



THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
COUNCIL AGENDA

**MEETING NO. NINE**

Monday, July 18, 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 Standing Committee or Council meetings until further notice.

**\*\* Virtual Attendance & Participation:** Members of the public who wish to participate by providing oral comments for matters that are on the agenda must attend the virtual meeting by obtaining a Zoom invite in advance by emailing [jscime@westlincoln.ca](mailto:jscime@westlincoln.ca) by July 18, 2022 before 4:30p.m. Those who wish to observe the meeting may view the meetings livestream which can be found on the Council and Committee Calendar on the Township's website.\*\*

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Pages

**1. SINGING OF "O CANADA"**

Prior to commencing with the Council meeting, Mayor Bylsma will provide the following announcements:

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

**2. LAND ACKNOWLEDGEMENT STATEMENT**

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-nee), 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. OPENING PETITION - Councillor Shelley Bradaric**

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

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

**NOTE:** Items for which conflicts were recently declared at Committee Meeting(s)

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

**NOTE:** Requests to address items on the agenda are restricted to specific items as follows per Section 6.7 of the Procedural By-law:

**6.7 Public Comment at Council**

There shall be no comments from the public permitted at Council unless:

- (a) a specific appointment has been scheduled; or,
- (b) an item is included under the "Other Business" or "Communications" or "Appointments" section of the agenda and relates to a matter which would normally be dealt with at Committee.

- 1. Chair to inquire if the IT Manager was aware if there was anyone on the ZOOM meeting that was indicating they wished to provide comment to provide permitted under Section 6.7 of the Procedural By-law.
- 2. Chair to inquire if the Clerk had received any comments by email from any members of the public prior to 4:30 pm today with respect to a specific item on the agenda as permitted by Section 6.7 of the Procedural By-law.

**7. APPOINTMENTS/PRESENTATIONS**

- 7.1. Meaghan Barrett & John Mascarin, Aird Berlis LLP (Township Integrity Commissioners)  
Re: Code of Conduct Complaint 2022-01 - Integrity Commissioner Report

11

Councillor Jason Trombetta

That, the Report of the Integrity Commissioner dated July 12, 2022 related to Code of Conduct complaint 2022-01 filed under the Township's Code of Conduct for Members of Council and Local Board Members (the "Code") be received.

- 7.2. CAO (Bev Hendry)  
Re: Strategic Plan Accomplishments Update 5 - PowerPoint Presentation

**POWERPOINT PRESENTATION TO BE PROVIDED**



**8. REGIONAL COUNCILLOR'S REMARKS**

**9. CONFIRMATION OF MINUTES**

- 9.1. Public Meeting Under the Planning Act  
Re: Minutes of June 27, 2022

31

Councillor William Reilly

That, the minutes of the public meetings held on June 27, 2022 under Section 17 of the Planning Act, with respect to:

- a. Official Plan Amendment (OPA) - OPA No. 63 for the Smithville Master Community Plan (Secondary Plan); be accepted.

- 9.2. Council Minutes - Regular  
Re: June 27, 2022

222

**Confidential Minutes Under Separate Cover**

Councillor Mike Rehner

1. That, the minutes of the open session portion of the June 27, 2022 regular Council meeting be accepted; and,
2. That, the confidential minutes relating to the closed session portion of the June 27, 2022 regular Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided Section 239 of the Municipal Act.

**10. COMMUNICATIONS**

There are no Communications.

**11. MAYOR'S REMARKS**

**12. REPORT OF COMMITTEE**

There are no Reports of Committee.

**13. RECONSIDERATION**

**(“Definition”)** This section is for a Member of Council to introduce a motion to reconsider action taken at this Council Meeting or the previous regular Council meeting. A motion to reconsider must be made by a Council Member who voted in the majority on the matter to be reconsidered. The Chair may rule that a motion to reconsider will be dealt with at the next following Council Meeting if for some reason it cannot be dealt with at this meeting.

**14. NOTICE OF MOTION TO RESCIND**

**(“Definition”)** This section is for Council Members to serve notice of intent to introduce a motion to rescind action taken previously by Council. Notice served at this meeting will be for a motion to rescind at the next regular meeting.

**15. OTHER BUSINESS**

15.1. CONSENT AGENDA

**NOTE:** All items listed below are considered to be routine and noncontroversial 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.

Councillor Jason Trombetta

1. Items 1, 2, 3, 4 and 5 be and hereby received for information; and,
2. Items 6 and 7 be and are hereby received and that the recommendations contained therein be adopted with exception of Item No.(s) \_\_\_\_\_.

- |  |     |
|--|-----|
| 1. Multi-Municipal Wind Turbine Working Group Minutes - April 14, 2021               | 238 |
| 2. Information Report No. WLF0-09-2022 - Monthly Update June 2022                    | 249 |
| 3. Information Report No. T-22-2022 - Financial Update as of June 30, 2022           | 253 |
| 4. Information Report No. PD-69-2022 - Building Department Annual Budget Report 2021 | 262 |
| 5. Information Report No. PD-71-2022 – European Water Chestnut – Update              | 266 |
| 6. Recommendation Report No. T-21-2022 - 2021 Accumulated Operating Surplus          | 273 |
| 7. Recommendation Report No. PD-70-2022 - Amendment to Sign By-Law 2020-54           | 276 |

15.2. TABLED ITEM (March 28, 2022 Council Meeting)  
Director of Planning & Building (Brian Treble)  
Re: Recommendation Report No. PD-36-2022 - Smithville Landowners Group  
request for support of Minister’s Zoning Order (MZO)

15.3. Manager of IT (Roberta Keith) and Treasurer/Director of Finance (Donna DeFilippis) 280  
Re: Recommendation Report IT-01-2022 - Voice Over IP Communications Replacement

