-Elderslie

Seconded by: Stewart Halliday - Citizen -

Municipality of Grey

Highlands

Be It Resolved that the Agenda for the Multi-Municipal Wind Turbine Working Group meeting of February 10, 2022 be received and adopted, as distributed by the Recording Secretary.

Carried

2.1 2022 Annual Election of Chair and Vice-Chair

As per the Terms of Reference for the Multi-Municipal Wind Turbine Working Group, the Chair and Vice-Chair shall be elected annually at the first meeting of the year.

The Recording Secretary opened the floor to nominations for Chair of the Working Group for 2022.

Stewart Halliday nominated Tom Allwood.

Tom Allwood accepted the nomination.

The Recording Secondary called a second and third time for nominations. No further nominations were heard.

Nominations were subsequently closed and Tom Allwood was elected Chair for 2022.

The Recording Secretary opened the floor to nominations for Vice-Chair of the Working Group for 2022.

Philip Englishman nominated Steve Adams.

Steve Adams agreed to accept the nomination in the absence of further nominations.

The Recording Secondary called a second and third time for nominations. No further nominations were heard.

Nominations were subsequently closed and Steve Adams was elected Vice-Chair for 2022.

Tom Allwood resumed the Chair for the remainder of the meeting.

3. Disclosures of Pecuniary Interest and General Nature Thereof

None.

4. Minutes of Previous Meetings

4.1 Minutes of the December 9, 2021 Meeting

The Working Group passed the following resolution:

MMWTWG-2022-2

Moved by: Elizabeth Thompson -

Township of Chatsworth

Seconded by: Bill Palmer - Citizen -

Municipality of Arran-

Elderslie

Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby approves the minutes of the December 9, 2021 meeting as presented by the Recording Secretary.

Carried

5. Business Arising from the Minutes

5.1 ROMA Update - Chair Allwood

Chair Allwood attended the ROMA conference and provided the Working Group with an update.

The IESO made a presentation that discussed various topics such as:

- Blind Energy Demand
- Future retirement of the Pickering Nuclear Generating Station
- Decarbonization and zero emission, noting that that currently 94% of Ontario's electricity generation is clean.
- Community Programs
- Local energy solutions, particularly solar and storage.
- Current trend in municipalities supporting the removal of natural gas from electricity generation.

The IESO continues to seek input from municipalities on planning through the IESO Connects link on their website

The Minister's Forum discussed items such as the emphasis on renewing contracts mainly with small hydroelectric suppliers and biomass contracts in Northern Ontario and the Nuclear Small Module Reactor Technology investment.

There was no specific discussion about wind power and the focus was on small hydro reactor technology, biomass and storage.

During the Question and Answer period there was discussion about no projects in municipalities that are unwilling hosts. It touched on a project in Owen Sound that generates hydro from surplus power when it is available from the grid.

Mayor McQueen was also present.

Mark Davis, Paul McQueen and Chair Allwood met with Bill Walker prior to the conference to discuss the submission of a question to the Minister's Forum. They discussed the safety issues raised by the Working group and was impressed with the document that was circulated by the Working Group. He noted that nothing had changed with respect to the Green Energy plan and they are not promoting wind turbines.

It was also noted that the Ministry of Environment was the lead Ministry but correspondence should be copied to the Ministry of Energy and the Ministry of Health.

The Working Group had submitted the following question to the ROMA Forum:

"Given the fact that there has been a number of catastrophic failures of wind turbines resulting in tower collapse, blade failure, and debris scatter as far as 560 metres; would the Honorable Minister agree that the Province needs to increase the setbacks mandated by O/R Reg. 359/09 to ensure public safety?"

The question was not chosen for discussion during the conference.

5.2 Upcoming meeting with the MECP Staff in response to the letter Re: Ottawa's Official Plan and Wind Turbines (Attached for Reference) -Chair Allwood

There is a meeting scheduled for Friday, February 11 at 11am. Chair Allwood will be attending and the Working Group discussed other members that should attend.

Warren Howard, who drafted the letters, believes that the technical expertise of Vern Martin would be a good fit to attend.

The Working Group questioned whether the issues raised were technical driven or policy driven.

Bill Palmer was a suggested attendee but declined to attend based on recent responses to letters he has sent on his own accord. He provided a brief overview noting the generic tone that the response letter had. Steve Adams received a copy of the response as well and concurred with Mr. Palmer's comments.

It was noted that recently, the MMWTWG has been making progress in their efforts and Mr. Howard also noted that in the package that went to municipalities, there were 4 topics that should be raised in addition to the increasing of setbacks;

- Public process for investigation of failures
- Inspections of existing projects
- Establish requirements
- Emergency response procedures

Some response has been received in relation to the packages that were sent out to municipalities and it is hoped that further support will come from other Member Municipality's of the Working Group. It was noted that the package was sent to the 41 host municipalities so not all Member Municipality would have received the full package other than as included in the agenda and minutes.

Subsequent to further discussion, the Working Group passed the following resolution:

MMWTWG-2022-3

Moved by: Dave Bylsma - Township of

West Lincoln

Seconded by: Scott Mackey - Township of

Chatsworth

Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby approves Vern Martin, P. Eng., Mechanical Engineer, to attend the meeting with the Ministry of Environment, Conservation and Parks Staff schedule for February 11, 2022 at 11am.

Carried

6. Delegations/Presentations

6.1 Submissions for consideration by Warren Howard

6.1.1 Request under the Freedom of Information Act

Mr. Howard provided a presentation regarding the FOI Requests that have been drafted and he believes that would be a good avenue for the MMWTWG.

An FOI costs \$5.00 to submit. Based on the documentation found, additional costs could arise but the costs will be provided before proceeding, with

Both requests are directed to the Ministry of Environment, Conservation and Parks.

The proposal requests summaries, reports, memoranda, notes of meetings and telephone calls, and e-mails related to accidents or incidents and fires occurring in wind turbines or wind power generators in Ontario, between and among the Ministry staff, District Offices, Regional Offices, wind power and wind "farm" developers/operators, and emergency services and/or police services, including but not limited to, notification of the occurrence of such incidents, reports of investigations, and any remediation activity undertaken as well as inspection or supervision by the Ministry

A second request speaks specifically to documentation surrounding the application and amendments to the original approval of the Skyway 8 Wind Turbine project.

Subsequent to the further discussion, the Working Group passed the following resolution:

MMWTWG-2022-4

Moved by: Bill Palmer - Citizen -

Municipality of Arran-

Elderslie

Seconded by: Elizabeth Thompson -

Township of Chatsworth

Be It Resolved that the Multi-Municipal Wind Turbine Working Group supports the plan to file two FOI requests as proposed in section 6.1.1 of the agenda and the cost findings be reported back to the Working Group for approval to proceed.

Carried

6.1.2 DRAFT Letters - December 14th Municipal Follow Up, Minister of Energy Re: Ontario's Energy Plan and Wind Turbines

Mr. Howard presented two DRAFT letters for potential distribution by the MMWTWG.

Also included in the materials provided by Mr. Howard was a news release and subsequent letter from the Minister of Energy outlining a directive made to the IESO in regards to the procurement of electricity resources to ensure the reliable operation of Ontario's electricity system in response to ongoing and growing electricity needs. The directive speaks specifically about the Cal stock Generating Station, The Oneida Energy Storage Project and Hydroelectric facilities.

In response, Mr. Howard has drafted a letter to be sent to Minister Todd Smith on behalf of the MMWTWG. The letter addresses concerns with the initiatives presented to assist with the reduction of carbon emissions as well as concerns regarding announcements that indicate that the PC government is encouraging organizations from urban Ontario to resume building wind turbine developments in rural parts of the province.

Mr. Howard has also drafted a letter to follow up on the letter sent in December to Municipal Clerks to raise awareness of the recently announced plans of the Ontario government that have potential to lead to new wind turbine installations in rural Ontario. The letter asks Municipality's for their support by way of written submission of concerns to Minister David Puccini, Ontario Ministry of Environment, Conservation and Parks as well as their local MPP(s). The letter reminds municipalities to look at their zoning bylaws and confirm that wind turbines remain to be an issue in rural Ontario.

Chair Allwood opened the floor for discussion. There was a general discussion regarding the impact that these initiatives would have noting that gas currently accounts for 1/3 of the province's capacity. If discontinued, a large amount of capacity will be lost and re-generated in other forms.

The Working Group discussed the merits, or lack thereof, of entering the political side of the wind turbine issue and it was noted that the mandate of the MMWTWG under the Terms of Reference is to advocate best practices and refer those to the agencies and municipalities that are affected by wind turbines. The government may decide to push wind turbines, which may be unavoidable, so it is important to ensure that proper protocols are in place to promote the safe construction and operation of those wind turbines if and/or when that happens. Other Members added that they are

completely opposed to wind turbine construction all together and the group needs to first focus on stopping construction all together of this technology and failing those efforts, work to adjust the placement and safety concerns.

There are a number of lobbyists that are pushing wind and putting a lot of pressure on the powers that are running the government and the Ministry of Energy. If no-one pushes back, then wind will win. The point that needs to get made is that wind turbines are an issue in rural Ontario.

Subsequent to further discussion, the Working Group passed the following resolutions:

MMWTWG-2022-5

Moved by: Bill Palmer - Citizen -

Municipality of Arran-

Elderslie

Seconded by: Philip M. Englishman - Citizen

- Municipality of Brockton

Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby approves the release of the letter addressed to the Honorable Todd Smith, Minister of Energy as presented by Mr. Howard to be distributed.

Carried

MMWTWG-2022-6

Moved by: Bill Palmer - Citizen -

Municipality of Arran-

Elderslie

Seconded by: Philip M. Englishman - Citizen

- Municipality of Brockton

Be It Resolved that the Multi-Municipal Wind Turbine Working Group approves the distribution of the letter as prepared by Mr. Howard, be distributed to the Municipal clerks with an amendment as discussed by the Working Group inviting participation in the working group.

Carried

7. Correspondence

7.1 Requiring Action

7.1.1 Updated Arran-Elderslie Procedural By-Law

The Working Group operates using the Procedural Bylaw adopted by the Council of the Municipality of Arran-Elderslie. A new procedural bylaw was recently adopted and the previous Bylaw repealed. The Recording Secretary provided a copy of the new bylaw with the agenda. No comments or concerns were raised. The Working Group accepted the document for information purposes.

7.1.2 Approval of Recording Secretary Invoices

The Working group passed the following resolution:

MMWTWG-2022-7

Moved by: Scott Mackey - Township of

Chatsworth

Seconded by: Steve Adams - Municipality

of Brockton

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby approves the invoices of December 2021 and January 2022 for payment.

Carried

7.1.3 Year End Financial Statement

The Working Group reviewed the financial statement and discussed the annual fee that would be effective June 1st.

Subsequent to further discussion, the Working passed the following resolution:

MMWTWG-2022-8

Moved by: Elizabeth Thompson -

Township of Chatsworth

Seconded by: Mark Davis - Municipality of

Arran-Elderslie

Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby accepts the financial statement and approves the membership fee of \$400.00 for the 2022 year.

Carried

7.2 For Information

Chair Allwood provided comment on the article regarding TransAlta, noting they indicated they were having problems with generating near their capacity due to the lack of wind and a large amount of money is lost when the turbines are offline.

Bill palmer added that there was no response received regarding the Bow Lake wind turbine failures.

MMWTWG-2022-9

Moved by: Philip M. Englishman - Citizen

- Municipality of Brockton

Seconded by: Scott Mackey - Township of

Chatsworth

Be It resolved that the Multi Municipal Wind Turbine Working Group hereby accepts the correspondence for information purposes.

Carried

- 7.2.1 Responses received Re: Wind Turbine Failures letter sent to 41 Municipalities
- 7.2.2 Article Turbine Collapse Spurs TransAlta to Rebuild Canada Wind Farm
- 7.2.3 Article Municipal group focused on wind turbines wants reports on breakage and failures
- 7.2.4 Bill Palmer Follow-Up to Our Conversation re Bow Lake Wind Turbine Failure

8. Members Updates

Bill Palmer

There is an ongoing with the Enbridge wind turbines. An update will be provided on a future agenda.

No other Members Updates were provided.

9.	New Business		
	None.		
10.	Closed Session (if required)		
11.	Resolution to Reconvene in Open Session		
12.	Adoption of Recommendations Arising from Closed Session (If Any)		
	Direction was given to staff in Closed Session for items		
13.	Adoption of Closed Session Minutes		
14.	Confirmation of Next Meeting		
	Thursday, April 14, 2022 at 7pm via Zoom		
15.	Adjournment		
	The meeting was adjourned at 9:16 pm.		
	MMWTWG-2022-10		
	Moved by:	Mark Davis - Municipality of Arran-Elderslie	
	Seconded by:	Philip M. Englishman - Citizen - Municipality of Brockton	
	Be it Resolved that the meeting of the Multi-Municipal Wind Turbine Working Group is hereby adjourned at 9:16pm.		

Carried

Tom Allwood, Chair	Julie Reid, Recording Secretary



REPORT PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: May 9, 2022

REPORT NO: PD-51-2022

SUBJECT: Information Report – Proposed Amendment to the Greenbelt

Area boundary regulation – Growing the size of the Greenbelt

CONTACT: Madyson Etzl, Planner II

Brian Treble, Director of Planning & Building

OVERVIEW:

- On March 24th 2022 the Ministry of Municipal Affairs and Housing launched a phase 2 consultation to grow the Greenbelt to seek feedback on proposed amendments to the Greenbelt plan and Greenbelt Area boundary regulation to add 13 new ad expanded Urban River Valley Areas.
- The Greenbelt Plan and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow), have worked together for over 15 years to provide a framework for where and how growth should be accommodated in southern Ontario.
- The Greenbelt Area includes lands covered by the policies of the Greenbelt Plan, as well as the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan. Collectively, these plans identify where major urbanization should not occur. The plans provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions within the Greater Golden Horseshoe and beyond.
- This report is for information purposes to inform Council that there were no lands within the Township of West Lincoln that have been affected as a result of this consultation and decision.
- Further, staff have not identified any additional lands to include at this time.

RECOMMENDATION:

That, Report No. PD-51-2022, relating to "Information Report – Proposed Amendment to the Greenbelt Area boundary regulation – Growing the size of the Greenbelt, dated May 9th 2022, BE RECEIVED for information purposes.

ALIGNMENT TO STRATEGIC PLAN:

Theme

Strategic, Responsible Growth

BACKGROUND:

The government has been clear that the Greenbelt will be protected from development for future generations. The Greenbelt is home to much of Ontario's vital environmental, groundwater and agricultural resources. That's why in the government's 2020 Budget, they pledged to expand the size of the Greenbelt.

The Greenbelt Plan has two designations:

- 1. Urban River Valleys (URVs)- added to the Plan in 2013 and 2017
 - URVs connect the Greenbelt to the Great Lakes, inland lakes and areas beyond through urban areas that are outside the Greenbelt.
 - In addition to protecting natural and water features, URVs provide recreation, tourism and cultural opportunities in natural settings.
 - The Greenbelt provides a firm boundary for the protection of lands, including any lands added as URV.
 - While some privately owned lands may be included in URVs, URV policies apply only to publicly owned lands and rely on municipal official plan policies.
 - URV lands are mostly designated in municipal official plans as parks, open space, recreation, conservation and/or environmental protection.
- 2. Protected Countryside comprises most of the area covered by the Greenbelt Plan. In addition to general polices that apply across the Greenbelt, there are three geographic specific policy areas:
 - Agricultural System
 - Natural System
 - Settlement Area

In addition, there are general policies and parkland, open space and trails policies that apply to the Protected Countryside; however, the parkland, open space and trails policies apply across the Greenbelt.

During phase 1 of the consultation, the Ministry sought feedback on ways to grow the size and enhance the quality of the Greenbelt, which included seeking ideas for adding, expanding and further protecting the Greenbelt.

CURRENT SITUATION:

At this time, the Ministry is proceeding with a proposal to consult on adding 13 Urban River Valley areas to the Greenbelt Plan as part of phase 2.

The Ministry of Municipal Affairs and Housing sought feedback on ways to grow the size and further enhance the quality of the Greenbelt, with a priority of:

- A study area of lands focussed on the Paris Galt Moraine, which is home to critical groundwater resources
- Ideas for adding, expanding and further protecting Urban River Valleys

The proposed amendments to the Greenbelt Act would be to add the following to O Reg. 59/05:

- 13 Urban River Valley areas which provide additional connections through urban settings to expand and integrate the Greenbelt and its systems into the broader southern Ontario landscape, including:
 - Addition of Stoney Creek in Hamilton as a new URV
 - Adding Battlefield Creek in Hamilton as a new URV
 - Expansion of Wilmot Creek in Clarington
 - Expansion of Soper Creek and Bowmanville Creek in Clarington
 - Expansion of Harmony Creek URV by adding Darlington Provincial Park, partially located in Oshawa and partially located in Clarington
 - Expansion of Oshawa Creek URVs in Oshawa
 - Extension of Fourteen Mile Creek URV in Oakville
 - Provincially identified URV expansions including:
 - Expansion of Don River URV in Toronto by adding
 - Burke Brooke
 - Wilket Creek
 - Taylor-Massey Creek
 - Expansion of Humber River URV in Toronto by adding:
 - Humber Creek
 - Black Creek

The regulation which has since then been passed as of April 23rd 2022, the comment period closed on April 23rd 2022. The amendments were specifically about growing the size and quality of the Greenbelt, and the government will not consider the removal of any lands form the Greenbelt Area as described in O Reg. 59/05.

The purpose of this amendment is to expand the Greenbelt Area to enable the policy coverage of the Greenbelt Plan to be extended to these 13 new Urban River Valley areas to grow the size and quality of the Greenbelt. Planning staff did not comment on this ERO posting as the proposal did not directly affect any of the lands within the Township. Township staff have not identified any additional lands to include at this time.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

INTER-DEPARTMENTAL COMMENTS:

Planning staff had no further comment to this EBO posting as the Township of West Lincoln's Greenbelt lands are very limited and were not a part of this proposal.

CONCLUSION:

This report is provided to Committee and Council to keep the Township informed of the Provincial Policy proposals that are occurring in relation to the "Growing the Greenbelt" project. This policy amendment does not directly affect the Greenbelt designated lands that fall within the Township of West Lincoln boundaries. This report was provided for information purposes.

ATTACHMENTS:

- 1. Notification Letter
- 2. Proposed Mapping

Prepared & Submitted by:

Approved by:

Madyson Etzl Planner II

Bev Hendry

CAO

Brian Treble

Director of Planning & Building

Ministry of Municipal Affairs and Housing

Office of the Minister

777 Bay Street, 17th Floor Toronto ON M7A 2J3 Tel.: 416 585-7000

Ministère des Affaires municipales et du Logement

Bureau du ministre

777, rue Bay, 17e étage Toronto ON M7A 2J3 Tél.: 416 585-7000



234-2022-378

March 24, 2022

Dear Head of Council:

RE: Phase 2 Consultation on Urban River Valleys to Grow the Greenbelt:

Proposed amendments to the Greenbelt Plan (2017) and Greenbelt Area

Boundary Regulation (O. Reg 59/05) and Ideas for Adding more Urban River

Valleys to the Greenbelt

I am writing today to announce that the Ministry of Municipal Affairs and Housing (MMAH) is launching the next phase in its consultation on Growing the Greenbelt.

In Ontario's 2020 and 2021 budgets, the government committed to protecting and expanding the Greenbelt.

In the spring of 2021, our government held consultations focused on ways to grow the size and enhance the quality of the Greenbelt, which included seeking ideas for adding, expanding and further protecting Greenbelt lands.

Since the close of the <u>first phase of consultation</u>, our government has been undertaking work to identify potential boundaries to grow the Greenbelt that takes a balanced approach to supporting smart growth to create much-needed housing and jobs.

As a result, this phase of the consultation (Phase 2) will seek feedback on both:

- 1. Proposed amendments to the Greenbelt Plan (2017) and the Greenbelt Area boundary regulation (O. Reg 59/05) that includes the addition of 13 new and expanded Urban River Valley areas. The consultation is open for 30 days and ends on April 23, 2022; and
- 2. **Ideas for adding more Urban River Valleys to the Greenbelt** through new Urban River Valleys and expansions to existing Urban River Valleys that could include tributaries or parcels of publicly owned land. This part of the consultation is open for 30 days and ends on April 23, 2022.

This proposal is about growing the size and quality of the Greenbelt, and the government will not consider the removal of any lands from the existing Greenbelt, nor will it consider any changes that reduce existing policy protections in the Greenbelt.

.../2

For more information on these proposals, please visit <u>ERO 019-4485 - Proposed</u>

Amendment to the Greenbelt Plan - Growing the size of the Greenbelt and

Ontario.ca/Greenbelt where you will find information including the proposed amendments to Greenbelt Plan Schedules 1, 2 and 4, proposed mapping amendments to the Greenbelt Area boundary regulation (O. Reg 59/05) and interactive mapping displaying the proposed URV additions at various scales.

If you have any questions about the consultation, please contact the ministry at greenbeltconsultation@ontario.ca

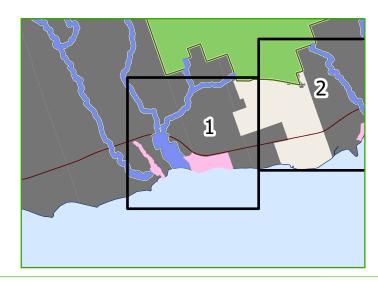
I look forward to receiving your input on this proposal.

Sincerely,

Steve Clark Minister

c: Planning Head and/or Clerks

greenbelt



LEGEND

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Proposed Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area

Ontario 😿

- Settlement Areas Outside the Greenbelt
- - Municipal Boundary
- Road or Highway

Maps are for Consultation Purposes Only

Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

Produced by and using data sources from the: Ministry of Municipal Affairs and Housing; Ministry of Northern Development, Mines, Natural Resources and Forestry; Ministry of the Environment, Conservation and Parks; and, the Ministry of Agriculture, Food and Rural Affairs.

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*Ontario Regulation 59/05, as amended. 0 0.3 0.6

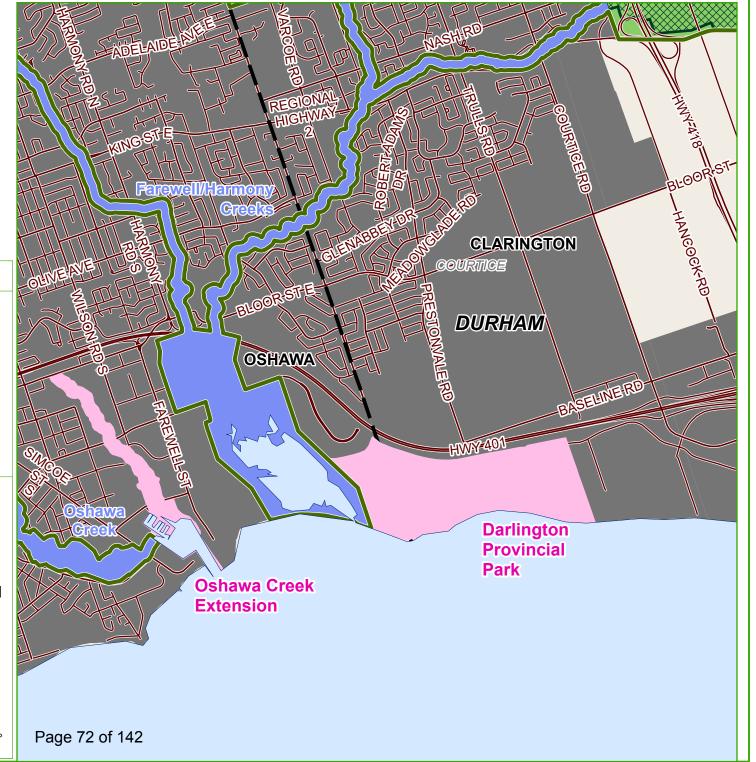
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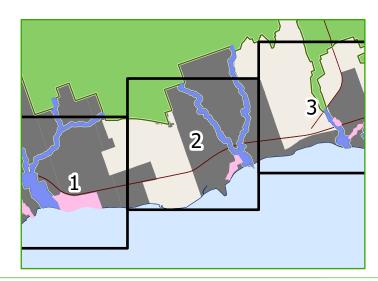


Map North: 0°

Greenbelt Plan, map division and enlargement

Proposed Urban River Valley Map 1





LEGEND

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Proposed Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area

Ontario 😚

- Settlement Areas Outside the Greenbelt
- ---Municipal Boundary
- Road or Highway

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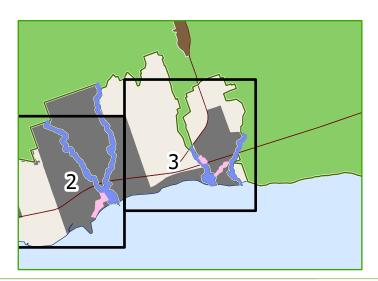
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Map North: 0°

Greenbelt Plan, map division and enlargement







LEGEND

Greenbelt Area*

Protected Countryside

Natural Heritage System

Towns/Villages

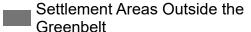
Urban River Valleys

Proposed Urban River Valleys

Niagara Escarpment Plan Area

Oak Ridges Moraine Area

Ontario 🕜



--- Municipal Boundary

— Road or Highway

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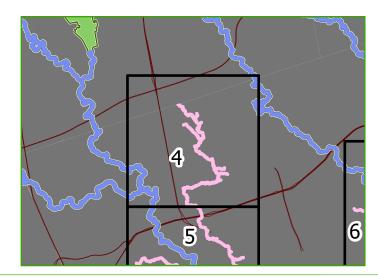
*Ontario Regulation 59/05, as amended. 0 0.3 0.6

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Map North: 0°

Proposed Urban River Valley Map 3 Greenbelt Plan, map division and enlargement GON-RD-3. DURHAM -GONGES SION-ST-E-CLARINGTON Wilmot Creek Additional Wetlands REGIONAL-HIGHWAY HWY=401 Wilmot Gree -LAKE-RD BOWMANVILLE AND NEWOASTLE Page 74 of 142



LEGEND

Greenbelt Area*

Protected Countryside

Natural Heritage System

Towns/Villages

Urban River Valleys

Proposed Urban River Valleys

Niagara Escarpment Plan Area

Oak Ridges Moraine Area

Ontario 😵

Settlement Areas Outside the Greenbelt

- - Municipal Boundary

— Road or Highway

Maps are for Consultation Purposes Only

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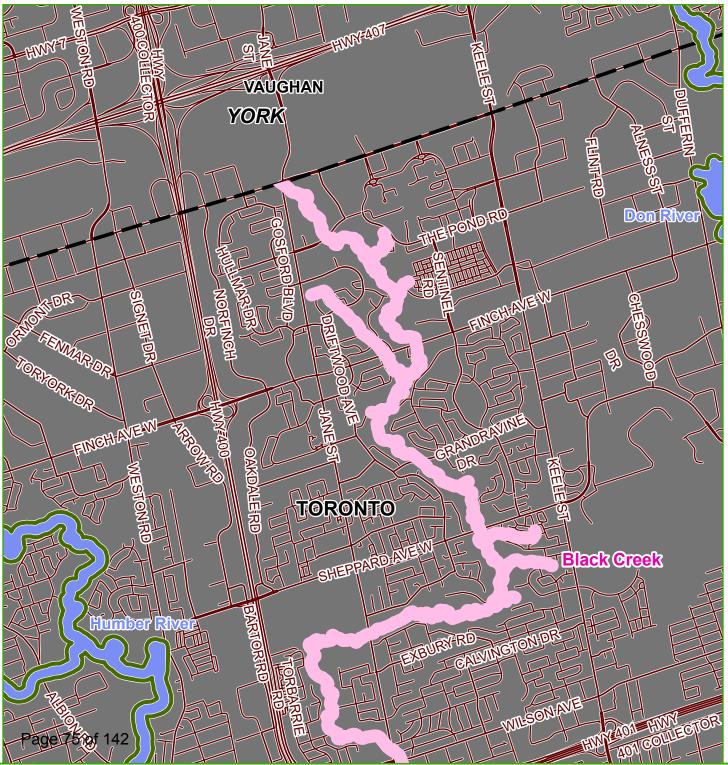
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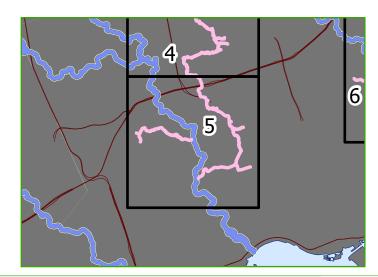


Map North: 0°

Greenbelt Plan, map division and enlargement

Proposed Urban River Valley Map 4





LEGEND

- Greenbelt Area*
- **Protected Countryside**
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- **Proposed Urban River Valleys**
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area

Ontario 😚

- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

Maps are for Consultation Purposes Only

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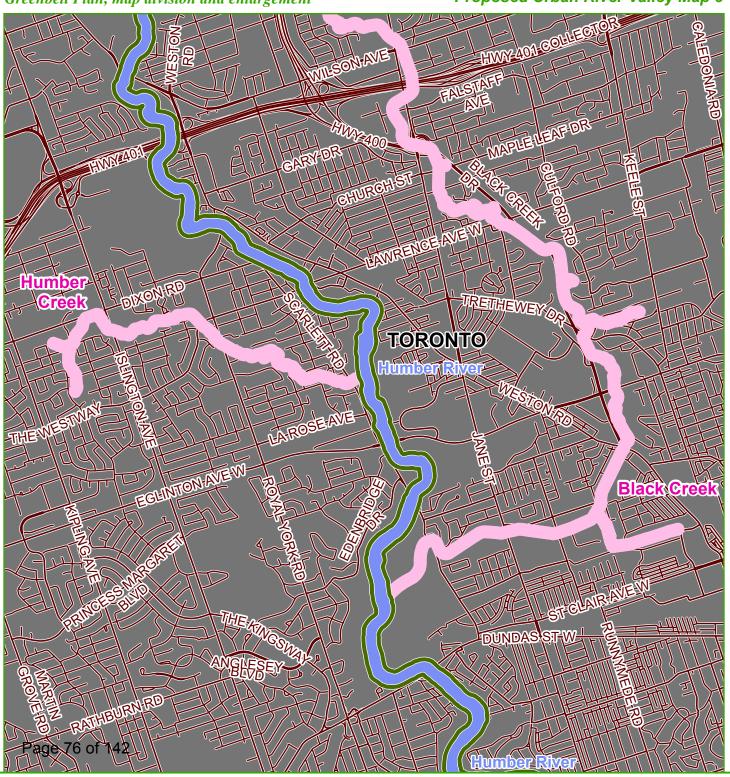
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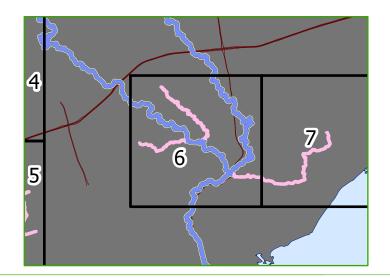


Map North: 0°









LEGEND

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Proposed Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area

Ontario 😵

- Settlement Areas Outside the Greenbelt
- ---Municipal Boundary
- —Road or Highway

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*Ontario Regulation 59/05, as amended. 0 0.3 0.6

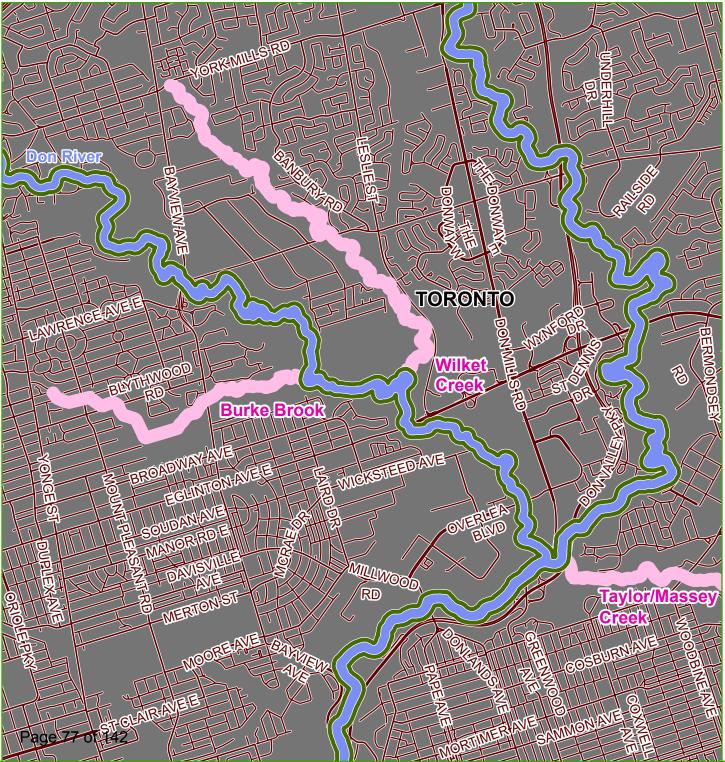
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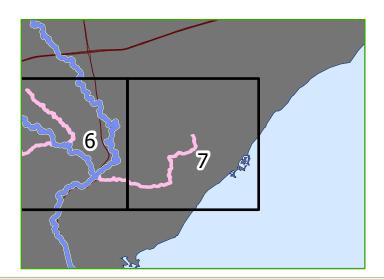


Map North: 0°

Greenbelt Plan, map division and enlargement







LEGEND

Greenbelt Area*

Protected Countryside

Natural Heritage System

Towns/Villages

Urban River Valleys

Proposed Urban River Valleys

Niagara Escarpment Plan Area

Oak Ridges Moraine Area

Ontario 😚

Settlement Areas Outside the Greenbelt

Municipal Boundary

Road or Highway

Maps are for Consultation Purposes Only

Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

Produced by and using data sources from the: Ministry of Municipal Affairs and Housing; Ministry of Northern Development, Mines, Natural Resources and Forestry; Ministry of the Environment, Conservation and Parks; and, the Ministry of Agriculture, Food and Rural Affairs.