Councillor Harold Jonker

1. That, Report IT-01-2022, regarding the “Voice Over IP Communications Replacement”, be received; and,
  2. That, Niagara Regional Broadband Network Ltd., be awarded the contract to install and maintain a new telecommunications system for the Township of West Lincoln to replace the existing end of life system; and,
  3. That, a by-law be passed to authorize the Mayor and Clerk to enter into an agreement with Niagara Regional Broadband Network Ltd.
- 15.4. Deputy Treasurer/Manager of Finance (Katelyn Hall) and Treasurer/Director of Finance (Donna DeFilippis) 284  
Re: Recommendation Report T-18-2022 - 2021 Draft Audited Financial Statements and Audit Findings
- Councillor Cheryl Ganann
1. That, Recommendation Report T-18-2022 regarding the “2021 Draft Financial Statements and Audit Findings”, dated July 18, 2022, be received; and,
  2. That, the 2021 Draft Audited Financial Statements, attached as Appendix A to this report, be approved; and,
  3. That, the 2021 Audit Findings Report to Council, attached as Appendix B to this report, be received.
- 15.5. Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble) 331  
Re: Recommendation Report No. PD-66-2022 - Zoning By-law Amendment Application Jonathan and Crystal Sikkens – 7330 Concession 3 Road (File No. 1601-008-22)
- Councillor William Reilly
1. That, Recommendation Report PD-66-2022, regarding “Zoning By-law Amendment – Sikkens – File No. 1601-008-22”, dated July 18, 2022, be RECEIVED; and,
  2. That, application for Zoning By-law Amendment 1601-008-22 submitted by Jonathan and Crystal Sikkens for 7330 Concession 3 Road be approved in accordance with the attached amending by-law; and,
  3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act.
- 15.6. Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble) 343  
Re: Recommendation Report No. PD-67-2022 – Zoning Bylaw Amendment – B & A Heaslip Farms Ltd. – 3976 Regional Road 20 (File

No. 1601-006-22 & 1601-007-22)

Councillor Shelley Bradaric

1. That, Recommendation Report PD-67-2022, regarding “Zoning By-law Amendment – B & A Heaslip Farms Ltd. 3976 Regional Road 20 (File No. 1601-006-22 & 1601-007-22)”, dated July 18, 2022, be RECEIVED; and,
2. That, application for Zoning By-law Amendment 1601-006-22 and 1601-007-22 submitted by Ben and Pam Heaslip for 3976 Regional Road 20 be approved in accordance with the attached amending by-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*; and,
4. That, staff be authorized to return a full Zoning By-law Amendment fee to the applicants as two applications were submitted, but only one was required.

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

354

Re: Recommendation Report PD-68-2022 – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendments No. 6 (File No. 1601-03-22)

Councillor Mike Rehner

1. That, Recommendation Report PD-68-2022, regarding “Comprehensive Zoning Bylaw 2017-70, as amended, Housekeeping Amendments No. 6 File No. 1601-03-22”, dated July 18, 2022 be received; and,
2. That, application for Zoning By-law Amendment 1601-003-22 submitted by the Township of West Lincoln be approved in accordance with the attached amending by-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*.

15.8. Director of Planning & Building (Brian Treble)

371

Re: Recommendation Report No. PD-72-2022 – Official Plan Amendment No. 62 – 2051 Growth Forecasts and Targets, Mapping of Smithville Urban Boundary Expansion Lands and Boundary Adjustments in Hamlets of Abingdon, Caistorville, Fulton, Bismark and Wellandport

Councillor Jason Trombetta

1. That, Recommendation Report PD-72-2022, regarding “Official Plan Amendment No. 62 – 2051 Growth Forecasts and Targets, Mapping of Smithville Urban Boundary Expansion

Lands and Boundary Adjustments in Hamlets of Abingdon, Caistorville, Fulton, Bismark and Wellandport”, dated July 18th, 2022, be RECEIVED; and,

2. That, Official Plan Amendment No. 62 be adopted and corresponding implementation bylaws be APPROVED and passed; and,
3. That, as per the Planning Act, no further public meeting is required; and,
4. That, Staff be authorized to circulate the Notice of Adoption for Official Plan Amendment No. 62 to the required agencies and the public and to submit a copy of Official Plan Amendment No. 62 to the Region for approval, along with the required information record, with full force and effect occurring once Official Plan Amendment No. 62 has been approved by the Region.

15.9. Planner II (Gerrit Boerema) and Director of Planning & Building (Brian Treble) 436  
Re: Memorandum - dated July 18, 2022, regarding " File No. 2100-072-08 - Crossings on the Twenty Extension Approval  
**FOR INFORMATION**

15.10. Members of Council  
Re: Council Remarks

**16. NEW ITEMS OF BUSINESS**

**17. BY-LAWS**

Councillor Mike Rehner

1. That, leave be granted to introduce By-laws # 2022-63, 2022-64, 2022-65, 2022-66, 2022-67, 2022-68, 2022-69, and 2022-70, and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
2. That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

**SUMMARY OF BY-LAWS**

17.1. BY-LAW 2022-63 437  
A By-law to confirm the proceedings of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 27<sup>th</sup> day of June, 2022

17.2. BY-LAW 2022-64 438  
Being a By-law to appoint a Municipal Officer and Property Standards Officer for the Corporation of the Township of West Lincoln (Jesse Paul)

17.3.	BY-LAW 2022-65 A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln	439
17.4.	BY-LAW 2022-66 A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln	442
17.5.	BY-LAW 2022-67 A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln	445
17.6.	BY-LAW 2022-68 Being a By-law to amend By-law 2020-54, as amended, a By-law to regulate size, use, location and maintenance of signs in the Township of West Lincoln	451
17.7.	BY-LAW 2022-69 Being a By-law to adopt amendment No. 62 (2051 Growth Forecasts and Targets, Mapping of Smithville Urban Boundary Expansion Lands and Boundary adjustments in Hamlets of Abingdon, Caistorville, Fulton, Bismark and Wellandport) to the Official Plan for the Township of West Lincoln and and to forward to the Regional Municipality of Niagara for approval	452
17.8.	BY-LAW 2022-70 A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and Niagara Regional Broadband Network Ltd.	479

**18. CONFIDENTIAL MATTERS**

Moved By Councillor Cheryl Ganann

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

18.1 Director of Planning & Building (Brain Treble)

Re: Legal/Solicitor-Client Privilege - Peter Budd - Ontario Land Tribunal (OLT)  
Update

**VERBAL UPDATE**

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

- Litigation of potential litigation, including matter before administrative tribunals, affecting the municipality or local board;
- The security of the property of the municipality or local board;
- Advice that is subject to Solicitor-Client privilege, including communications necessary for that purpose

18.2 Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter/Property Matter - Testamentary Devise - In the former

Township of Gainsborough now Township of West Lincoln

**VERBAL UPDATE**

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

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

18.3 Treasurer/Director of Finance (Donna DeFilippis)

Re: Personal Matter - Confidential Report T-20-2022 - Section 357 Applications

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

- Personal matters about an identifiable individual, including municipal or local board employees.

18.4 CAO (Bev Hendry)

Re: Legal/Solicitor Client Privilege/Property Matter/Personal Matter - West Lincoln Community Centre

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

- Advice that is subject to Solicitor-Client privilege including communication necessary for that purpose
- Personal matters about an identifiable individual, including municipal or local board employees

Moved By Councillor Harold Jonker

That, this Council (All Committee) meeting does now resume in open session at the hour of \_\_\_\_\_ p.m.