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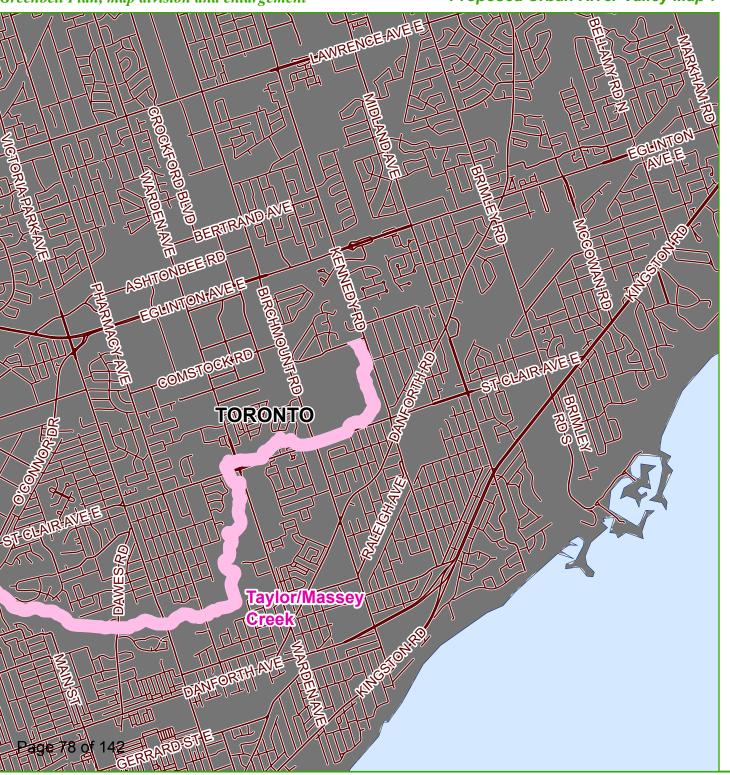
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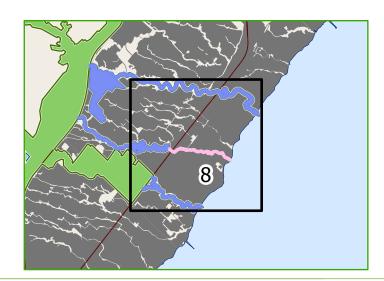
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Map North: 0°

Proposed Urban River Valley Map 7 Greenbelt Plan, map division and enlargement





LEGEND

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Proposed Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area

Ontario 😵

- Settlement Areas Outside the Greenbelt
- ---Municipal Boundary
- Road or Highway

Maps are for Consultation Purposes Only

Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

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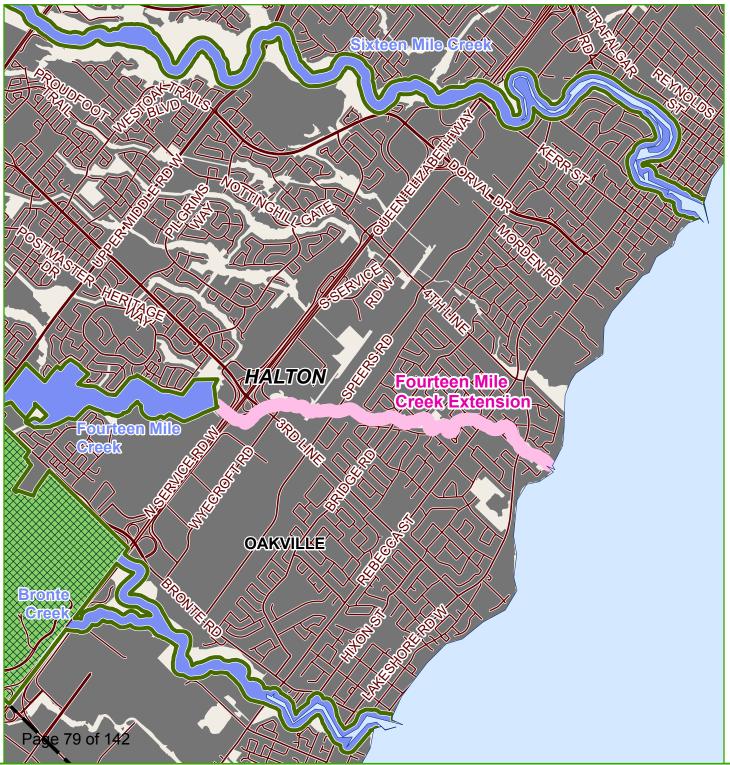
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Map North: 0°

Greenbelt Plan, map division and enlargement





LEGEND

Greenbelt Area*

Protected Countryside

Natural Heritage System

Towns/Villages

Urban River Valleys

Proposed Urban River Valleys

Niagara Escarpment Plan Area

Oak Ridges Moraine Area

Ontario 😵

Settlement Areas Outside the Greenbelt

--- Municipal Boundary

— Road or Highway

Maps are for Consultation Purposes Only

Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

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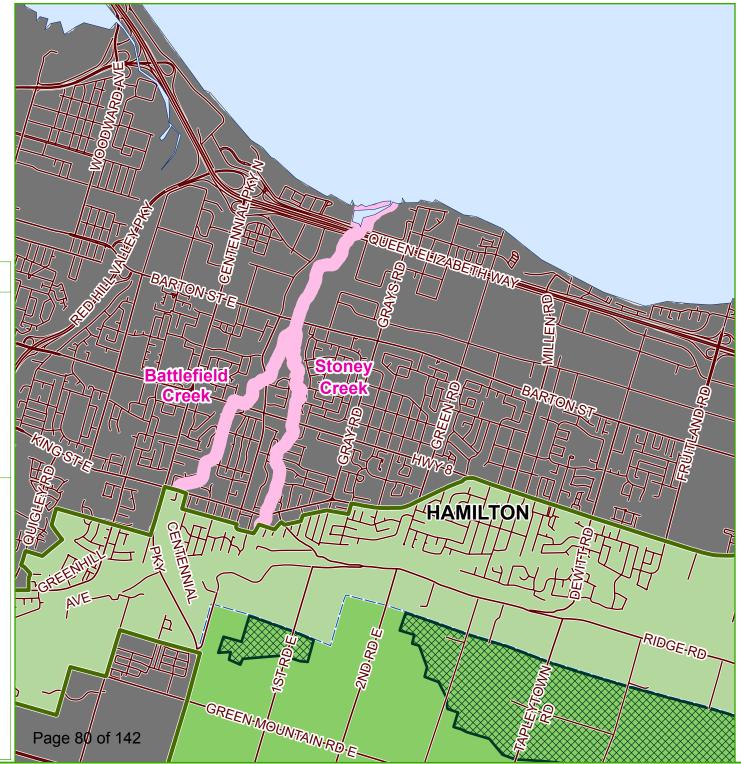
*Ontario Regulation 59/05, as amended. 0 0.3 0.6

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Greenbelt Plan, map division and enlargement

Proposed Urban River Valley Map 9



MULTI-MUNICIPAL WIND TURBINE WORKING GROUP

TOM ALLWOOD, COUNCILLOR, GREY HIGHLANDS, CHAIR STEVE ADAMS, COUNCILLOR, BROCKTON, VICE-CHAIR 1925 BRUCE ROAD 10, BOX 70, CHESLEY, ON NOG 1L0 519-363-3039 FAX: 519-363-2203 deputyclerk@arran-elderslie.ca

April 22, 2022

Dear Mayor and Members of Council,

The mandate of the Multi Municipal Working Group (MMWTWG) is to share, discuss and advocate best practices and other means to address mutual concerns regarding proposals to locate and install industrial/commercial wind generation facilities to all the relevant Government Ministries and Agencies.

At the April 14, 2022 meeting of the Multi-Municipal Wind Turbine Working Group passed the following resolution:

Agenda Number: 7.2.4

Resolution No. MMWTWG-2022-17
Title: Setback Recommendation
Date: Thursday, April 14, 2022

Moved by: Bill Palmer - Citizen - Municipality of Arran-Elderslie Seconded by: Bob Purcell - Mayor - Municipality of Dutton Dunwich

To address concerns related to noise and the public safety of citizens, the Multi Municipal Wind Turbine Working Group recommends that the following setbacks from wind turbines should be adopted in each municipality:

- 1. 2000 metres from any wind turbine and any noise receptor, including homes, schools, places of worship, and locations where citizens go for relaxation, such as parks and community centres.
- 2. 1200 metres from any wind turbine and the lot line of any non-participating citizen, or a place where a citizen can access, such as public roadways, or waterways.

Further, that the Recording Secretary is empowered to prepare a letter to all municipalities in Ontario and the responsible Ministries, (Ministry of the Environment Conservation and Parks, and Ministry of Municipal Affairs) to be signed by the chair of the MMWTWG for immediate release.

CARRIED

Through changes made to the Planning Act in 2019, the province returned powers to municipalities to ensure that they have the final say on energy projects in their community. Proponents of new projects need to confirm that their project is permitted by the municipalities' zoning bylaws. Now that there are reports that sites are being sought for new wind turbines, it is timely that municipalities review the provisions in their zoning bylaws and update them as appropriate.

Key elements in zoning bylaws are setbacks between activities. While experience with the existing wind turbine projects in Ontario and changes in other jurisdictions indicate that the current provincial setbacks are inadequate to protect health of nearby residents. Municipalities are free to establish their own setbacks used in local bylaws. It is in this context that the MMWTWG is providing these recommendations to your municipality.

Attached is a summary of information related to setbacks. It includes a review of different setbacks based on a review by the Polish Public Institute of Health as well as information on setbacks used in other jurisdictions. The 2000 m setback from noise receptors is designed to provide protection from audible noise as well as low frequency noise and infrasound which travels greater distances that could occur from multiple turbines permitted by the current setback of 550 metres. Similarly, although 1200 metres may be a larger distance than we have observed significant pieces of blades travel from the towers, it provides a buffer to give protection from fire, or shadow flicker, that can cause problems further than blade pieces fall.

The Multi-Municipal Wind Turbine Working Group invites the participation of all municipalities across Ontario. To obtain details regarding the group's mandates, Terms of Reference and how to be come a Member, please reach out to our Recording Secretary, Julie Hamilton at deputyclerk@arran-elderslie.ca. Size in numbers provides a louder voice to be heard!

Warmest Regards, On behalf of the Chair, Tom Allwood

Julie Hamilton, Recording Secretary Deputy Clerk

Municipality of Arran-Elderslie,

1925 Bruce Road 10, PO Box 70 Chesley, ON NOG 1L0

519-363-3039 ext. 105

Julistamitten

deputyclerk@arran-elderslie.ca

c. Honourable David Piccini, Minister of Environment, Conservation and Parks, minister.mecp@ontario.ca, Honourable Steve Clark, Minister of Municipal Affairs and Housing, minister.mah@ontario.ca

Encl.

Setback Information

Current Ontario Rules – Regulation 359/09				
Receptors	550 metres	Audible noise only based on 40 dBA		
Property Lines	Blade length plus 10 metres	Typically 60 metres		

Polish Public Health Institute Review					
Audible Noise	.5 to .7 km No adjustments for pulsing/tonal quality				
Total Noise	1.0 to 3 km	to 3 km Includes low frequency noise & pulsing/tonal adjustments			
Shadow Flicker	1.2 to 2.1 km	Depends on height of turbine			
Ice Throw	.5 to .8 km	Fragments of ice thrown from blades			
Turbine Failure	.5 to 1.4 km	Potential distance for blade fragments			

Examples of Setbacks

Jurisdiction	Set-back	Comments
Dutton-Dunwich, ON	2,000 M	To receptors
Mason County, Kentucky	1,600 M	To property line
Caratunk County, Maine	2,414 M	To property line
Wyoming	1,110 M	5.5 X height to property line
Bavaria, Germany	2,073 M	10 X hub height plus blade length
Sachsen, Germany	1,380 M	10 X hub height
Northern Ireland	1,386 M	10 X rotor diameter
Poland	2,073 M	10 X hub height plus blade length

WCO | WIND CONCERNS ONTARIO

REPORT

Community group coalition recommends 2-kilometer setback for Ontario wind turbines to protect health, safety

March 8, 2022

OTTAWA--- Wind turbines built in Ontario to generate electricity from wind energy should have a setback of a minimum of two kilometers says Wind Concerns Ontario.

Ontario's present regulations for siting of wind turbines cite a minimum of 550 metres; that is not adequate to protect health or safety, Wind Concerns Ontario says.

The Ontario government currently has almost 7,000 formal Incident Reports documenting environmental noise pollution, dating from 2006 to the end of 2018, many of which also contain citizen complaints of adverse health effects.¹

"Since wind turbines first started operating in Ontario, people have been complaining about the noise," says Jane Wilson, RN, Wind Concerns Ontario president. "The comments made to Provincial Environmental Officers are just heartbreaking—people cannot sleep for days on end. They often leave their homes to get rest. Some of them leave, and never go back."

Environmental noise pollution is a known factor in adverse health effects including sleep disturbance, which over the long term, can lead to other health effects such as high blood pressure and other cardiac problems.

The Ontario government pledged to monitor research around the world and revise regulations as required, but this has not occurred, Wind Concerns Ontario says. The Ontario government returned siting powers to municipalities when it amended the Planning Act in 2019, but it did not provide any guidance as to what new zoning by-laws could be.

At present, many jurisdictions—particularly those with a long history of using wind turbines—are adopting greater setbacks for health and safety. In Bavaria, Germany, for example, setbacks from residences are 10 times the height of the turbine which is equivalent to more than 2,000 metres or 2 kilometres. In Spain, Sweden, Scotland and Poland, setbacks are between 1 and 2 kilometres. In its new zoning bylaw, the Ontario municipality of Dutton-Dunwich implemented a setback of 2,000 metres.

¹ Wind Concerns Ontario. 2021. Response to Wind Turbine Noise Complaints by Ontario's Environment Ministry 2018.

Wind turbine noise is uniquely intrusive on the environment. U.S. acoustics professional Robert Rand says, "Unlike other power plant technologies which have numerous noise control options, the only reliable noise control for wind turbines is distance."²

Other jurisdictions may have greater setbacks, and some have shorter, says Wilson. "We believe 2 kilometres is a reasonable compromise to protect health. Given the evidence, wind power operators should be supportive of every effort to be good acoustic neighbours."

Wind turbine setbacks need to apply to all types of receptors including residential locations, both participant and non-participant, work locations, including farm locations, other employment locations, care facilities and schools.

A recent review of turbine equipment failures conducted by a group of Ontario municipalities also highlighted the inadequacy of the current setback of blade length plus 50 metres from property lines. The failure incidents profiled show that a minimum setback from the property line of tower height plus blade length (at least 200 metres for equipment used currently) is needed to protect against complete tower collapse. Additional distances are needed to protect against ice throw and the scattering of debris that can extend as far as twice the height of a wind turbine tower.

New setbacks also need to be applied to any repowering of existing turbines. The current practice of "grandfathering" existing wind turbines is not appropriate in light of evidence.

Wind Concerns Ontario is a coalition of community groups and individuals concerned about the negative impacts of industrial-scale or grid scale wind turbines (IWTs) on the environment, human health and the economy.

contact@windconcernsontario.ca

Jane Wilson

www.windconcernsontario.ca

² Rand, Robert. 2019. Health Impacts of Industrial Wind Turbines. Presentation at Erie County Community College, September 10, 2019.

APPENDIX 1: CURRENT SETBACKS IN VARIOUS JURISDICTIONS

EXAMPLES OF U.S. SETBACKS

State	County	Setback (m)	Comment
Indiana	Miami	600	Property lines
Kansas	Pratt	628	
Kentucky	Mason	1,600	Property Lines
Maine	Caratunk	2,414	Property Lines
	Clifton	1,219	Residences
Nebraska	Lancaster	1,600	Residences
N. Carolina	Newport	1,524	Property Lines
Oregon	Umatilla	3,219	Residences
Wyoming	All Counties	1,100	5.5 X Height to Property Lines

^{*}Note the setbacks to property lines, not the centre of houses as in Ontario

EXAMPLES OF EUROPEAN SETBACK DISTANCES

Country	Set-back
Austria	800 to 1,200 m
Denmark	4 X total height – 829 m
Estonia	1,000 to 2,000 m
Bavaria, Germany	10 x total height – 2,073 m
Baden, Germany	700 m
Brandenburg, Germany	1000 m
Sachsen, Germany	10 X hub height – 1,380 m
Hungary	1,000 to 2,000 m
Poland	10 x total height – 2,073
England	Local – 700 m to 10 x height
N Ireland	10 x rotor diameter – 1,386 m
Scotland	Local up to 2,000 m

Source: European Commission. 2018. Wind potentials for EU and neighbouring countries, p.52.



REPORT PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: May 9, 2022

REPORT NO: PD-53-2022

SUBJECT: Recommendation Report –Stanpac Request to Waive Minor

Variance Fee and Building Permit Fee

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

• Stanpac is a very prominent and successful employer in Smithville. Since the owners live in our community as well, they are very community focused.

- Both Stanpac and the Township have been concerned about recent complaints that have been received from residents of the community. The complaints seem to relate to a collection system tied to a recently installed recycling system that was intended to drive operational efficiencies.
- Unfortunately, noise is generated by the new system, which, at night, appears to travel throughout Smithville and is especially loud on nights of east/northeast winds. There are over thirty complaints known to staff.
- Stanpac has been working closely with the Ministry of the Environment who is responsible for stationary noise sources. Further, a noise report and noise testing has been completed.
- In fact, Stanpac has been exceedingly cooperative with the MOE, who, at present have not found any noise expedience's beyond permitted noise limits. That being said, all parties continue to cooperate.
- Township staff and Ward Councilors have regularly been in touch with community residents, Stanpac and MOE, but have no enforcement authority.
- In an effort to go above and beyond to address community concerns, Stanpac has a solution that they have been told will work by their acoustical engineers.
- This solution carries a price tag of around \$200,000 plus application fees to the Township of West Lincoln.
- Stanpac requests, and Township staff support, that the minor variance fee (exception to height limitation) and the building permit fee be waived as it is in the broader community interest to attempt to assist to resolve this issue.

RECOMMENDATION:

- That, report PD-53-22, regarding "Recommendation Report Stanpac Request to Waive Minor Variance Fee and Building Permit Fee", dated May 9, 2022 be RECEIVED; and,
- 2. That, the minor variance application fee of \$1725.00, be waived and that the building permit fee (estimated value to not exceed, depending on final classification, \$3700) be waived; and,
- 3. That, Township staff work with the Committee of Adjustment to process a Minor Variance application in as timely a fashion as possible in order to allow a building permit to be issued; and,
- 4. That, the authority to waive fees apply prior to the ratification of this report by Township Council.

ALIGNMENT TO STRATEGIC PLAN:

Theme ## 5

Community Health and Safety

BACKGROUND:

Stanpac began over 70 years ago and is a major community supporter of ongoing events and organizations in West Lincoln and the Niagara Region. Stanpac's success can be attributed to its community dedication, its grass roots and its love of Smithville.

For all of these reasons and more, ongoing dialogue has occurred recently about a noise issue that seems to originate in new equipment that was installed at the stanpac main plant.

CURRENT SITUATION:

Dialogue is continuing between Stanpac, the community, the Township and the Ministry of the Environment (MOE). This dialogue is above and beyond anything that is required because the noise level is fully compliant with Ministry standards and no improvements can be mandated at this time.

Township staff and Council recognize the efforts of Stanpac to improve the situation and are thrilled that Stanpac and the community are hopeful to find a resolution.

Recent discussions have identified the prospect of an enclosure with a roof being a solution that should resolve the issue. This solution is expensive and so Stanpac is asking for the Township to agree to offset the cost as it will benefit the community.

There is no question, given in excess of the thirty complaints, yet no real violation, simple a willingness to solve the issue, Township staff recommend that Council support the Stanpac request as a way to show support for a business who is willing go above and beyond to resolve a broad community concern.

Township staff have received a request to waive a minor variance fee and a building permit fee and to attempt to expedite the minor variance timeline. It is in the community's best interest to do so; the requests are as follows:

- 1. Waive the minor variance fee since the enclosure will be taller than permitted by the by-law. This fee is approximately \$1725.00.
- 2. Waive the building permit fee. Although design detail and engineering drawings have not been provided, the CBO estimates that this permit fee could be in the range of \$3700, depending on final classification.
- 3. That the minor variance timeline be expedited. This request is tougher since timelines are mandated in the Planning Act. It is possible, however, to commence processing the application immediately and to include the agenda item on the May 25th, 2022 meeting of the Committee of Adjustment. This is a fast turnaround.

Staff support these requests and will attempt to expedite the process while also being fair and thorough in our review. There is substantial community interest in finding a resolution.

FINANCIAL IMPLICATIONS:

The cost of this request should not exceed \$6000, even if a special meeting of the Committee of Adjustment is called.

INTER-DEPARTMENTAL COMMENTS:

Not applicable.

CONCLUSION:

Staff support Stanpac's efforts to find a solution to the noise issue. Such a solution will benefit the broader community and Township staff recommend that the requested minor variance fee and building permit fee be waived in order for the Township to play a small role in helping alleviate noise concerns for the community.

Prepared & Submitted by:	Approved by:
Jane July	Stlerdy
Brian Treble Director of Planning & Building	Bev Hendry CAO



Date: May 6, 2022

To: Brian Treble, Corporation of the Township of West Lincoln, Director of Planning

From: Spencer Kennedy-Brown, Stanpac Inc., Facilities Manager

Subject: Variance and Building Permit Fee Waiving for Sound Mitigation

Mr. Treble,

As per discussions earlier this week, this letter is to confirm the request for the waiving of a Zoning Minor Variance fee and Building Permit fee related to Stanpac Inc.'s potential mitigation structure for further noise reduction of the Cyclone Dust Collector/Separator.

Should you require anything further please reach out at the information listed below.

Yours Truly,

Spencer Kennedy-Brown

Facilities Manager

Stanpac Inc.

M: 905-360-0163

E: spencer.brown@stanpacnet.com





REPORT PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: May 9, 2022

REPORT NO: PD-49-2022

SUBJECT: Zoning By-Law Amendment - Recommendation Report - Neil

Carter – 2990 South Grimsby Road 18 (File No. 1601-002-22)

CONTACT: Madyson Etzl, Planner II

Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for rezoning was submitted by Neil Carter for the property legally described as Concession 8, Part of Lot 34, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2990 South Grimsby Road 18. (See Attachment 1 for a survey sketch).
- This application for rezoning is required to rezone the property from a Residential Low Density Zone (R1A) to a Residential Low Density Zone with a site specific exception (R1A-214) to allow for the applicants to operate a home industry which will include a private data processing center. Home Industries are not permitted in a Residential Low Density Zone, except by amendment.
- This applicant first attended a Pre-Consultation meeting with planning staff on December 16th 2021, where it was determined that a Zoning amendment application would be the best route due to the nature of the proposed operation.
- The data processing center is proposed to run out of the existing 157 square meter accessory building. The home industry is only expected to take up approximately 78 square metres of the existing garage, approximately 45-50% of the area.
- This data processing centre will consist of specialized computer equipment connected to the internet that would be running 24/7 and will be using a substantial amount of electricity. The high tech equipment will be cooled with a dialectical fluid immersion system that uses a dry cooler outside of the building. This unit has been proposed to be located to the rear of the existing accessory building. The noise level of the dry cooler is proposed to be less than 74 decibels and can be comparable to a common air conditioning unit.
- A public meeting was held via Zoom on April 11th 2022. 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.
- Staff will require that the accessory building is in full compliance with the Ontario Building Code and Fire Code.

RECOMMENDATION:

- That, Report PD-49-2022, regarding "Recommendation Report Zoning Bylaw Amendment – Neil Carter 2990 South Grimsby Road 18 – File No. 1601-002-22" dated May 9th 2022, be RECEIVED; and,
- 2. That, an application for Zoning By-law Amendment 1601-002-22 submitted by Neil Carter and a corresponding Zoning By-law be APPROVED and passed; and
- 3. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

ALIGNMENT TO STRATEGIC PLAN:

Theme

• Strategic Responsible Growth

BACKGROUND:

An application for a Zoning By-law Amendment has been submitted by Neil Carter for the property legally described as Concession 8, Part of Lot 34, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2990 South Grimsby Road 18. (See **Attachment 1** for a survey sketch).

This application for rezoning has been submitted to rezone the Residential Low Density Property (R1A) to Residential Low Density with a site specific provision to permit a home industry. (R1A-214) Home industries are not permitted in the Low Density Residential zone, except by amendment. This rezoning is required to permit a data processing centre in the existing accessory building. The accessory building is approximately 157 square metres in size and the business is proposed to use approximately 40-50% of the total area of the garage (78 square metres). More specifically the applicants are proposing to operate computer servers engaged in various data processing tasks across the IT spectrum. This would include Al computer data systems, specifically deep machine learning under Google Tensor processing units and IOT edge devices. This data processing centre will consist of specialized computer equipment connected to the internet that would be running 24/7 and will be using a substantial amount of electricity. The high tech equipment will be cooled with a dialectical fluid immersion system that uses a dry cooler outside of the building. This unit has been proposed to be located to the rear of the existing accessory building. The noise level of the dry cooler is proposed to be less than 74 decibels and can be comparable to a common air conditioning unit. Planning staff will require full compliance with the Ontario Building Code and Fire Code.

The applicant has assured planning staff that there will be no retail staff on site as this is a business to business operation. As a result, there will not be any increase in traffic or parking on South Grimsby Road 18, and the data processing centre will not create any additional noise.

CURRENT SITUATION:

Township Staff have reviewed the application to determine alignment with the relevant Provincial, Regional and Local policies.

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.

Section 1.1.3 of the PPS outlines policies regarding hamlet settlement areas. 2990 South Grimsby Road 18 is located within the Hamlet settlement area of Fulton. The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

The subject application is for a home industry for a data processing facility to operate out of an existing accessory building on the property. The accessory structure is in an area of the property that has historically been used in association with the residence on the property and the home industry will not take up any new area on the subject property. The residential use and appearance of the property will continue and will not be impacted by the proposed home industry. As per the application, the operation will only employ the property owner and one other person. The proposed home industry meets the intent of the policies in the PPS.

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

Applications filed after June 16, 2006 must conform to the Provincial Growth Plan (Places to Grow). Section 1.4 of the P2G provides direction on how to read the Places to Grow Plan, specifically noting that: This Plan should be read in conjunction with the applicable PPS. Since there are no applicable policies within the P2G for this particular situation, the PPS will be the only set of provincial policies to apply.

3. Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are 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 Niagara Region does not have policies that generally speak to Home Industries, however they have Commercial policies which state that a commercial use would be permitted on the property municipally known as 2990 South Grimsby Road 18 as long as it is compatible with the surrounding area.

Policy 4.H.1 of the Regional Policy plan outlines policy regarding hamlet settlement areas. As this property is located within the Hamlet Settlement area of Fulton these policies will apply. Policy 4.H.1.4 states that Hamlets are generally lower density communities designed to support the surrounding agricultural and rural landscape and service the historical development that has occurred in the hamlet community. Hamlet design shall maintain and enhance the distinctive character of the hamlet, maintain and enhance a recognizable image for the hamlet and municipality, enhance the quality of life through appropriate design of commercial and public space areas, and promote greater economic vitality.

In reviewing this application, the scale of the operation is very small with only two employees, and fully contained within an existing accessory residential building which includes the resident of the dwelling. There will be limited to no impact on the surrounding residential properties as the entirety of the business is located inside the accessory building and there are no staff commuting to the site.

5. Township of West Lincoln Official Plan (OP)

The subject property located at 2990 South Grimsby Road 18 is located within the Hamlet Settlement Area of Fulton. In Section 7.2.3 of the Township's Official Plan it states that lands will be designated Hamlet on the land use schedule and will be zoned to recognize current uses where appropriate. The Township Zoning By-law will regulate the uses that are permitted in Hamlets.

Section 7.2.3 i) states that new commercial and industrial uses shall be permitted by a Zoning Bylaw amendment, and in considering an application to rezone for such uses, Council shall have due regard to the compatibility of the proposal with neighbouring residential uses. Such uses shall be encouraged to locate in groups and preferably at the junction of major roads where safe access points can be provided.

Section 7.2.3 j) requires that when considering a change of use, by rezoning, provisions will be made for adequate setbacks from property lines, for lands to be set aside in certain cases for landscaping and buffering purposes, for off-street parking facilities, prohibition of nuisances and control over outside storage. The density and character of new development will be strictly regulated by Council in order to ensure a satisfactory Hamlet environment.

The proposed home industry will not remove any lands from the residential use of the property and will be extremely small in scale with the owner operating the business. As this business is a business to business operation there will be limited traffic to and from the property. The property will remain in a Rural Residential designation and zone and the use would be permitted through an exception to the Zoning By-law to permit a Home Industry on the property.

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

The subject property is currently zoned Residential Low Density 'R1A' in the Township's Zoning By-law.

The proposed application is to rezone the property from Residential Low Density 'R1A' to Residential Low Density with a site specific provision 'R1A-214' zone to permit a home industry. A home industry is defined in the Township's Zoning Bylaw as 'The accessory use of a dwelling, or of an accessory building or structure to a permitted dwelling, for an occupation or business which results in a product or service". Home Industries are not permitted in the Residential Low Density Zone, except by a zoning amendment.

Other provisions for Home Industries include the following;

- a) A home industry shall be located within a dwelling and/or within an accessory building or structure to a dwelling, except where specifically provided otherwise in this By-law, and only where permitted by the applicable zone.
- b) The residential appearance and character of the dwelling shall be maintained.
- c) A maximum of one (1) home industry shall be permitted on a lot, except where specifically provided otherwise in this By-law.
- d) A home industry that is located in whole or in part within a dwelling shall only be permitted where the ground floor area of the dwelling unit is not less than 55 square metres and shall occupy a maximum of 25% of the gross floor area of the dwelling.
- e) A home industry shall only be located in whole or in part within an accessory building or structure or private garage where:
 - The lot has a minimum lot frontage of 24 metres; and,
 - The lot has a minimum lot area of 4,000 square metres; and,
 - The accessory buildings or structures comply with the requirements of Section 3.1; and,
 - The total combined gross floor area used for the home industry in all accessory buildings and structures shall not exceed 75 square metres or the maximum gross floor area permitted for accessory buildings and structures by Section 3.1, whichever is less.
- f) A home industry shall be operated by the person or persons whose principal residence is the dwelling on the lot upon which the home industry is located, and up to a maximum of two (2) persons other than the residents of the dwelling are permitted to be employed in the home industry.
- g) A sign is permitted to be displayed on the lot for the home industry, provided:
 - A maximum of one (1) sign is permitted on a lot for each permitted home industry; and,
 - The sign shall not be illuminated; and,
 - The sign shall have a maximum area of 0.2 square metres per side; and,
 - The sign shall be setback a minimum of 1 metre to all lot lines and shall not be located within a sight triangle; and,
 - The maximum height of the sign shall be 0.8 metre; and,
 - The sign shall comply with the Township's Sign By-law.
- h) There shall be no goods, wares or merchandise offered for sale or rent on the lot other than those produced on the lot as part of the home industry.
- i) Outside storage is not permitted as part of a home industry.
- j) In the conduct of a home industry, no machinery or processes which emit noise, vibration, glare, fumes, odour, dust, radio or television interference beyond the lot containing the home industry are permitted.

- k) Only the following uses are permitted as a home industry:
 - Agricultural service and supply establishment, subject to Section 3.11;
 - Agri-tourism/value-added uses, subject to Section 3.11;
 - Pet care establishment, subject to Subsection 3.8.2;
 - Private kennel, subject to Subsection 3.8.1;
 - Retail sale of items produced on the lot, including agricultural products produced on the same lot containing a permitted agricultural use;
 - Service shop;
 - Uses permitted as a home occupation by Subsection 3.7.2 (u);
 - Veterinary clinic.

Staff believe that the proposed data processing facility fits within the zoning provisions of a home industry. The proposed home industry will be located within an existing accessory building and will be limited to 78 square meters in size. The maximum size for a home industry as outlined in the Township's zoning by-law is 75 square metres. The lot frontage for the home industry is 50 metres where 24 metres is required by the Township's Zoning by-law and the lot area for a home industry is a minimum of 4,000 square metres, and this property has a total of 4,095 square metres. This business will be strictly operated by the property owners and there will be no staff on site.

The applicants have stated that there will be no outside storage from the proposed home occupation but there will be a dielectric fluid immersion system that uses a dry cooler outside of the building. This will be similar to a large air conditioning unit which will be located at the rear of the existing accessory building and not visible from the street. The decibel level of the dry cooler is proposed to be less than 74 decibels and can be compared to an air conditioning unit for the evaluation of noise levels. Staff are unsure where the unit is going to be located at this current time, but will later determine if a Site Plan Control Application will need to be completed as well.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application

INTER-DEPARTMENTAL COMMENTS:

Notice of Public Meeting was circulated to all relevant agencies on March 22nd 2022. A yellow sign was posted on the property and a notice of hearing was posted to the website on March 23rd 2022.

The Niagara Region provided comments at the Pre-consultation meeting which state if the commercial use were to expand beyond the building envelope of the garage, an archaeological assessment may be required through a future Planning Act application. The subject property is also impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 2 (Important) Fish Habitat. Consistent with Regional Official Plan (ROP) Policy 7.B.1.15, an Environmental Impact Study (EIS) is generally required in support of site alteration and/or site development proposed within 15 m of a Type 2 Fish Habitat. The proposal does not involve any physical development or site alteration.

However, if future development or site alteration is proposed as part of a Planning Act application, there may be additional requirements.

The NPCA has no objections to the proposed commercial use within the existing garage. Should the applicant proposed development within 30 metres of the Unevaluated Wetlands on the subject property the proposed works should be circulated to the NPCA for review and approval

Township Septic Inspector, and Public Works Department, have provided no comments at the time of preparing this report on May 5th 2022.