18.1. Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Peter Budd - Ontario Land Tribunal (OLT)

**VERBAL UPDATE**

18.2. Director of Planning & Building (Brian Treble)

Re: Legal/Enforcement Matter/Property Matter - Testamentary Devise - In the former

Township of Gainsborough now Township of West Lincoln

**VERBAL UPDATE**

- 18.3. Treasurer/Director of Finance (Donna DeFilippis)  
Re: Confidential Recommendation Report No T-20-2022 - Section 357-358-359 Applications

Councillor William Reilly

1. That Confidential Recommendation Report, T-20-2022, regarding “Section 357/358/359 Applications”, dated July 18<sup>th</sup>, 2022 be received; and,
2. That the list of applications as contained in Appendix A to report T-20-2022 be approved.

- 18.4. CAO (Bev Hendry)  
Re: Legal/Solicitor-Client Privilege/Property Matter/Personal Matter - West Lincoln Community Centre  
**VERBAL UPDATE**

**19. ADJOURNMENT**





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**CODE OF CONDUCT COMPLAINT –  
COUNCILLOR HAROLD JONKER  
INTEGRITY COMMISSIONER REPORT 2022-01**

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

**Aird & Berlis LLP**

**John Mascarin and Meaghan Barrett**

July 12, 2022

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**INTEGRITY COMMISSIONER REPORT –  
COUNCILLOR HAROLD JONKER  
CODE OF CONDUCT COMPLAINT 2022-01**

**I. INTRODUCTION**

1. A formal complaint was filed with the Integrity Commissioner on February 28, 2022 (the “**Complaint**”). The Complaint alleges that Councillor Harold Jonker (the “**Councillor**”) of The Corporation of the Township of West Lincoln (the “**Township**”) contravened a number of provisions of the Township’s Code of Conduct for Members of Council and Local Board Members (the “**Code**”). The alleged contraventions pertain to the Councillor’s participation in the Freedom Convoy rally in January and February of 2022 (the “**Demonstration**”).

**II. APPOINTMENT & AUTHORITY**

2. Aird & Berlis LLP was appointed as Integrity Commissioner for the Township pursuant to subsection 223.3(1) of the *Municipal Act, 2001*<sup>1</sup> by Council by By-law No. 2018-118 on December 11, 2018. Council adopted the Code and a Complaint Protocol (the “**Complaint Protocol**”) on April 15, 2019.

3. As Integrity Commissioner, we are appointed to act in an independent, neutral and impartial manner on the application of the Code, and other rules and procedures governing the ethical behaviour of members of Council. We are required to preserve secrecy in all matters that come to our knowledge as Integrity Commissioner in the course of our duties. At the same time, the Township is required to ensure that reports received from the Integrity Commissioner are made available to the public.

4. The Complaint was properly filed pursuant to Part B, Section 1(1) of the Complaint Protocol and subsection 223.4(1) of the *Municipal Act, 2001* and falls within the scope of the Code.

5. This is a report on the investigation of the Complaint made in accordance with Part B, Section 11 of the Complaint Protocol and subsection 223.6(2) of the *Municipal Act, 2001* (the “**Report**”).

6. The principles of procedural fairness require us to provide reasons for our conclusions and recommendations, which we have done in this Report. Our investigation was conducted in accordance with the Complaint Protocol and with a process that was fair to all parties. We have assessed the evidence in an independent and neutral manner. We have also provided an opportunity to the Councillor to respond to the allegations, and to review and provide comment on the preliminary findings.

7. This Report contains recommendations that Council for the Township will be requested to consider.

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<sup>1</sup> *Municipal Act, 2001*, S.O. 2001, c. 25.

### III. CODE OF CONDUCT PROVISIONS AT ISSUE

8. The Complaint alleges that the Councillor contravened the following provisions of the Code:
- Section 2.2;
  - Sections 4.1(c), (d), (f), (g);
  - Sections 7.1 and 7.2(g);
  - Sections 10.1 and 10.2; and
  - Sections 11.1 and 11.2.
9. The above provisions of the Code have been reproduced in Appendix “A” to this Report.

### IV. REVIEW OF MATERIALS

10. In order to undertake our investigation and prepare this Report, we have reviewed and considered the following materials:
- Complaint 2022-01;
  - the Councillor’s response to the Complaint dated May 9, 2022 (the “**Response**”);
  - the reply provided by the complainant dated May 16, 2022 (the “**Reply**”); and
  - media coverage from various sources, including a number of interviews by the Councillor, regarding the Demonstration between January 27, 2022 and February 21, 2022.
11. We also reviewed such further materials that we considered appropriate for our investigation.

### V. BACKGROUND

#### (a) The Complaint

12. The Complaint asserts that the Councillor contravened multiple provisions of the Code – Sections 2.2, 4.1(c), (d), (f), (g), 10.1, 10.2, 11.1 and 11.2 – by virtue of his participation in the Demonstration.

13. The Complaint alleges that the Councillor made false and misleading statements in the numerous interviews that he provided to various media outlets, in contravention of Sections 4.1, 10.1, 10.2 and 11.1 of the Code.<sup>2</sup>

14. The Complaint also posits that the Councillor’s participation in the Demonstration, and in particular his leadership position and role as spokesperson for the Freedom Convoy organization

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<sup>2</sup> A number of links to articles or video recordings of some of these interviews was provided with the Complaint, which were also provided to the Councillor.

contravened Section 4.1(g) of the Code, which requires members of Council to recognize that they are representatives of the Township and owe a duty of loyalty to residents of the municipality at all times, and also Section 10.1 of the Code, which provides that members of Council shall not use the influence of their office for any purpose other than the exercise of their official duties in the public interest.

15. Finally, the Complaint alleges that the Councillor improperly received money and gifts through the GoFundMe and GiveSendGo online fundraisers as a result of his involvement in the rally, contrary to Section 7 of the Code.

### **(b) Preliminary Issue**

16. We initially considered whether the Complaint contained allegations of possible criminal activity given that many persons had been arrested at the Demonstration, which was described by police and others as an “illegal” or “unlawful” occupation. We held the Complaint in abeyance in order to make inquiries with police authorities to determine if the matter and the Councillor would be under their jurisdiction.<sup>3</sup> We received assurances that the matter was not, at the time, a police matter and we accordingly proceeded with our inquiry and investigation into the Complaint.

### **(c) The Demonstration**

17. The Demonstration commenced in the City of Ottawa on January 28, 2022 when a number of semi trucks arrived in the City to initially protest against the COVID-19 vaccine requirements for truck drivers entering Canada by land that had been introduced by the Government of Canada on January 15, 2022. The Demonstration grew into a broader demonstration against COVID-19 public health measures imposed by all levels of government, and, in the case of some participants, morphed into an expression of general discontent with all manner of government policy.