The Township's Building Department and Fire Chief have stated that the building shall be in full compliance with the Ontario Building Code and the Fire Code.

PUBLIC COMMENTS:

A Notice of Public Hearing was circulated to all residents within a 120m radius of the property on March 22nd 2022. 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 Recommendation Report, staff have received no public comments regarding this application.

CONCLUSION:

Township staff have completed a review of this application against the applicable planning policies. Township staff believe that the Zoning Bylaw Amendment application which proposes to rezone the property located at 2990 South Grimsby Road 18 from a Residential Low Density zone (R1A) to a Low Density Residential Zone with a site specific provision (R1A-214) to allow for a Home Industry on the property can be recommended for approval.

Home industries are not permitted within the R1A zone, except by rezoning. The reason for this amendment is to allow for the property owners to operate a private data processing centre from the existing 157 square metre accessory building located on the property. The business would only use approximately 78 square metres of the garage. The owners wish to operate computer servers engaged in various data processing tasks.

Overall, Township staff support this rezoning application and bylaw as found in attachment 2 to this report and recommend approval.

ATTACHMENTS:

- Location Map
- 2. Justification Letter
- 3. Aerial Map
- 4. Dialectric Coolants Information
- 5. By-Law

Prepared & Submitted by:	Approved by:		
Megl	Stlerdy		
Madyson Etzl, Planner II	Bev Hendry CAO		
Briefle He			
Prian Troblo			

Director of Planning & Building

To Whom it May Concern:

This letter is to describe the business operations we are seeking approval for and that we intend to use the garage structure to house at 2990 South Grimsby Rd 18 in. We are seeking a zoning by-law amendment for this purpose.

The business we are would propose to operate from the garage would be a private data processing center. This business would use approximately 40 -50% of the square footage of the garage. We would be operating computer servers engaged in various data processing tasks across the IT spectrum. This would include AI computer data systems, specifically deep machine learning under Google Tensor Processing Units and IOT edge devices. Essentially this data processing center will consist of specialized computer equipment connected to the internet that would be running 24/7 and using a substantial amount of electricity. We will be cooling this high tech, specialized equipment with a dielectrical fluid immersion system that uses a dry cooler outside of the building. Below you will find the specs. This unit will be at the rear of the garage and not visible from the street. As you will find in the specs, the decibel level of the dry cooler is less than 74db and is very much comparable to a common air conditioning unit.

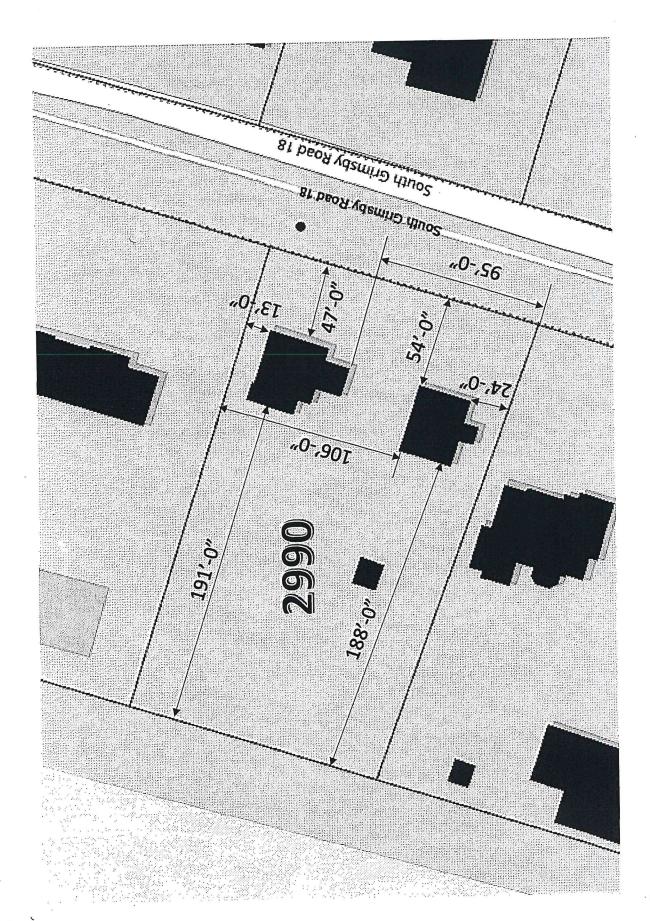
Our proposed data processing center will not create any additional noise above and beyond what the air cooler creates. There will be no retail staff on site as this is a BTB service business. As a result there will be no increase in traffic or parking at the property. The business will operate quietly in the background without anyone ever knowing it was there. As the nature of our business is confidential and some of the technology used is proprietary we cannot give more specific details on the specialized equipment used.

Thank you in advance for your consideration and please let me know if you have any additional questions.

Please see below the specs on the dry cooler as well as the Electrocool dielectrical fluid it processes.

Sincerely,

Neil Carter





ElectroCool® Dielectric Coolants

Heat Transfer Fluids for use in Immersive Cooling of Electrical Devices

Engineered Fluids' Single-phase Liquid Immersion Coolants are the highest performance biodegradable, non-toxic liquid dielectric heat transfer fluids available for use with full immersive cooling of electronic devices. ElectroCool Dielectric Coolants feature the broadest material compatibility index, highest dielectric strength, zero environmental impact, and the best health and safety ratings.

INDUSTRIES SERVED:

Aerospace • Automotive • Communications • Ceramics • Datacenters • Manufacturing Marine • Medical • Military • Oil & Gas • Power Engineering • Semiconductors • Robotics

THERMAL MANAGEMENT APPLICATIONS:

CPU / GPU / FPGA • Electric Motors & Drive Trains • Batteries • Data Storage
Transformers • Hydraulics • Optical & Laser Diodes • Power Vacuum Tubes
RF Amplifiers & Transmitters • Electronics Immersion Cooling • Ceramics Poling
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KEY PROPERTIES:

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PRODUCT OVERVIEW:

Engineered Fluids' ElectroCool Dielectric Coolants are formulated specifically for use in all Single-phase Liquid Immersion Cooling solutions. ElectroCool is specifically designed to meet the most stringent high-performance cooling and insulation challenges posed in high-performance full immersion cooling of servers, storage, GPUs, FPGAs, ASICs, and semiconductor applications.

Modern electrical systems operate at increasingly high energy densities, often in very small packaging. These factors combined with increases in operational frequency and output power, makes the effective removal of waste heat a key limiting factor in the design and efficiency of these systems. This challenge is further complicated by the need to ensure and warranty material compatibility with the immersed components while ensuring the operational health and safety of personnel, and eliminating any negative environmental impacts posed by the coolants' manufacture and use.

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ElectroCool® Dielectric Coolants

Heat Transfer Fluids for use in Immersive Cooling of Electrical Devices

CHARACTERISTICS OF ELECTROCOOL DIELECTRIC COOLANTS

Product I	oduct ID		EC-140			
Typical App	lication	General electronics cooling with excellent material compatibility	Outdoor and sealed system electronics cooling & insulation	Cooling of high temperature electronics, battery & charging systems	Higher flash point offers an extra margin of safety for applications	Extreme temp semiconductor & electronics cooling and insulation
Appe	earance	Light Blue	Clear			
Fluid B	ehavior		Non-Com	pressible, Isotropic, N	lewtonian	
Dielectric S	trength	>40kV		>60	DkV	
Resistivity (ol	hm-cm)	>1x10 ¹⁴				
Dielectric Co	onstant	2.080	2.080	2.200	2.104	2.220
Refractive Inc	lex n _D ²⁰	N/A	1.441	1.453	1.458	1.462
Pour Po	int (°C)	-42	-57	-60	-58	-54
Flash Po	int (°C)	190	193	228	260	280
ISO 4460 Partio	cle Cnt.	10/10/2012	10/10/2012	10/10/2012	10/10/2012	10/10/2012
Total Sulfu	r (ppm)	0	0	0	0	0
Density, g/cc (Density, g/cc @ 16°C		0.82	0.82	0.83	0.84
Coefficient of Thermal Expansion, volume/°C		0.00067	0.00067	0.00065	0.00065	0.00063
Kinematic	0°C	42.38	43.10	109.4	299	304
Viscosity	40°C	8.30	8.11	16.00	36.10	67.00
(cSt)	100°C	2.31	2.22	3.60	6.80	9.53
Thermal	0°C	0.1382	0.1382	0.1478	0.1518	0.1600
Conductivity	40°C	0.1359	0.1359	0.1459	0.1508	0.1584
(W/m*K)	100°C	0.1325	0.1325	0.1430	0.1495	0.1561
Specific	0°C	2.0400	2.0608	2.0575	2.0502	2.0460
Heat	40°C	2.2090	2.2121	2.2060	2.2030	2.1912
	100°C	2.4220	2.4390	2.4288	2.4180	2.4090
Global Warming Potential		0	0	0	0	0
Biodegradability		>94%	>95%	>70%	>72%	>50%
Materials Compatibility Warranty		Yes	Yes	Yes	Yes	Yes
Product Oper Warranties	(Yrs) 1	0, 5	0, 5, 10	0, 5, 10	0, 5, 10	0, 5, 10
Shelf Life (Yrs) 2		25	25	25	25	25

1) See product specific warranty statement for terms and conditions.

Need more information? Please contact us at sales@engineeredfluids.com or +1.725.218.1955

Proudly Manufactured in the United States



²⁾ Shelf Life duration is stated for a sealed original steel container, Shelf life period is included in the warranty period.

Dry Cooler 500kW Thermal Capacity @ 32C Ambient Air Temp

Optimized for ElectroCool / Dielectric Fluid Operations

- 460VAC 3Phase 60Hz / FLA: 21 / Minimum Breaker Size: 25A
- 3x 42in Variable Speed Fans with Thermal Controller
- Noise Level @ 3ft/1m (Full Speed) <74.0db
- NEMA 3R Safety Lockout / Tagout
- Coolant Volume: 440L / 116gal
- Connections: 4in 150# ANSI Flange
- Dimensions: 191 x 66 x 60 In

485 x 168 x 153 cm

- Lifting Eyes: Four (4)
- Inspection Port 2.0in
- Vent / Drain 0.75in
- Materials: Frame: Epoxy Coated Steel

Plenum: Galvanized Steel

Tube: Carbon Steel with Aluminum Fins

- Warranty : Electrical 1 year, Mechanical 5 years
- Optional: 5 year protection program, spares kit



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-##

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 'A2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 8, Part Lot 35, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2990 South Grimsby Road 18, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
- 2. THAT Map 'A2' 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 a Low Density Residential (R1A) to Low Density Residential (R1A-214) with a site specific exception zone.
- **3.** THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
 - 1. R1A-214

Permitted Uses:

As per the parent zone, plus a home industry use limited to the use of a private data processing center.

Regulations:

As per the parent zone, except permitting a use to be located on the property operating out of the existing accessory building at a total gross floor area for the business of no more than 100 square metres. Such use to be fully contained within the accessory building except for a cooling system that shall be located on the rear side of the building. Such use shall comply with all Building Code and Fire Code rules and regulations.

- **4.** THAT all other provisions of By-law 2017-70 continue to apply.
- 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 24th DAY OF MAY 2022.

MAYOR	DAVE	BYLSMA	
A. O.K		DI LOMA	

JOANNE SCIME, CLERK



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

Location:

This By-law involves a parcel of land located on the west side of South Grimsby Road 18, legally known as Concession 8, Part Lot 34, formerly in the Township of South Grimsby, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 2990 South Grimsby Road 18.

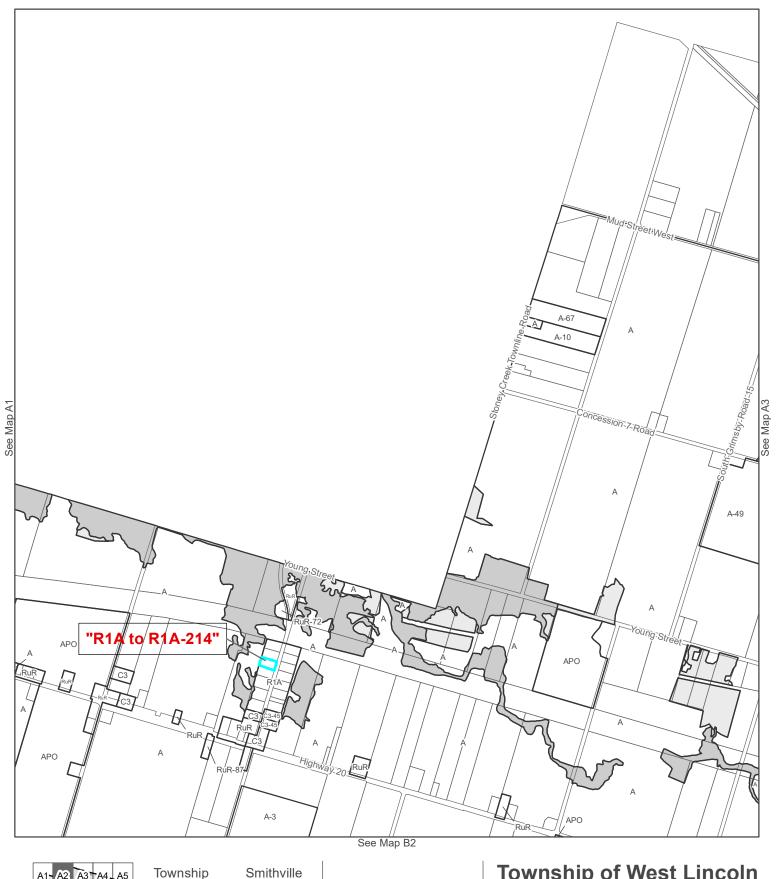
Purpose & Effect:

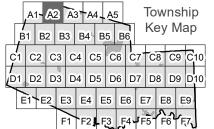
The rezoning application to rezone the subject lands to a Low Density Residential zone with a site specific exception to recognize a home industry on the subject property limited to the use of a private data processing center. This data processing center will be located on the property operating out of the existing accessory building at a total gross floor area for the business of no more than 100 square metres. Such use to be fully contained within the accessory building except for a cooling system that shall be located on the rear side of the building. Such use shall comply with all Building Code and Fire Code rules and regulations.

Public Consultation:

The Public Meeting was held on Monday April 11th 2022. There were no public comments received as part of this meeting.

File: 1601-002-22 Applicants: Neil Carter







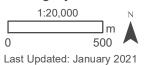


Zone Boundary EC ΕP

Waste Management Facility Assessment Area Page 110 of 142

Township of West Lincoln

Schedule A Zoning By-law No.2017-70



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Page 2 of 56



REPORT PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: May 9, 2022

REPORT NO: PD-50-2022

SUBJECT: Recommendation Report

Bill 109 – More Homes for Everyone Plan

CONTACT: Gerrit Boerema, Planner II

Brian Treble, Director of Planning & Building

OVERVIEW:

- On March 30th, 2022 the Province of Ontario released the *More Homes for Everyone Plan* which proposes to address a number of issues regarding housing, including a focus on increasing the housing supply in the Province.
- On March 30th, 2022, Bill 109, An Act to amend various statutes with respect to housing development and other matters, was also given first reading, and had proposed changes to the Development Charges Act and the Planning Act, among other Acts.
- The Bill received Royal Assent on April 14th, 2022 and can be found in the following link: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-04/b109ra_e.pdf
- Bill 109 and the changes to the Development Charges Act and Planning Act, specifically, will require significant changes to the way the Township Planning and Building Department review planning and development applications.
- The most significant change as it relates to the Township's Planning Department is the required refund of fees if Zoning Amendment, Official Plan Amendment or Site Plan Applications are not decided on within certain timelines.
- Additional changes forthcoming also include limitations on what municipalities can include within conditions of approval for draft plan of subdivisions and condominiums.
- Planning Staff will continue to review how Bill 109 and the More Homes for Everyone Plan affect day to day operations and will review Township Planning processes to determine what steps will need to be taken to ensure the timelines can be achieved.

RECOMMENDATION:

- That Planning Report PD-50-2022, regarding "Information Report Bill 109 More Homes for Everyone Plan", dated May 9, 2022, be RECEIVED FOR INFORMATION PURPOSES; and,
- 2. That, the Township hereby notify the Region of Niagara of their support for the Region's letter regarding "Response to More Homes for Everyone Act, 2022, Provincial Bill 109" dated April 29, 2022, as found at Attachment 1 to this report.

ALIGNMENT TO STRATEGIC PLAN:

Theme

• Strategic Responsible Growth

BACKGROUND:

The Provincial Housing Affordability Task Force, created in December of 2021, released a report on February 8, 2022 providing 55 recommendations on how to address and fix the ongoing housing affordability issues in Ontario (see previous staff Report PD-31-2022). The Housing Affordability Task Force mandate was to increase the supply of market rental and ownership housing, increase housing supply and reduce the timeframe for development approvals. On March 30th, the Provincial Ministry of Municipal Affairs and Housing, in response to the Housing Affordability Task Force, released Bill 109; the More Homes for Everyone Act, 2022. The Province has described the purpose of Bill 109 as:

"We are introducing More Homes to Everyone, that proposes targeted policies for the immediate term that makes housing fairer for hard-working Ontario's and make it faster to build the homes that families need and deserve."