18. The Demonstration received worldwide attention. As noted by Justice MacLeod in *Li v. Barber*<sup>4</sup> in his decision in respect of a civil suit filed by local residents in the City of Ottawa who were affected by the Demonstration, the participants in the Demonstration presented “challenges to law enforcement” and “imposed significant negative impact on residents and businesses in the downtown core of Ottawa”.

19. Allegations by local residents of impassible streets, constant and excessive noise, idling truck engines, open fires without permits, the setting off of fireworks, the erection of temporary structures and the rampant use of obscenities received widespread media coverage, together with allegations of racism, white supremacy, desecration of monuments and threats of violence and harassment of citizens wearing masks or otherwise attempting to comply with many mandated the COVID-19 restrictions.

20. On February 6, 2022, the City of Ottawa’s Mayor declared a state of emergency in the city pursuant to the *Emergency Management and Civil Protection Act*.<sup>5</sup>

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<sup>3</sup> Section 223.8 of the *Municipal Act, 2001*, provides that if the Integrity Commissioner has reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code, the Integrity Commissioner “shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to council.”

<sup>4</sup> *Li v. Barber* (2022), 160 O.R. (3d) 454 (S.C.J.) at para. 9.

<sup>5</sup> *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9.

21. On February 11, 2022, the Premier of Ontario also declared a state of emergency pursuant to the *Emergency Management and Civil Protection Act* and introduced emergency measures in response to the Demonstration, describing the protests as a “siege” on the City of Ottawa.

22. On February 14, 2022, the Government of Canada invoked the *Emergencies Act*<sup>6</sup> and declared a public order emergency to forcibly remove participants in the Demonstration, following which numbers of participants were criminally charged and participating vehicles were removed from the downtown core.

23. As a result, the Demonstration has been widely acknowledged as an unlawful protest.

#### **(d) The Councillor’s Participation**

24. The Councillor is an owner of Jonker Trucking Inc., which is based in the Township. In January 2022, the Councillor allegedly organized a contingent of trucks from Niagara Region to drive to the City of Ottawa to participate in the Demonstration. This contingent included eleven trucks owned by the Councillor’s trucking company. The Councillor has been described as the head of the Niagara Convoy and claims to have been part of the first group of trucks to reach Parliament Hill on January 28, 2022.

25. During the course of the Demonstration, the Councillor was an active and vocal participant. He self-identified as a leader of the Freedom Convoy organization, and acted as a spokesperson for the organization. The Complaint included links to ten (10) interviews given by the Councillor between January and February 2022. In the course of our investigation, we located several more. The Councillor was not merely an observer but an active participant and organizer.

26. The Councillor was not criminally charged for his participation in the Demonstration.

## **VI. FINDINGS**

27. This section of our Report contains our findings regarding the allegations that the Councillor’s participation in the Demonstration contravened Sections 2.2, 4.1(c), (d), (f), (g), 10.1, 10.2, 11.1 and 11.2 of the Code. We deal with each provision in turn.

28. As noted above, the principles of procedural fairness and the process under the Complaint Protocol were followed in our investigation and assessment of the Complaint. We have made determinations herein based on the civil standard of a balance of probabilities.

#### **(a) Section 2.2 – Statement of Principles**

29. The Complaint claims that the Councillor contravened Section 2.2 of the Code which sets out statements of principle that “are intended to guide Members and assist with the interpretation” of the Code. This section specifically provides that the principles are not operative provisions of the Code and are not intended to be enforced independently as such.

30. We have taken note of the following principles, in particular, which assisted in our interpretation and analysis of the Complaint as set out below.

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<sup>6</sup> *Emergencies Act*, R.S.C. 1985, c. 22 (4th Supp.).

31. Amongst the enumerated key principles in Section 2.2, members of Council must do the following:

- observe and act with the highest standard of ethical conduct and integrity;
- avoid the improper use of the influence of their office and act without self-interest;
- act and perform their functions with honesty, integrity, accountability and transparency;
- arrange their private affairs in a way that promote public confidence and that will bear close public scrutiny; and
- be cognizant that they are at all times representatives of the Township and Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Township.

**(b) Section 4.0 – General Obligations**

32. Section 4.0 of the Code sets out the general obligations of members of Council, which are enumerated in general terms, as positive obligations rather than prohibitions. Section 4.0 of the Code is enforceable, but, in our view, it is not appropriate to parse or attempt to elasticize the provisions in this section when considering an alleged contravention of the Code. The provisions of Section 4.0 must be interpreted and applied with consideration of the entire context of the Code.

33. Based on our consideration and application of the provisions of Section 4.0 raised in the Complaint, we conclude that the Councillor has contravened Section 4.1(g) of the Code, but dismiss the other alleged contraventions of Section 4.0 of the Code for the reasons that follow.

**i. 4.1(c) – Duty to Advance Public Interest with Honesty**

34. The Complaint alleges that the Councillor contravened Section 4.1(c) of the Code, which requires members of Council to “seek to advance the public interest with honesty.” A key principle of the Code is that members are obligated to act with honesty (see Section 2.2).

35. Based on our review of the evidence, we did not find any evidence that the Councillor attempted to conceal his participation in the Demonstration, or his position or views. However, we are concerned that, when asked to voluntarily disclose gifts or benefits received during the course of his participation in the Demonstration, we received no response from the Councillor, as described below.

**ii. Section 4.1(d) – Duty to Serve Constituents in Conscientious and Diligent Manner**

36. The Complaint alleges that the Councillor contravened Section 4.1(d) of the Code, which requires members to “seek to serve their constituents in a conscientious and diligent manner.” The Complaint does not specify which actions or statements in particular contravened this section of the Code.

37. In our view, to act with conscientiousness and diligence requires members of Council to conduct themselves with a high degree of care for and thoroughness in carrying out their duties. In contrast, conduct that is careless, indiscrete, or thoughtless may contravene this obligation.

38. The Complaint contained no allegation that the Councillor failed to fulfill his official duties. The issue, in our view, is whether the Councillor contravened this section of the Code by virtue of his alleged failure in his duties as a representative of Council and the Township.

39. Despite our concerns that the Councillor's participation in the Demonstration overstepped what is, in our view, the appropriate level of engagement for a member of Council given the Councillor's role as a representative of Council and the municipality, we do not find that the Councillor's conduct, when taken as a whole, amounted to a contravention Section 4.1(d) of the Code.

### iii. Section 4.1(f) – Refrain from Making False or Misleading Statements

40. The Complaint alleges that the Councillor make statements that were false or misleading during the course of his numerous media interviews over the course of the Demonstration. In his Response, the Councillor wrote "all that I spoke I believe the be true".

41. The Councillor's comments to the media included the following statements:

- "We've been concerned with vaccine mandates from the beginning...I'm hoping and praying that the government (realizes) that this country is done with mandates."<sup>7</sup>
- "Mandates and lockdowns have been bad for society for so long, when they go, we'll go."<sup>8</sup>
- "We know that's what's been harming our society for two years."<sup>9</sup>
- "The sadness, the suffering that's been experienced throughout the world over the past 2 years [is the reason the reason I chose to join the Demonstration]. Covid has been tough on society, but the truth has been depressed, hidden from the world when it comes to the vaccinations, the lock downs and when it comes to the negative effects of those things. We need to have an honest discussion about that, and its time to move on."<sup>10</sup>
- "I think its worth it standing up for our freedom. I think that's what this has become, more than just about Covid and mandates. If it were just about Covid and mandates, then our Prime Minister would be at the table. This is bigger than that now I believe."<sup>11</sup>

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<sup>7</sup> The Peterborough Examiner, "Niagara truck drivers joining Ottawa-bound 'Freedom Convoy' against vaccine mandate" (January 27, 2022) available online: <https://www.thepeterboroughexaminer.com/local-niagara-falls/news/2022/01/27/niagara-truck-drivers-joining-ottawa-bound-freedom-convoy-against-vaccine-mandate.html>.

<sup>8</sup> Joe Warmington, Twitter interview (Feb 11, 2022) available online: [https://twitter.com/joe\\_warmington/status/1492158942755053572?s=21&fbclid=IwAR06b0VzHpsdAoolzDkuNHfjrlkYyRfc4YxSCU1SAds9uRAmOlnu-j2inY8](https://twitter.com/joe_warmington/status/1492158942755053572?s=21&fbclid=IwAR06b0VzHpsdAoolzDkuNHfjrlkYyRfc4YxSCU1SAds9uRAmOlnu-j2inY8).

<sup>9</sup> Fox News, "Canadian trucker: We'll fight to the 'bitter end'" (February 12, 2022) available online: <https://video.foxnews.com/v/6297159213001#sp=show-clips>.

<sup>10</sup> Fox video, "Canadian trucker says 'it's worth it' to stand up for 'freedom'" (February 19, 2022) available online: <https://video.foxnews.com/v/6298170936001#sp=show-clips>.

<sup>11</sup> *Ibid.*



42. We have carefully considered the statements made by the Councillor in the various media interviews that he conducted over the course of the Demonstration that were referenced in the Complaint. In our view, the Councillor's statements are a form of political expression and opinion.

43. Freedom of expression is a fundamental right in Canada. We take direction from the Supreme Court of Canada in our interpretation of political speech; the Code must be interpreted in a manner consistent with the freedom of expression, and in a way that provides as broad an interpretation as possible.

44. In its decision in *Committee for the Commonwealth of Canada v. Canada*,<sup>12</sup> the Supreme Court of Canada wrote:

Hence the justification for the widest freedom of political speech stems not only from some abstract search for truth, but also from the tangible goal of preserving democracy. As this Court stated in *Reference Re Alberta Statutes*, [1938 CanLII 1 \(SCC\)](#), [1938] S.C.R. 100, at pp. 145-46, where Cannon J. held that freedom of expression was beyond provincial competence since expression is necessary to the functioning of a democracy:

Freedom of discussion is essential to enlighten public opinion in a democratic State; it cannot be curtailed without affecting the right of the people to be informed through sources independent of the government concerning matters of public interest. There must be an untrammelled publication of the news and political opinions of the political parties contending for ascendancy .... Democracy cannot be maintained without its foundation: free public opinion and free discussion throughout the nation of all matters affecting the State within the limits set by the criminal code and the common law. [Emphasis added]

45. We find that the Councillor did not contravene Section 4.1(f) of the Code by virtue of his comments to the media that were referenced in the Complaint.

#### iv. Section 4.1(g) – Duty of Loyalty

46. The Complaint asserts that the Councillor breached Section 4.1(g), which provides that "Members must recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times."

47. The Complaint states that the Councillor "illegally participated in an unlawful occupation in the city of Ottawa failing to uphold the spirit and the letter of the laws of Ontario and Canada and the laws and policies adopted by Council".

48. In response to the allegations in the Complaint, the Councillor stated "as a representative I choose to represent the residents who are being negatively affected by the lock downs and mandates." He also stated "many residents have shown support and asked me to continue to speak for them as their Charter Rights are continuing to be ignored. As leaders in communities we are called to stand for everyone's rights and that is what I have been doing."

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<sup>12</sup> *Committee for the Commonwealth of Canada v. Canada*, [1991] 1 S.C.R. 139 at para. 77.

49. The complainant's Reply argues that the Councillor's participation in the Demonstration contravenes the Councillor's duty of loyalty to those of his constituents who do not support his position on the COVID-19 mandates "and now wear shame, embarrassment and further division within our community as a result of his actions and behaviour". The complainant also alleges that the Councillor's participation in the Demonstration was tied to his aspirations for federal election, which interfered with his municipal obligations and duties.

50. The allegations in the complainant's Reply are not sufficient grounds to find a contravention of Section 4.1(g) of the Code. For some constituents to disagree with their duly elected representative, and even feel embarrassed by his or her actions, is not an unusual circumstance. Those constituents will have an opportunity to exercise their democratic right to vote in the upcoming election, which is the proper forum to address any concerns they may have with the Councillor's political expressions.

51. A Councillor's role includes both the exercise of his or her official duties, as well as a member's representative role as an elected official and leader in the community.

52. Section 2.0 of the Code requires that members of Council "be cognizant that they are at all times representatives of the Township and Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Township".

53. We take note that in the television and radio interviews that we reviewed, the Councillor did not specifically identify himself as a member of Council. However, the Councillor was frequently identified by the media as a member of Council for the Township and did not specify in any of the interviews that we reviewed that he was speaking in his personal capacity only. Moreover, we understand from the Councillor's response that he viewed his participation in the Demonstration at least in part as being in a representative capacity as a "leader in the community".

54. Our concern does not lie with the Councillor's participation in the peaceful component of the Demonstration but with his participation as a leader and spokesperson for the Freedom Convoy organization, particularly after the federal public emergency declaration on February 14, 2022. His participation in and support of an illegal occupation was wholly inappropriate.