Bill 109 received Royal Assent on April 14, 2022.

CURRENT SITUATION:

Bill 109, now having Royal Assent, has made changes to:

- The City of Toronto Act, 2006,
- The Development Charges Act, 1997,
- The New Home Construction Licensing Act, 2017,
- The Ontario New Home Warranties Plan Act: and.
- The Planning Act

The majority of changes do not directly impact the Township's operations with exception to the changes to the Planning Act and Development Charges Act.

Planning Act Amendments – Refund of Fees for Zoning Amendments, Official Plan Amendments and Site Plan Control Applications

One of the more significant changes contained within Bill 109, is the requirement for approval authorities to refund a portion, or all, of the applicant's application fees if the application is not decided upon within certain periods of time.

The table below outlines the required refund of fees for Zoning Amendments, Official Plan Amendments and Site Plan Applications.

	No Refund	50% refund	75% refund	100% refund	
Zoning Bylaw	Decision made within	Decision made	Decision made	Decision made	
Amendment	90 days	within 91 and within 150 and 209		210 days or later	
		149 days	days	·	
Official Plan/Zoning	Decision made within	Decision made	Decision made	Decision made	
Bylaw Amendment	120 days	within 121 and	within 180 and 239	240 days or later	
	-	179 days	days	-	
Site Plan	Decision made within	Decision made	Decision made	Decision made	
	60 days	within 61 and	within 90 and	120 days or later	
		89 days	119 days		

For an understanding of timelines, the table below shows the approximate length of time it has taken Township Council to make decisions regarding few of the more recent developments.

	Application Received	Zoning Approved	Length of Approval Process	Required Refund under Bill 109 (if it was applicable)
P Budd Developments	December 20, 2019	May 28, 2021	Over 1 Year	100% Refund
Zoning Amendment	2013			
Marz Thrive	October	November 9,	Over 1 Year	100% Refund
Zoning Amendment	22, 2020	2021		
Foliera	January	April 26,	87 days	No refund
Greenhouses	29, 2021	2021		
Young Street				
Zoning Amendment				
167 St Catharines	September	Not yet	Over 1 Year	100% refund
Street	4, 2020	approved		
Condominium Site Plan				
Clifford Street	June 23, 2021	September	93 days	75% refund
Business Park Site Plan		24, 2021		

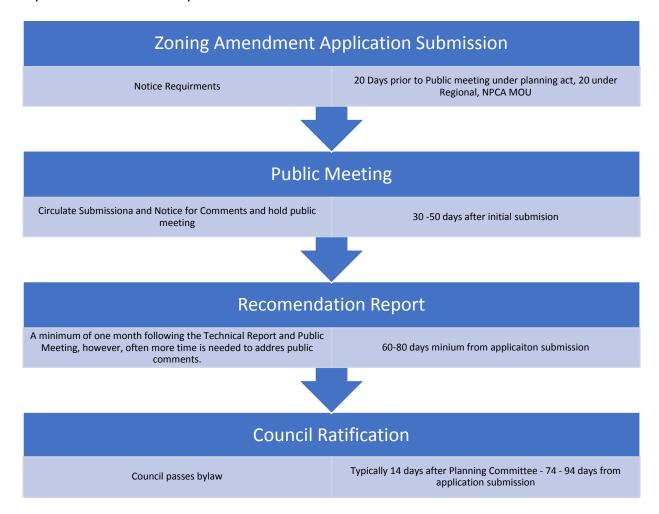
It is important to note that there are many things which can cause the timeline to be greater than 90 days for a zoning bylaw amendment, the current target for approval before the applicant can appeal to the Ontario Land Tribunal. In most circumstances the file is sitting with the applicant for further revisions. Another important Township process, is to have the public meeting separate from the recommendation report and decision, which adds one month to the approval process.

Even on applications that staff rushed through the approvals process, such as Clifford Street Business Park, under Bill 109 the Township would still be required to issue a 75% refund of the application fee.

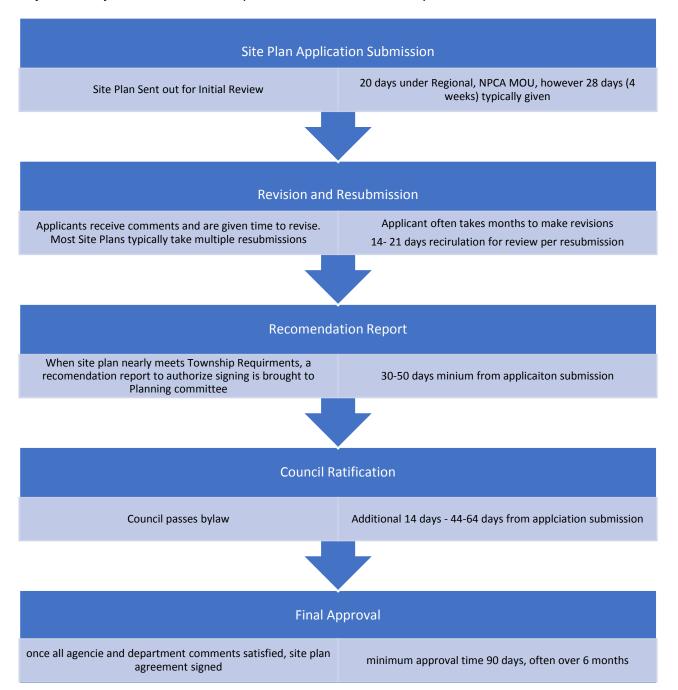
These timelines do not take into account the 'stop the clock' function where the clock stops when the applicant has the application back for revisions. This often happens when we have further questions for clarification or further engineering work on a development. While that would drastically reduce the timelines shown in the table above, it takes a considerable amount of staff time to keep track of application timelines.

The refund of all or part of the application fees will penalize municipalities where there are outstanding issues to be resolved and those issues are not resolved in a timely manner.

The chart below titled Zoning Amendment Application Submission shows the typical timeline for a simple and straight forward zoning amendment application, such as a zoning amendment to impose an Agricultural Purposes Only 'APO' zoning on a property. Even under the most straight forward application's the approval takes nearly 90 days. Any zoning amendment applications that are more complicated and require a minimum of an additional month between the public meeting and recommendation report would result in a partial refund under Bill 109.



The chart below shows the typical process and timeline for site plan applications and approval. Even in cases where the site plan is expedited through the review process, 90 days is rarely achievable if multiple resubmissions are required.



Planning Act Amendments – Plans of Subdivisions

The Province is proposing to set what conditions can be required as a condition of draft approval. At this time, a standard set of conditions is used in the Township, with site specific conditions added in depending on the nature of the plan of subdivision (e.g. the Township has recently started requesting that parkland be furnished with equipment, such as sports fields, benches, trails and trees). Once the standard provincial conditions are known, staff will report back to Committee.

An additional change is that following the lapsing of draft plan approval, it used to be that the applicants would have to start the entire process all over. Bill 109 proposes that if the draft approval has lapsed within a period of 5 years, the approval authority can deem that the draft approval has not lapsed.

Community Infrastructure and Housing Accelerator

The province is also introducing a new tool to help municipalities accelerate their own planning process on development projects such as hospitals, community centres, long term care housing and community housing. This process will be similar to a Minister's Zoning Order but require public consultation. Additional details are forthcoming and will be reported on in a future report.

Development Charges Act

Municipalities will now be required to make reports concerning development charges available to the public by posting them on the municipal website. This is being done to create transparency and understanding when it comes to how development charges are calculated and how they help fund local infrastructure and services. The municipal treasurer will also be responsible within their annual financial statement to state whether the municipality still anticipates incurring the capital project costs anticipated in the Development Charges study or if there will be changes. An explanation for the changes will be required within the statement.

Parkland Dedication and Community Benefits

In a similar process to Development Charges, Municipalities will also be required to review and update their Community Benefits bylaw at least once every 5 years. The Township currently does not have a Community Benefits bylaw. Consideration of a Community Benefits bylaw will be part of a more extensive discussion later in 2022 as part of the implementation of the urban boundary project.

Ontario Building Code

Changes to the Ontario Building Code through Bill 109 include allowing up to 12 storeys for mass timber buildings, streamline modular multi-unit residential building approvals, facilitate more infill and low rise multi-unit housing by exploring opportunities to allow for single means of egress in 4 to 6 storey residential buildings, while continuing to protect health and safety, and explore safe ways to allow residents and commercial tenants of the lower floors of super-tall buildings under construction to move into their units earlier.

Ontario Land Tribunal (OLT)

The Province is also proposing to increase funding to the OLT to be able to hire additional staff and to reduce the existing backlog of OLT files and to reduce the timeframe for resolving new cases. In addition, the Province is allowing the Minister of Municipal Affairs and Housing to refer Official Plans and Official Plan Amendments to the OLT for a recommendation. The Minister will also be able to pause the 120-day decision making requirement with Official Plans or Official Plan Amendments that are before the Minister can be appealed for a non-decision.

The Region of Niagara is the approval authority for Local Official Plans in consultation with the Ministry of Municipal Affairs and Housing. It would appear that this new process could have the effect of slowing down the Official Plan or Official Plan Amendment approval process.

FINANCIAL IMPLICATIONS:

Implementing the requirements of Bill 109 will have significant impacts on the Township's budget based on the current planning review procedure as the Township could face the situation where application fees will need to be returned. Operating budgets for Planning and Building and Legal Services would need to be substantially increased to respond to development applications within tighter timelines and/or adjudicate these matters at the Ontario Land Tribunal.

In addition, the Township will need to consider enhancing staffing levels in the Planning and Building Department and Public Works to be able to process an anticipated increase in applications as a result from the Township's Urban Boundary Expansion project combined with shorter timeframes to review and approve applications.

INTER-DEPARTMENTAL COMMENTS:

There are no interdepartmental comments at this time.

CONCLUSION:

The More Homes for Everyone Plan and Bill 109 have been created by the Province to tackle ongoing issues with housing affordability in the Province. The purpose of the plan and the Bill is to increase the housing supply in the Province among other objectives. The most significant changes for the operation of the Township's Planning Department is the required refund of planning fees for applications that are not decided upon within a certain timeframe.

Planning Staff will continue to review how Bill 109, which has now received Royal Assent, will impact the planning review process and to see how the Planning Department will need to adapt to respond to these changes. Planning staff will provide further updates in a future report to Committee.

Attachments:

1. Region of Niagara Memorandum – Response to More Homes for Everyone Act, 2022, Provincial Bill 109 Dated April 29, 2022

Prepared & Submitted by: Approved by:

Gerrit Boerema Bev Hendry Planner II CAO

Brian Treble

Director of Planning & Building

Attachment 1 to PD-50-2022



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

MEMORANDUM

CWCD 2022-110

Subject: Response to More Homes for Everyone Act, 2022, Provincial Bill 109

Date: April 29, 2022

To: Regional Council

From: Michelle Sergi, Commissioner

As outlined in CWCD 2022-71, the Housing Affordability Task Force released a report on February 8, 2022, that outlined 55 recommendations to increase the supply of housing in Ontario and address issues of housing affordability. Both the Ontario housing market and affordability are complex topics that are affected by supply, demand, prices and incomes. Not all of these factors can be controlled or corrected by municipal government and as such, all those involved must contribute to the development of the solutions.

On March 30, 2022, the Province announced the More Homes for Everyone Plan and introduced Bill 109, *More Homes for Everyone Act, 2022* as a "first step" response to the Housing Affordability Task Force's report. This memo will be focusing on the changes most applicable to the Region and its processes and will be submitted to the Province. Bill 109 contains legislative amendments to:

- The Planning Act
- The City of Toronto Act
- The Development Charges Act
- The New Home Construction Licensing Act
- The Ontario New Home Warranties Plan Act

Feedback on the Bill 109 is open until April 29, 2022, allowing thirty (30) days for public consultation. However, on April 14, 2022, Bill 109 received Royal Assent from the Ontario Legislature and is now in force and effect. Below is an overview of Bill 109 changes and staff's view of how these changes will impact the Region and our local municipalities.

Additionally, Bill 109 introduces a new tool referred to as "Community Infrastructure and Housing Accelerator" (CIHA). This memo will also be providing comments on the CIHA guideline.

Refund of Application Fees

Section 34 of the *Planning Act* is revised to include new rules that require municipalities to refund application fees if a decision on a site plan application, zoning by-law amendment (ZBA), or combined ZBA and official plan amendment (OPA), is not reached within the legislated timeframes, as outlined below:

Application Type	0% Refund	50 % Refund	75% Refund	100% Refund
ZBA	Decisions made within	Decisions made within 91	Decisions made within	Decisions made 180 days
	90 days	to 149 days	151 to 209 days	or more f
OPA/ZBA	Decisions made within 120 days	Decisions made within 121 to 179 days	Decisions made within 180 to 239 days	Decisions made 240 days or more
Site Plan	Decisions made within 60 days	Decisions made within 61 to 89 days	Decisions made within 90 to 119 days	Decisions made 120 days or more

Niagara Region is supportive of continuous improvement to the development approvals process; however the changes being proposed do not factor in delays that occur as a result of other participants in the review process, including the applicant, the public, commenting agencies and the Provincial Ministries. Further, the changes being made do not consider the quality of the submissions, and does not allow for a pause in the review time as the municipality awaits resubmission of an application. Refunding changes to the site plan approval process will cause more upfront work by the applicant to ensure the required permits and approvals from commenting agencies, including the Region, are obtained before a local municipality accepts an application as complete.

The refunding timeline measures will have financial impacts for the Region and our local municipalities as they are the approval authorities. At this time it is not clear what the total costs will be, but it is important to note that the loss of revenues due to refunds will have to be absorbed by the tax levy. There will also be a need to increase staffing at the

local municipalities and the Region to be able to meet these assertive changes in the development approval process.

Niagara Region and our local municipal development fees have been established on a cost recovery basis. Regional staff do not support this change as it will significantly increase the financial costs to our local municipalities to cover potential losses as a result of these refunds. In addition, these changes may unintentionally result in more applications being refused and subsequently referred to the Ontario Land Tribunal (OLT) if issues with the application have not been resolved within the required planning timeframe.

Site Plan Applications

Bill 109 introduces four key changes to Section 41 of the *Planning Act*, which regulates site plan control:

- 1. As of July 1, 2022, municipalities will be required to delegate site plan approval to staff. Currently, some of our local area municipalities have delegated authority for site plan approval.
- 2. As of January 1, 2023, the timeline to issue site plan approval will be extended from 30 days to 60 days.
- 3. Municipalities are now required to use the complete application requirements applicable for OPAs, ZBAs, and draft plans for site plan applications as well.
- 4. Municipalities may pass a by-law requiring pre-consultation prior to the submission of a site plan application.

Staff are support of the changes to the site plan approval process as it allows for an expedited process, and can provide certainty as to what will be required for approval.

Plan of Subdivision Applications

The addition of Subsection 51(25.1) of the *Planning Act* gives the Province authority to prescribe, by regulation, what cannot be required as a condition of subdivision approval. There are no details yet on what conditions cannot be requested and, as such, it is difficult to determine the impact this would have the Niagara Region and our local municipalities.

Bill 109 also introduces an enabling mechanism that would allow the Province the onetime discretionary authority to reinstate draft plans of subdivision that have lapsed within the past five years. The local municipalities are the approval authority for plan of subdivision applications and would have the ability to administer this. Staff support this change.

Minister Decision Making Powers

Through Bill 109, the Province has established new rules related to appeals, referrals and time suspensions for new official plans and official plan amendments (OPA) that are under their approval authority.

The Minister is now authorized to refer all or parts of new official plans and OPAs to the OLT for a recommendation prior to making a decision, or to request that the OLT make a decision in its stead. Additionally, there is no appeal right when the Minister refers all or part of an official plan to the Tribunal.

The OLT currently has a significant backlog of files. It is not clear how allowing the Minister to refer new official plans and OPAs to the tribunal will make additional housing units available faster. Instead, staff anticipate that this would actually cause further delays. For instance, if the Region's new Niagara Official Plan was referred to the OLT, could take up to two years to get a hearing date scheduled, and would require a significant amount of hearing time after the date was provided.

Additionally, a hearing of this magnitude would have significant financial costs to the Region as a result of retaining lawyers and consultants. Regional staff do not support this change as it would further delay approvals and potentially have significant financial ramifications because of the litigation process.

In addition, Bill 109 allows the Minister to "pause" or suspend the 120 day timeline currently required to make a decision on municipal Official Plans. Again, allowing the Minister to pause this timeline is inconsistent with punitive measures for municipalities who cannot meet timelines, and does not speed up the process of bringing housing online sooner.

Monitoring Requirements

Bill 109 includes the addition of Section 64 to the *Planning Act*, which allows the Minister to request municipalities provide reports on planning matters. A key element of the new Niagara Official Plan is monitoring growth how the Region is progressing towards growth forecasts as well as continuously seeking opportunities to improve our development approval processes. As such, Regional staff supports this change.