55. The duty of loyalty that the Councillor owes to the Township is akin to a fiduciary duty that requires him to act and make decisions honestly, in good faith and in the best interests of the Township. The questions to be asked are: Was it inappropriate and contrary to the best interests of the Township for the Councillor to be publicly outspoken on this matter? Does the answer to that question change in light of the emergency declarations and measures made by the municipal, provincial and federal governments, rendering participation in the Demonstration unlawful?

56. In our view, the Councillor's participation and, in particular, his level of involvement in the Demonstration following the three emergency declarations was inappropriate given the direction in the Code that members of Council are representatives of the Township at all times.

57. Our finding is not intended to derogate from the Councillor's freedom of expression or right to demonstrate peacefully. The issue is that the Councillor remained a vocal representative of the Demonstration after it had been deemed to be unlawful, while at the same time continuing in his role as a member of Council. At that point, a clear conflict between the two roles emerged and the Councillor was no longer able to fulfill his duty of loyalty to the Township. The Councillor ought

clearly to have known that the Demonstration was unlawful and that his participation in an illegal activity could not have promoted public confidence nor could it in any way be viewed as upholding the spirit and the letter of the laws of Ontario and Canada as he is required under the Code.

58. On this basis, we find that the Councillor contravened Section 4.1(g) of the Code.

**(c) Section 7.0 – Gifts and Benefits**

59. The Complaint also alleges that the Councillor contravened Section 7 of the Code by receiving money and/or gifts through the GoFundMe and GiveSendGo online fundraisers as a result of his involvement in the Demonstration.

60. Pursuant to Section 7.1 of the Code, members of Council are not permitted to accept “a fee, advance, gift, gift certificate, cash, hospitality or any form of personal benefit connected directly or indirectly with the performance of his or her duties”, except for nine (9) specific circumstances set out in Section 7.2.<sup>13</sup> Section 7.3 of the Code provides that members who receive certain types of gifts or benefits must file a Disclosure Statement in respect of the gift or benefit received.

61. Our investigation determined that no funds that were raised through GiveSendGo have been released to convoy participants, and the majority of the funds raised through GoFundMe were refunded to donors, save and except for an initial \$1 million that was released to Freedom Convoy organizers in early February 2022.

62. In his Response, the Councillor indicated that he did not receive money from either GoFundMe or GiveSendGo. The complainant’s Reply responds that the Councillor failed to account for money that was indirectly received through prepaid or reimbursed items such as accommodation, fuel and food paid for through fundraisers and/or other supports or participants in the Demonstration.

63. On June 3, 2022, we wrote to the Councillor to provide him with an opportunity to voluntarily disclose any gifts or benefits that he received during the course of his participation in the Demonstration that were or could be perceived to be indirectly tied to his official duties, in accordance with Section 7.3 of the Code.

64. In our correspondence to the Councillor, we explained that we had concluded that his participation in the Demonstration was indirectly tied to his role as a member of Council. Our conclusion was, in part, based on the Councillor’s own submissions contained in his Response.

65. In responding to the allegations in the Complaint, the Councillor wrote “as a representative I choose to represent the residents who are being negatively affected by the lock downs and mandates.”

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<sup>13</sup> These circumstances include the types of gifts or benefits that normally accompany the responsibilities of office received as an incident of protocol or social obligation; services provided by a volunteer for a charitable or non-profit event; nominal tokens, mementos or souvenirs; food, lodging, transportation and entertainment provided by another level of government or government agency, or by a conference, seminar or event organizer where the member of Council is speaking or attending in an official capacity as a representative of the Township; entrance fees or food/beverages at banquets or receptions where attendance serves a legitimate purpose; gifts of no greater value than \$300 in a year and no more than \$100 from an individual/person/corporation/body or entity.

66. He also wrote “many residents have shown support and asked me to continue to speak for them as their Charter Rights are continuing to be ignored. As leaders in communities we are called to stand for everyone’s rights and that is what I have been doing.”

67. The foregoing statements as set out in the Councillor’s Response and the fact that his position as a member of Council was widely broadcast as he acted as a leader and spokesperson for the Freedom Convoy organization, lead us to the conclusion that his participation in the Demonstration was or could be perceived to be indirectly related to his role as a member of Council. The Councillor certainly believed this and explicitly noted the fact.

68. In an interview with Fox News on February 12, 2022, the Councillor stated, “the Canadian public supported us with hugs, fuel, food”.

69. We are also aware that the Freedom Convoy organization stated that the purpose of the initial \$1 million released by GoFundMe was intended to be used for fuel, food and lodgings. As an early and active participant in the Demonstration, it would be surprising if the Councillor did not receive some form of gift or benefit from the Freedom Convoy organization, or from supporters or fellow participants.

70. When expressly questioned on this point, the Councillor chose to remain silent. We received no response to our request for information and to our offer that he could voluntarily disclose any benefits that he may have received.

71. Section 14.2 of the Code requires members of Council to cooperate with requests for information during an investigation or inquiry under the Code. This is a common feature in municipal codes of conduct and seeks to assist in the process of investigations and inquiries. Section 14.2 of the Code provides as follows:

**14.0 Respect for the Code of Conduct**

14.2 A Member shall cooperate with requests for information during any investigations or inquiries under the Code of Conduct. A Member shall not destroy or damage documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a complaint has been filed under the Code of Conduct or any process for complaints adopted by the Township.

72. It is within our reasonable jurisdiction as Integrity Commissioner to consider and determine whether a member has complied with their obligations under Section 14.2 of the Code, which would only arise during an investigation. The Councillor did not respond to our request.

73. The Councillor expressly stated that support, in the form of “hugs, fuel, food”, was provided. The latter two items – fuel and food – have a financial or monetary value to the recipient. The Councillor stated that such support was given to “us” – thereby explicitly including himself with the other Demonstration participants and presumably those he assisted to organize and who also participated in an unlawful activity.

74. When given the opportunity to clarify, the Councillor elected to say nothing.

75. In the absence of a response from the Councillor, we are entitled to draw an adverse inference from his silence. The Councillor has acknowledged that he received support, at least in the form of food and fuel during the course of his participation in the Demonstration which he claims was in the indirect exercise of his duties as an elected representative.<sup>14</sup>

76. It is our finding that the Councillor has received gifts or benefits in contravention of the Code and that his failure to file a Disclosure Statement in accordance with Section 7.3 the Code constitutes an admission that he was not authorized to accept such gifts or benefits.

**(d) Section 10.1 – No Improper Use of Influence**

77. Section 10.1 of the Code prohibits members of Council from using the influence of their office for any purpose other than the lawful exercise of his or her official duties and for municipal purposes:

**10.0 Improper Use of Influence**

10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.

78. The Complaint alleges that the Councillor contravened Section 10.1 in the course of his participation in the Demonstration, but does not specify who was influenced and for what purpose.