Development Agreement Securities

Under Bill 109, the Minister has power to determine the type of securities that can be used as part of development agreements. Niagara Region requires developers/land owners to post Letters of Credit (LOC) to guarantee that the works in subdivision and site plan agreements are undertaken in accordance with the approved plans. In the event where the developer does not undertake the work as required by the Region, the Region is able to utilize the Letter of Credit and complete the work. A LOC is preferred by the Region because it is issued by a financial institution with a commitment to advancing the funds to the Region in the event the developer does not comply with the approved plan.

With Bill 109 the minister can determine that instead of a LOC be used to guarantee works, a developer can potentially use a Surety Bond. A Surety bond is a guarantee by a third party and does not have the same carrying costs as a LOC to the developer. The Region does not accept Surety Bonds. Surety Bonds are a guarantee of a performance of an obligation. LOCs do not have this general stipulation and again can be drawn on demand and there is an obligation for a bank to pay. With a Surety Bond, bonding company often get involved in rights and equities of issuing payment – can disagree with municipality request that the contract was not performed and the bonding agent can argue no error in contract or performance of duties of the developer. This potential inability to recover costs, and added time involved in realizing surety bonds are why staff do not support this provision of the bill.

Development Charges/ Parkland Dedication/ Community Benefits Charge

The Province is proposing changes to development-related charges in order to create more transparency relating to fees or levies charged by municipalities to developers. Some of these changes include:

- There is a requirement for municipalities to post annual financial reports for development-related charges on their websites. The Region currently reforecasts cost every 5 years and it is a very laborious process and the work is completed by an external consultant. To do this review in house each year will likely require incremental staffing resources at a cost and increase in taxes.
- A mandated five-year review cycle of community benefit charges (CBCs) for municipalities that have implemented them. After the review, if a municipality does not pass a resolution outlining whether a revision is needed the community benefit charge by-law will expire. The Region does not have a CBC as only single-tier and local municipalities are able to levy these charges.
- Changes also include implementing a tiered alternative parkland dedication rate that would only apply to Transit-Oriented Community (TOC) developments. For smaller sites that are 5 hectares or less, parkland dedication would be up to 10% of the land or its value. For sites larger than 5 hectares, parkland dedication would be up to 15% of the land or its value. A Minister's order could identify encumbered parkland and would be deemed to count towards any parkland dedication requirements imposed by the local municipality. Under the Act TOCs refer to specific Toronto transit lines or areas identified by the Minister. It does not currently apply to locations within Niagara.

Community Infrastructure and Housing Accelerator (CIHA)

Bill 109 introduces a new tool referred to as "Community Infrastructure and Housing Accelerator" (CIHA) order. According to draft guidelines, a CIHA orderallows local or single-tier municipalities to submit a request to the Minister to expedite approvals for projects related to community infrastructure, housing, including market-rate housing, community housing, and affordable housing, mixed-use developments, and economic development.

The CIHA order is similar to a Minister's Zoning Orders (MZOs), but must be requested by the municipality through a motion of Council. The CHIA cannot be used for properties within the Greenbelt Plan area, including lands within the Niagara Escarpment. The Greenbelt Plan includes settlement area that are identified as Towns/Villages. The Greenbelt Plan policies for settlement areas support the achievement of complete communities, and as such municipalities should be able to use the CIHA tool within the boundaries of Towns and Villages. Additionally, municipalities must also be able to use MZOs within the Towns and Villages of the Greenbelt Plan.

Attachment 1 to PD-50-2022

CWCD 2022-110 April 29, 2022 Page 7

A CIHA order can be used to regulate land use(s) and the location, use, height, size and spacing of buildings and structures to permit certain types of development. The Minister may also provide an exemption for subsequent planning-related approvals from Provincial land use plans, and local and Regional official plans, but only if this is specifically requested by the municipality.

Subsequent planning-related approvals include licences, permits, permissions, approvals, such as plans of subdivision or site plan approval, and other matters required before a land use permitted by the CIHA order could be established. In this case, the municipality must still demonstrate that the project "adequately mitigates any potential impacts", including community and indigenous engagement and environmental protection or mitigation.

Staff are supportive of tools that can expedite approvals of priority projects, however these projects should align with Provincial, Regional and Local land use plans. Additionally, the process must consider Regional Planning comments (e.g., infrastructure, natural environment, etc.) and consultation with Upper Tiers should be a requirement of the process.

Respectfully submitted and signed by

Michelle Sergi, MCIP RPP Commissioner Planning and Development



REPORT PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: May 9, 2022

REPORT NO: PD-52-2022

SUBJECT: Recommendation Report – P. Budd Developments Inc. Site

Alteration Application for "Station Meadows West – Phase 1"

No. 3000-002-22

CONTACT: John Bartol, Building Inspector and By-law Enforcement Officer

Brian Treble, Director of Planning & Building

OVERVIEW:

- Rankin Construction Inc. has submitted a Site Alteration application (No. 3000-002-22) on behalf of P. Budd Developments Inc. to import 35,000m3 (roughly 3500 truckloads) of fill to the property legally described as PLAN M94 Lot 1 PLAN 30M300; PT Lots 12 and 13 and RP 30R15515 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line.
- The property is currently owned by P. Budd Developments Inc.
- The applicant has expressed that the estimated 35,000m3 of fill will be imported to the site in order to grade the land to the proposed engineered pre-grading plan in preparation for a future subdivision plan for phase one of "Station Meadows West", which the Township has already approved in draft plan of subdivision form.
- On Wednesday, March 22, 2022, Township staff mailed a Notice of Public Meeting to the public and agencies for Planning Matters to approximately 170 residents within a 120-meter radius of the proposed project site. Township staff received 6 public comments. On April 4, 2022 agencies were also consulted.
- The Public Meeting was held at the April 11, 2022 Planning, Building, Environmental Committee Meeting, at which 1 member of the public spoke to this site alteration application.
- Township Planning, Building, By-law and Public Works staff are now prepared to support this application, as submitted by P. Budd Developments Inc., as long as the conditions set out in this report and draft permit can be met and are continued to be met throughout the importation process. Any such variance or deviation from the set out conditions could lead to a revocation of the site alteration permit.
- Further, the fill shall be placed to ensure proper grading, proper soil quality, and proper certification by a geotechnical consultant etc.
- Staff also recommend that the draft agreement and security must be submitted prior to the permit being issued. The permit will only be issued once staff are satisfied that all required documents and approvals are in place.

RECOMMENDATION:

- 1. That, report PD-52-22, regarding "Recommendation Report P. Budd Developments Inc. Site Alteration Application for "Station Meadows West Phase 1" No. 3000-002-22", dated May 9, 2022 be RECEIVED; and,
- 2. That, an authorizing By-law, as found at **Attachment 2** to this report, be passed to permit the Mayor and Clerk to sign a site alteration agreement, in draft form as found at **Attachment 3**, ensuring compliance with their draft approved plan of subdivision, as well as, the conditions as set out in this report and draft site alteration permit; and,
- 3. That, in conformance with Part 8 of By-Law 2016-41 "BEING A SITE ALTERATION BY-LAW TO REGULATE THE PLACING OR DUMPING OF FILL IN THE TOWNSHP OF WEST LINCOLN.", a Site Alteration permit, in a form similar to that found at Attachment 1 to this report, be issued by staff once all required agreements, securities, plans and drawings are satisfactorily submitted, subject to the conditions as noted in the permit; and,
- 4. That, all efforts be taken by the owner to acknowledge and protect neighbouring residents, including but not limited to: dust control, speed control, noise control, obeyance of the Highway Traffic Act, etc. Failure to do so will provide Enforcement staff with authority to revoke this permit at any time.

ALIGNMENT TO STRATEGIC PLAN:

Theme ##3 & 5

- Strategic Responsible Growth
- Community Health and Safety

BACKGROUND:

The subject property owned by P. Budd Developments Inc., is currently vacant land legally described as PLAN M94 Lot 1 PLAN 30M300; PT Lots 12 and 13 and RP 30R15515 Parts 1 and 2 (off of South Grimsby Road 5) in Smithville, and north of the CP Rail Line.

The applicant, Rankin Construction Inc., on behalf of P. Budd Developments Inc., has applied to import an estimated 35,000m3 (roughly 3500 truckloads) of excess soil/fill to the site in order to grade the land to the proposed engineered pre-grading plan which was provided to the Township in conjunction with the draft future subdivision plan.

The applicant has advised that the source for fill has changed due to the extended duration of the Site Alteration permit application process requiring Council approval, appropriate soils reports have been provided to the Township. In the event of another change, the Township will require a soils report from the new source as well.

On Wednesday, March 22, 2022, Township staff mailed a Notice of Public Meeting to the public and agencies for Planning Matters to approximately 170 residents within a 120-meter radius of the proposed project site. Township staff received 6 written public comments. Agency consultation occurred on April 4, 2022.

The Public Meeting was held at the April 11, 2022 Planning, Building, Environmental Committee Meeting, at which 1 member of the public spoke to this site alteration application.

CURRENT SITUATION:

Staff have reviewed all public comments and have considered appropriate conditions to include in this recommendation report including issuing the Site Alteration permit subject to the following ten (10) conditions:

- 1. Ground to be graded such that the land remains generally undisturbed so that overland water flows to all Municipal Drains and natural swales are not impeded. At direction of the Township of West Lincoln and the Niagara Peninsula Conservation Authority, this may be required to involve an expert in drainage to ensure that there is no impact to overland flow.
- 2. The adjacent lot with a storm water pond owned by the Corporation of the Township of West Lincoln shall not be disturbed or altered with fill.
- 3. That the fill originate and comply with the soils report that was submitted to the Township of West Lincoln Planning Department.
- 4. That all fill immediately be levelled to the satisfaction of the Township of West Lincoln and in accordance with the engineered grading plan. No stock piling of fill may occur at this site, except topsoil.
- 5. All other provisions of By-law 2016-41, (as amended) are applicable.
- 6. That all works are done in accordance to the Township of West Lincoln Municipal Engineering Standards and NPCA Regulations, if applicable.
- 7. That soil importation and levelling only occur between 7:00 am and 7:00 pm from Monday to Friday and access to the site is only to occur from South Grimsby Road 5 and not from any internal subdivision streets.
- 8. That the submitted truck route plan be followed and any deviation from the submitted truck route plan be submitted in writing to the Township of West Lincoln Planning and By-Law Department forty-eight (48) hours prior to trucks traveling the new route.
- 9. Minimize any impacts on neighbouring properties including all dust mitigation measures and other conditions outlined in the Township of West Lincoln By-Law 2016-41 as amended.
- 10. The security deposit of \$55,000.00 be paid prior to the commencement of any onsite works.

FINANCIAL IMPLICATIONS:

The Township of West Lincoln will require a security deposit from P. Budd Developments Inc. in the amount of \$55,000.00, prior to commencing the works.

This security can be returned after a final inspection(s) has been conducted by Township staff and it has been determined that no deficiencies or issues have arisen from importation of fill and all conditions have been met, including road impacts.

INTER-DEPARTMENTAL COMMENTS:

Notice of this Site Alteration permit application was circulated on Wednesday, March 22, 2022. Planning and By-law staff have had extensive discussions with Public Works and concluded that the ingress of the set amount of fill to the subject site is acceptable provided the conditions of this report are met and the proposed pre-site grading plan be followed and that the fill operations be certified by a geotechnical consultant.

On May 4, 2022, Township Public Works, Planning, Building and By-law staff met with Mr. Budd and Mr. Hecimovic of Odan DeTech Consulting Engineers, to discuss the applicant's responsibilities as part of the site alteration permit.

PUBLIC COMMENTS:

On Wednesday, March 22, 2022, Township staff issued a Notice to Public and Agencies for Planning Matters to approximately 170 residents within a 120-meter radius of the proposed project site. To date, the Township has received six (6) emails from recipients of the notice and one (1) person spoke at the public meeting at the April 11, 2022 Planning, Building, Environmental Committee, which in summary note the following questions and concerns:

- Groundwater and surface water
- Change of grade negatively affecting existing properties abutting the subdivision
- Noise impact due to the trucks
- Compensation for owners as a result of dirt and dust
- Origin of new dirt
- Testing of pre-existing fill
- Truck route

The concern of the residents can generally be addressed through the agreement, the permit, the security, and by Township by-law enforcement staff who will monitor the progress of the application.

CONCLUSION:

Township staff have completed a review of the proposed site alteration permit against the Township of West Lincoln By-Law 2016-41, as amended.

Township staff believe that the submitted documents provided by P. Budd Developments Inc and consultants will meet or exceed the requirements for the issuance of a permit under Part 7 of by-law 2016-41, as amended, and that with agreement of the aforementioned conditions that a permit can be issued. Permit issuance will occur following receipt of a signed site alteration agreement with the required security and following clearance of requests by Township staff.

ATTACHMENTS:

- 1. Draft Site Alteration permit for the subject property
- 2. Authorizing By-law
- 3. Site Alteration Agreement
- 4. Truck route plan subject to application 3000-002-22
- 5. Pre-grading plan subject to application 3000-002-22

^{*}Soils report is available at the township offices.

Prepared & Submitted by:

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Approved by:

John Bartol
Building Inspector and
By-law Enforcement Officer

Bev Hendry CAO

Brian Treble

Director of Planning & Building



TOWNSHIP OF WEST LINCOLN SITE ALTERATION PERMIT

Site Alteration Permit No.: 01-2022 Date: 2022/05/24

(YY/MM/DD)

Permit Fee: \$1500 (Received XX/XX/XX) Security: \$55,000.00

Address of Site: PLAN M94 Lot 1 PLAN 30M300; PT Lots 12 and 13 and RP; 30R15515 Parts 1 and 2 -

Proposed subdivision "Station Meadows West"

Name of Owner: P. Budd Developments Inc.

Rankin Construction Inc. (Contractor)

Nature of Approval: To permit the importation of no more than 35,000m³ of fill to the proposed Station Meadows

West subdivision site, legally known as PLAN M94 Lot 1 PLAN 30M300; PT Lots 12 and 13 and RP; 30R15515 Parts 1 and 2. The fill shall be imported and graded to the satisfaction of the Township of West Lincoln, and in accordance with the applicant's engineered grading

plan for the proposed new development "Station Meadows West."

The undersigned has applied for a Site Alteration Permit pursuant to the provisions of the Township of West Lincoln, By-law 2016-41, as amended.

The permit is valid until May 24, 2023.

Pursuant to the Site Alteration By-law, the undersigned hereby acknowledges that the sole responsibility for the completion of the work undertaken as part of this application including compliance with any conditions rests entirely with the Owner and/or Applicant.

The undersigned certifies to the Township that any and all Fill used in completing the Site Alteration contains no contaminants within the meaning of the Environmental Protection Act, R.S.O. 1990, c.E. 19. The undersigned hereby releases and agrees to indemnify and save harmless the Township, its employees, representatives, agents and contractors, from and against all claims, demands, damages, causes of action, costs, expenses and other liabilities of any nature, which may arise in the event that the Fill is determined to contain contaminants.

The undersigned also agrees that the total costs of all works will be entirely the responsibility of the Owner.

Signature of Owner/Applicant Township of West Lincoln Approval

Date of Approval (YY/MM/DD)

Conditions:

- Ground to be graded such that the land remains generally undisturbed and such that overland flow to all Municipal Drains and natural swales is not impeded. At direction of the Township of West Lincoln and the Niagara Peninsula Conservation Authority, this may be required to involve an expert in drainage to ensure that there is no impact to overland flow.
- 2. The adjacent lot with a storm water pond owned by the Corporation of the Township of West Lincoln shall not be disturbed or altered.
- 3. A soils report shall be submitted by the applicant and approved by Township staff prior to importing any fill.
- 4. That all fill be immediately be levelled to the satisfaction of the Township of West Lincoln and in accordance with the engineered grading plan. No stock piling of fill may occur at this site, except topsoil.
- 5. All other provisions of By-law 2016-41, (as amended) are applicable.
- 6. That all works are done in accordance to the Township of West Lincoln Municipal Engineering Standards and NPCA Regulations, if applicable.
- 7. That soil importation and levelling only occur between 7:00 am and 7:00 pm from Monday to Friday.
- 8. A truck route plan be submitted and approved by Township staff prior to importing / hauling in any fill.

The personal information on this form is collected under the authority of Section 11 of the Municipal Act, as amended. The information is used for the purpose of processing this application and administering the By-law. Questions regarding the collection of this information should be directed to the Township Clerk at iscime@westlincoln.ca.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-XX

A BY-LAW TO AUTHORIZE A SITE ALTERATION AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND P. BUDD DEVELOPMENTS INC (AGENT – RANKIN CONSTRUCTION), FOR LANDS DESCRIBED AS PLAN M94 Lot 1 PLAN 30M300; PT Lots 12 AND 13 AND RP 30R15515 PARTS 1 AND 2, IN THE FORMER TOWNSHIP OF SOUTH GRIMSBY, NOW IN THE TOWNSHIP OF WEST LINCOLN.

WHEREAS the Corporation of the Township of West Lincoln deems it expedient to enter into a Site Alteration Agreement with P. Budd Developments Inc, (Agent – Rankin Construction) for lands legally described as Plan M94 lot 1 Plan 30M300; Pt lots 12 and 13 and RP 30R15515 Parts 1 and 2, in the former Township of South Grimsby, now in the Township of West Lincoln;

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 Alteration Agreement with P. Budd Developments Inc, (Agent Rankin Construction) for lands legally described as Plan M94 lot 1 Plan 30M300; Pt lots 12 and 13 and RP 30R15515 Parts 1 and 2, in the former Township of South Grimsby, now in the Township of West Lincoln;
- 2. That the Mayor and Clerk be and each of them is hereby authorized to sign the said Site Alteration Agreement and any other document or documents necessary to implement the intent of this By-law and the said Site Alteration 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 Alteration 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 THIRI TIME AND FINALLY PASSED THIS 24 TH DAY OF MAY, 2022.
MAYOR DAVE BYLSMA
JOANNE SCIME, CLERK

SITE ALTERATION AGREEMENT

THIS AGREEMENT made, in triplicate, this day of

BETWEEN: THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

(hereinafter may be referred to as the "Township")

OF THE FIRST PART

And

P. BUDD DEVELOPMENTS INC.

(hereinafter may be referred to as the "Owner")

OF THE SECOND PART

WHEREAS the Owner is the registered Owner of the property legally described as PLAN M94 Lot 1 PLAN 30M300; PT Lots 12 and 13 and RP 30R15515 Parts 1 and 2 (off of South Grimsby 5 Road) in Smithville, north of the CP Rail Line, Ontario and described in Appendix "1" attached hereto (hereinafter referred to as the "Property") in this Agreement;

AND WHEREAS Sections 142 through 144 of the Municipal Act, 2001, (hereinafter referred to as the "Act") authorizes Council of municipalities to pass a by-laws prohibiting or regulating the placing or Dumping of Fill, the removal of Topsoil, the alteration of the grade of land and requiring the a Permit and requiring restoration and rehabilitation of the Site in the event of contravention of the by-law;

AND WHEREAS Section 9 provided that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

AND WHEREAS Section 391 of the Municipal Act, 2001, authorizes a municipality to impose fees or charges on persons, for services or activities provided or done by or on behalf of it or for the use of its property including property under its control and add fees and charges imposed by the municipality to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes;

AND WHEREAS the Owner intends to alter the grade of the Property in accordance with the Site Alteration By-law, proposed engineered pre-grading plan for the approved draft plan of subdivision, and approved Site Alteration Permit (001-2022) pursuant to that Site Alteration By-law and approved draft plan of subdivision;

AND WHEREAS the Owner intends to use the Township's Road for the ingress and egress for the purposes of bringing Fill onto the property pursuant to that Site Alteration By-law;

AND WHEREAS all capitalized terms herein have the same meaning as in the Site Alteration By-law (being By-law No. 2016-41, as amended, and referred to as the Site Alteration By-law) unless otherwise defined herein;

NOW, THEREFORE that in consideration of the application for the Permit and after review of the application and of the covenants hereinafter set forth the parties hereto mutually covenant and agree as follows:

1. SITE ALTERATION OF PROPERTY

- 1.1 The Owner agrees that, by <u>May 24th, 2023</u> all placing or Dumping, of Fill onto the Property shall be completed in accordance with the Site Alteration By-law, the proposed engineered pre-grading plan for the approved draft plan of subdivision and the Site Alteration Permit, unless an extension is approved by the Director of Planning and Building.
- 1.2 It is the responsibility of the Owner:
 - 1.2.1 To obtain the approval of the Director of Planning and Building to obtain a Permit in accordance with the Site Alteration By-law and comply with all the terms and conditions of the Site Alteration By-law and the Permit; and
 - 1.2.2 To request that the Township carry out a final inspection of the Haul Routes and to obtain the approval of the Director that this By-law and the terms and condition of the Permit have been complied with.
- 1.3 The Owner agrees that the works described in clause 1.1 and 1.2 above will be completed on or before <u>May 24th, 2023</u>.
- 1.4 The Owner acknowledges and agrees that the Township has no control over and is not responsible or liable for any for any adverse effects or damage resulting from clauses 1.4.1 to 1.4.9 on the Owner's property or neighboring property or any other property as a result of the Permit:
 - 1.4.1 Soil erosion:
 - 1.4.2 Blockage of a watercourse;
 - 1.4.3 Siltation in a watercourse:
 - 1.4.4 Pollution of a watercourse:
 - 1.4.5 Flooding or ponding on adjacent lands;
 - 1.4.6 Flooding or ponding caused by a watercourse overflowing its banks;
 - 1.4.7 A detrimental effect on any trees;
 - 1.4.8 Detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and overwintering habitats;
 - 1.4.9 Injury or destruction of municipal trees;
 - 1.4.10 Negative impacts to wells on adjacent lands
- 1.5 The Owner acknowledges, accepts and agrees that, the Owner is responsible for any and all damage(s) to the Road(s) resulting from the ingress and egress of vehicles involved in the placing or Dumping of Fill respecting the Site Alteration.

- 1.6 The Owner agrees to regular street sweeping and flushing as directed by Public Works and/or By-law staff.
- 1.7 The Owner agrees to apply dust suppressant to minimize dust migration onto adjacent residential lands as required by By-law staff.

2.0 SITE ALTERATION PERMIT

- 2.1 The Owner acknowledges and agrees that no Permit will be issued by the Township:
 - 2.1.1 Until the Owner has paid all required fees and deposited the Security; or
 - 2.1.2 If the Owner is in default under the Site Alteration By-law or any other applicable law.

3.0 SECURITY FOR PERFORMANCE

- 3.1 The Owner is to deposit with the Township at the time of execution of this Agreement a Security in the amount of **\$55,000** by way of cash or Letter of Credit for:
 - 3.1.1 All damages to Roads caused or resulting from the ingress or egress to the Site to which the Owner has been issued a Permit pursuant to the Site Alteration Bylaw; and
 - 3.1.2 Performance of any other provision required by the Site Alteration By-law, the Permit or this Agreement

(collectively referred to as the "Obligations").

- 3.2 In the event that the amount of Obligations result in repairs or costs beyond the Security posted in 3.1, the Owner agrees and accepts that the Township will impose a fee for and equal to, the repair or costs and will:
 - 3.2.1 Hold the Owner responsible and liable for all the costs to repair the Road(s), and
 - 3.2.2 Assign the repairs for the Road(s) damage to a contractor in accordance with the Township's Procurement Policy, and
 - 3.2.3 The cost of the Road(s) damage repairs will become a fee imposed by the Township and such fee, will be added to the tax roll of property and collect such fee in the same manner as municipal taxes.
 - 3.3 In the event of default the Owner agrees and consents to permit forces hired by the Township to enter upon the Property and undertake the works to be done under this Agreement, unencumbered and without restriction in any manner.

4.0 COVENANTS TO RUN WITH THE LANDS

4.1 All covenants and conditions set forth in this Agreement are and shall be deemed to be covenants running with the Property and it is hereby agreed between the parties of the First and Second Parts:

- 4.1.1 That every covenant and condition herein to the benefit of and is binding upon the parties of the First and Second Parts hereto and their heirs, executors, administrators, successors and assigns; and
- 4.1.2 That when the context so requires or permits the singular number is to be read as if the plural were expressed and the masculine gender as if the feminine or neuter, as the case may be, were expressed.

5.0 RELEASE OF ROAD DAMAGE DEPOSIT OR LETTER OF CREDIT

5.1 When the obligations set out in this Agreement have been fulfilled, including receipt, satisfactory to the Director that the provisions of this Agreement have been fully complied with, the Owner 's Security or the balance of the Owner's Security shall be released.

6.0 MUNICIPAL FREEDOM OF INFORMATION

6.1 The Owner acknowledges that this Agreement and any information or documents provided by it to the Township may be released pursuant to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. This acknowledgement shall not be construed as a waiver of any right to object to the release of this Agreement or any information.

IN WITNESS WHEREOF the parties hereto have duly set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED In the presence of:

		The Corporation of the Tow Per:	rporation of the Township of West Lincoln:		
		MAYOR DAVE BYLSMA			
		JOANNE SCIME, CLERK			
I, have authority to land)	bind the Corporation. (Schedule "C" Site Alterati	on Agreement Legal description o		
WITNESS	DATE	OWNER	 DATE		

"APPENDIX 1"

PROPERTY SUBJECT TO PERMIT

TO: P. BUDD DEVELOPMENTS INC.

6 ADMIRAL CIR GRIMSBY ON L3M 5C7

SUBJECT PROPERTY: Roll Number: 260203001311300

Address: No municipal address/assigned 911 number

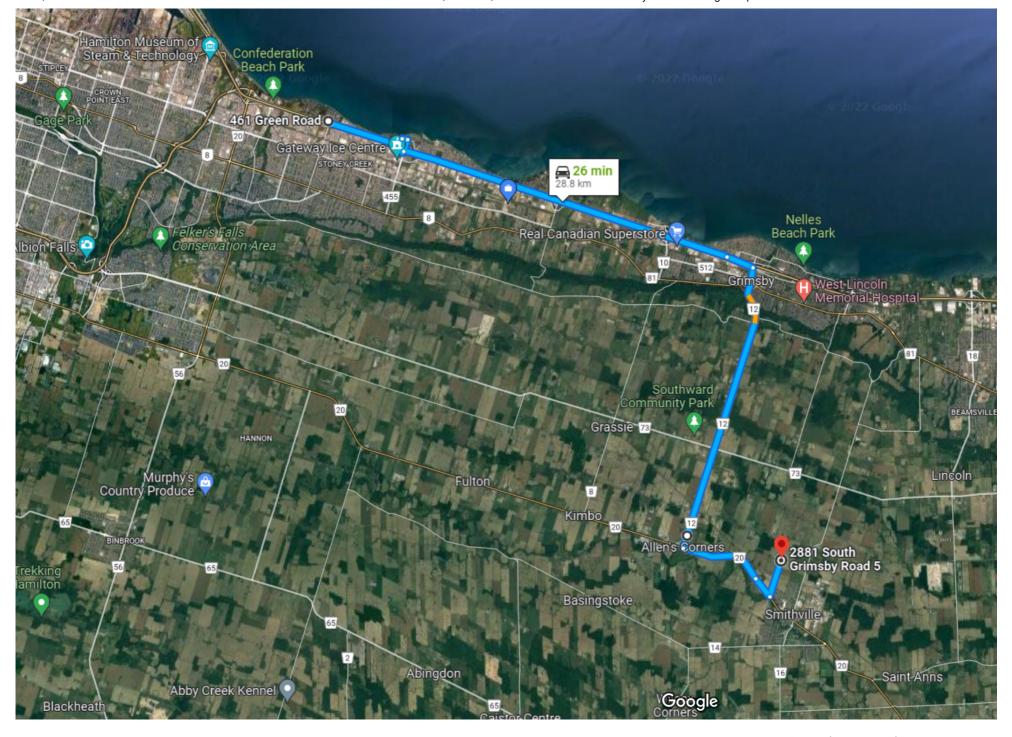
Legal PLAN M94 Lot 1 PLAN 30M300; PT Lots 12 and

Description: 13 and RP 30R15515 Parts 1 and 2 in the

former Township of South Grimsby, now in the

Township of West Lincoln

461 Green Rd, Hamilton, ON L8E 5B4 to 2881 S Grimsby Road 5 - Google Maps



Imagery ©2022 TerraMetrics, Map data ©2022 2 km

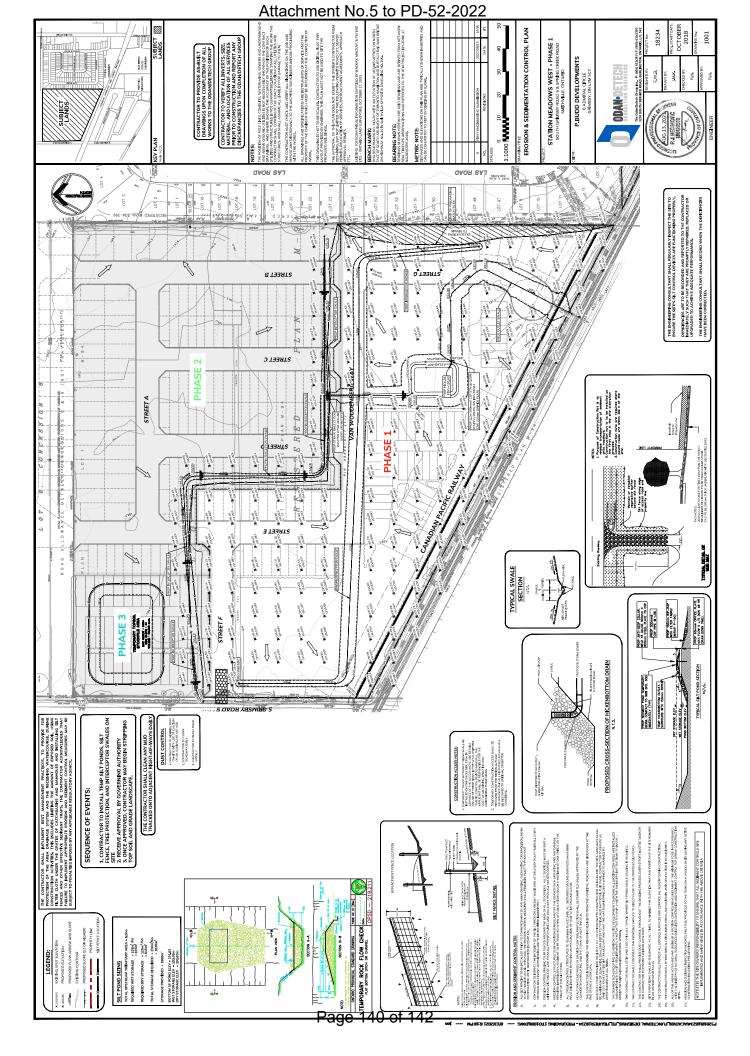
461 Green Rd Hamilton, ON L8E 5B4

↑	1. Head south on Green Rd toward N Service Rd				
		14 s (88 m)		
Take Queen Elizabeth Way, Regional Rd 12 and RR 20 E to S Grimsby Road 5 in Smithville					
\leftarrow	2.	Turn left onto N Service Rd	·		
\rightarrow	3.	N Service Rd turns right and becomes Lakevie	2.5 km w Dr 190 m		
\rightarrow	4.	Turn right onto Fruitland Rd/Regional Rd 455			
*	5.	Use the right lane to take the ramp onto Queer Elizabeth Way	400 m า		
P	6.	Take exit 71 for Regional Road 12/Christie St toward Ontario St/Maple Ave	.0 km		
\rightarrow	7. 1	Turn right onto Christie St/Regional Rd 12 Continue to follow Regional Rd 12	900 m		
\leftarrow	8.	Turn left onto RR 20 E	.2 km		
Φ	9.	At the roundabout, take the 2nd exit onto West St/RR 20 E	!.7 km t		
			750 m		
\leftarrow	10.	Turn left onto S Grimsby Road 5	2 km)		

2881 S Grimsby Road 5 Smithville, ON LOR 2A0



Approximate Dumpsite Location is 500m south of 2881 South Grimsby Road 5



From: Julie Reid [mailto:deputyclerk@arran-elderslie.ca]

Sent: April 29, 2022 10:15 AM

To: Joanne Scime < <u>iscime@westlincoln.ca</u>>
Subject: MMWTWG 2022 Membership Fee

Good Morning, Attached is the 2022 Membership fee invoice.

Warm Regards,

Julie Hamilton

Deputy Clerk
Municipality of Arran-Elderslie
1925 Bruce Road 10,
PO Box 70
Chesley, on NOG 1L0
Office 519-363-3039 ext 105
Fax 519-363-2203
Cell 226-668-8323

INVOICE

Municipality - Arran-Elderslie PO Box 70 1925 Bruce Rd 10 Chesley ON NOG 1L0 Customer Number 00001002692 General Receivables

Invoice Number: 0096743
Billing Date: APR 29,2022
Due Date: MAY 29,2022

TOWNSHIP OF WEST LINCOLN 318 CANBOROUGH ST PO BOX 400 SMITHVILLE, ON LOR 2A0

Description	Unit Charge	Qty	Amount
Invoice: 0096743 MM WIND TURBINE WORKING GROUP 2022	400,0000	4.00000	400.00
Inter Municipal Wind Turbine	400.0000	1.00000 Billing Amount:	400.00

Invoice Charges 400.00
Balance Due 400.00

Tax Reg: 87242 7158

A finance charge of 2% per month is added to balances not paid after 30 days.

Municipality - Arran-Elderslie Telephone - (519) 363-3039

Please detach and return this portion with your payment.

General Receivables

Invoice Number: 0096743
Billing Date: APR 29,2022
Due Date: MAY 29,2022
Amount Due: 400.00
Amount Enclosed \$_____

00001002692 TOWNSHIP OF WEST LINCOLN 318 CANBOROUGH ST PO BOX 400 SMITHVILLE, ON LOR 2A0

E. & O.E.