79. A stereotypical example of a contravention of this provision would be a circumstance where a member of Council asks municipal staff to expedite or turn a blind eye to a friend or family member's development application. The circumstances of the Complaint are clearly different.

80. In this case, we find that the Councillor indirectly used his position as a member of Council to influence debate on a matter of significant political debate and disagreement that, at the time, was gripping the public conscience. This in and of itself is not a contravention of the Code.

81. While we have a real concern that the Councillor sought to leverage his representative role as a member of Council to lend some legitimacy to the Freedom Convoy organization as its spokesperson, and to the Demonstration in general, we do not find that there is sufficient evidence of any exercise of undue influence of the Councillor's official duties to sustain a finding that Section 10.1 of the Code has been contravened.

82. Accordingly, we dismiss this portion of the Complaint.

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<sup>14</sup> It is well established that an administrative agency is entitled to draw an adverse inference where there is a failure without good reason to provide key evidence with respect to an issue: *McNaught v. Toronto Transit Commission* (2005), 74 O.R. (3d) 278 (C.A.) at para. 51. See also *The Law of Evidence in Canada* (2<sup>nd</sup> Ed), Sopinka, Lederman & Bryant (Butterworths, 1999) at p. 297:

...an unfavorable inference can be drawn when, in the absence of an explanation, a party litigant does not testify, or fails to provide affidavit evidence on an application, or fails to call a witness who would have knowledge of the facts and would be willing to assist that party.

See also, the Town of Grimsby's Integrity Commissioner's comments in his [Final Investigation Report - IC-16634-0222](#) at page 34 regarding adverse inference.

**(e) Section 11.1 – Conflicts of Interest**

83. The Complaint alleges that the Councillor contravened Section 11.1 of the Code, which states that members of Council shall seek to avoid conflicts of interest, both pecuniary and non-pecuniary, shall comply with the requirements of the *Municipal Conflict of Interest Act*,<sup>15</sup> and shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Township and its elected officials.

84. The Complaint also asserts that the Councillor contravened Section 11.2 of the Code, which “encourages” members of Council to seek guidance from the Integrity Commissioner when they become aware of a potential conflict of interest. Section 11.2 of the Code provides a recommendation to members of Council – it is not an enforceable provision.

85. The Code contains a definition of “conflict of interest” – it is “a situation in which a Member has competing interests or loyalties between the Member’s personal or private interests and his or her public interests as an elected representative such that it might influence his or her decision in a particular matter.”

86. The Code defines “non-pecuniary interest” as “a private or personal interest that a Member may have that is non-financial in nature and that would be considered by a reasonable person, apprised of all the circumstances, as being likely to influence the Member’s decision in any matter in which the non-pecuniary interest arises, and may include, but is not limited to, an interest that arises from a relationship with a person or entity”.<sup>16</sup>

87. We are not aware of any circumstance related to the allegations in the Complaint where the Councillor failed to comply with the disclosure requirements under the *Municipal Conflict of Interest Act*.

88. The Complaint contained no suggestion of any facts that may have influenced the Councillor’s decision on a matter before Council, which in our view is necessary in order to find a contravention of Section 11.1 of the Code. On this basis, we dismiss this portion of the Complaint.

**VII. PRELIMINARY FINDINGS & OPPORTUNITY TO MAKE SUBMISSIONS**

89. In accordance with our standard practice, we provided a final draft of this Report, containing all of our Findings but not our Conclusions or Recommendations, to the Councillor on July 4, 2022, and offered him an opportunity to make his final submissions on the Findings. We did not receive any reply or response from the Councillor within the time requested nor any request for an extension. We accordingly proceeded to finalize our Report in order to conclude the investigative portion of the Complaint.

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<sup>15</sup> *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50.

<sup>16</sup> This definition is consistent with the test articulated by the Supreme Court of Canada in *Old St. Boniface Residents Association v. Winnipeg (City)*, [1990] 3 S.C.R. 1170 at 1196-1197, 2 M.P.L.R. (2d) 217, which considers whether a councillor’s personal or other interest in a matter being decided is so related to the exercise of public duty that a reasonably well-informed person would conclude that the interest might influence the exercise of the public duty.



## VIII. CONCLUSIONS

90. Based on the foregoing, we have determined that the Councillor contravened Section 4.1(g) of the Code, which requires members of Council to recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times, by virtue of his participation in the Demonstration following the declaration of municipal, provincial and federal emergency orders.

91. The Councillor actively encouraged, supported and participated in unlawful activities related to the Demonstration.

92. The Councillor also contravened Section 7.1 of the Code by accepting “a gift... or any form of personal benefit connected... indirectly with the performance of his or her duties.”

93. We also note that the Councillor has failed to comply with a request for information during an investigation by the Integrity Commissioner, in contravention of Section 14.2 of the Code.

94. The remaining portions of the Complaint are dismissed.

## VIII. RECOMMENDATIONS

95. In accordance with the statutory scheme of the *Municipal Act, 2001*, Council has an adjudicative role. As recently noted by the Ontario Divisional Court,

it is the [Integrity] Commissioner who, following an investigation, determines if the complaint is sustained. Where a complaint is sustained, in whole or in part, the Commissioner is required to report to Council with his findings and any recommended corrective actions. Council’s duty is to “consider and respond to the report” of the Integrity Commissioner.<sup>17</sup>

96. Subsection 223.4(5) of the *Municipal Act, 2001*, sets out two penalties that may be imposed on a member of Council where there has been a finding of a contravention of a code of conduct. These penalties are also set out in Section 15.1 of the Code:

### 15.0 Penalties for Non-Compliance with the Code of Conduct

15.1 Where Council receives a report from the Integrity Commissioner that there has been a violation of the Code of Conduct by a Member, Council may impose the following penalties on the Member: (a) a reprimand; or (b) a suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period up to ninety (90) days.

97. The Councillor has contravened both Sections 4.1(g) and 7.1 of the Code. Based on these violations of the Code, we recommend, on the grounds of general deterrence and in order to maintain the public confidence with respect to the ethical framework put in place by the Council to govern its members, that Council denounce the actions of the Councillor by way of a formal reprimand and impose a suspension of his remuneration as a member of Council equal to thirty (30) days.

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<sup>17</sup> *Chiarelli v. Ottawa (City)*, 2021 ONSC 8256 (Div. Ct.) at para. 148.

98. We have noted that the Councillor has also acted in contravention of his obligations under Section 14.2, however, we based our recommendation on penalty only on the basis of the Councillor's contraventions of both Sections 4.1(g) and 7.1 of the Code that formed part of the Complaint.

99. In addition, the courts have recognized that remedial measures or corrective actions may also be imposed to carry out the objectives of a code of conduct,<sup>18</sup> so long as those measures have an essential nexus between the wrongdoing and the remedial or corrective action.<sup>19</sup> This is also set out in Section 15.2 of the Code:

#### **16.0 Remedial or Corrective Measures or Actions**

16.1 Council may, on the basis of a recommendation from the Integrity Commissioner, also take any or all of the following corrective or remedial actions, and require that the Member:

- (a) provide a written or verbal apology;
- (b) return property or make reimbursement of its value or of money spent;
- (c) be removed from or not be appointed to the membership on a committee of Council;
- (d) be removed from or not be appointed as chair of a committee of Council;  
and
- (e) comply with any other remedial or corrective action or measure deemed appropriate by the Integrity Commissioner.

100. We are of the view that the imposition of remedial or corrective measures is appropriate in the circumstances of this matter, and we recommend that Council adopt and impose the following remedial measures:

- (i) That the Councillor be directed to account for the monetary value of the food and fuel that was provided to him and to his contingent of supporters as a gift or benefit during the Demonstration within thirty (30) days of Council's decision; and
- (ii) That the Councillor provide proof satisfactory to Council that funds equal to the monetary value of the food and fuel provided as a gift or benefit in remedial measure (i) above has been re-funded, repaid or reimbursed within sixty (60) days of Council's decision.

101. This Report has been prepared for and is forwarded to Council for its consideration pursuant to subsections 223.4(5) and 223.6(2) of the *Municipal Act, 2001*. Council is being asked to make a decision solely on the Recommendations sets out in this Report. Council can accept them in full, reject them outright or accept them in a modified manner.

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<sup>18</sup> *Magder v. Ford* (2013), 7 M.P.L.R. (5th) 1 at para. 67 (Ont. Div. Ct.).

<sup>19</sup> *Altmann v. Whitchurch-Stouffville (Town)* (2018), 81 M.P.L.R. (5th) 1 at paras. 43 & 44 (Ont. S.C.J.); *Dhillon v. Brampton (City)*, 2021 ONSC 4165 at para. 94 (Div. Ct.).



102. This Report is to be made public pursuant to subsection 223.6(1) of the *Municipal Act, 2001*.

Respectfully submitted,

AIRD & BERLIS LLP



John Mascarin

Integrity Commissioner for the Township of West Lincoln



Meaghan Barrett

Dated this 12<sup>th</sup> day of July, 2022

## APPENDIX “A”

### CODE OF CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARD MEMBERS

#### 2.0 Statement of Principles

2.2 The following key statements of principle are intended to guide Members and assist with the interpretation of the Code of Conduct:

- Members shall serve and be seen to serve the public in a conscientious and diligent manner;
- Members shall observe and act with the highest standard of ethical conduct and integrity;
- Members shall avoid the improper use of the influence of their office and act without self-interest;
- Members shall act and are expected to perform their functions with honesty, integrity, accountability and transparency;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;
- Members shall be cognizant that they are at all times representatives of the Township and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote the public trust in the Township; and
- Members shall uphold the spirit and the letter of the laws of Ontario and Canada and the laws and policies adopted by Council.

The above statements are key principles that are intended to facilitate an understanding, application and interpretation of the Code of Conduct – the principles are not operative provisions of the Code of Conduct and are not intended to be enforced independently as such.

...

#### 4.0 General Obligations

4.1 Members shall:

- (c) seek to advance the public interest with honesty;
- (d) seek to serve their constituents in a conscientious and diligent manner;
- (f) refrain from making statements known to be false or with the intent to mislead Council or the public;
- (g) recognize that they are representatives of the Township and that they owe a duty of loyalty to the residents of the Township at all times;

...

## 7.0 Gifts and Benefits

- 7.1 Any gift to a Member risks the appearance of improper influence. Gifts may improperly induce influence or create an incentive for a Member to make decisions on the basis of relationships rather than in the best interests of the Township. A Member shall not accept a fee, advance, gift, gift certificate, cash, hospitality or any form of personal benefit connected directly or indirectly with the performance of his or her duties except as provided in Section 7.2. A gift, benefit or hospitality provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties is deemed to be a gift to that Member. Any doubt concerning the propriety of the gift should be resolved by the Member not accepting or keeping it.
- 7.2 For greater clarity, despite Section 7.1, a Member is entitled to accept any compensation, remuneration or benefits authorized by law but shall not accept any gift or benefit other than in the following circumstances:
- (a) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
  - (b) a political contribution otherwise reported by law, in the case of a Member running for office;
  - (c) services provided without compensation by persons volunteering their time for a charitable or non-profit event;
  - (d) nominal tokens, mementos or souvenirs received as an incident of protocol or social obligation that normally accompanies the responsibilities of elected office or at a function honouring the Member;
  - (e) food, lodging, transportation and entertainment provided by provincial, regional and local governments or any agencies or subdivisions of them or by the federal government or by a foreign government within a foreign country, or by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity as a representative of the Township;
  - (f) entrance fees or food and beverages consumed at banquets, receptions or similar events, if:
    - (i) attendance serves a legitimate municipal business purpose related to the normal business of the Township,
    - (ii) the person extending the invitation or a representative of the organization is in attendance, and
    - (iii) the value is reasonable and the invitations are infrequent;
  - (g) gifts not having a value greater than \$300 in a year and no more than \$100 from an individual, person, corporation, body or entity;

- (h) benefits received as a door prize, raffle or similar draw at an event, conference or seminar attended by the Member; and
- (i) any gift or benefit, if the Integrity Commissioner is of the opinion, before the gift or personal benefit has been accepted, that it is unlikely that receipt of the gift or benefit gives rise to a reasonable presumption that the gift or benefit was given in order to influence the Member in the performance of his or her duties.

7.3 A Member who has received and accepted a gift or benefit pursuant to Section 7.2(a), (f), (g), (h) and (i) shall file a disclosure of the gift or benefit indicating the person, body or entity from which it was received together with the estimated value of the gift or benefit in accordance with the Disclosure Statement set out in Appendix "A". The Disclosure Statement shall be provided to the Clerk within thirty (30) days of the Member receiving or accepting a gift of benefit or when the \$300 annual limited is reached. Such Disclosure Statement shall be a matter of public record.

...

## **10.0 Improper Use of Influence**

- 10.1 A Member shall not use the influence of their office or appointment for any purpose other than the exercise of his or her official duties in the public interest.
- 10.2 A Member shall not use the status of their position to influence the decision of another person to the private advantage or non-pecuniary interest of themselves, their parents, children or grandchildren, spouse, or friends or associates, or for the purpose of creating a disadvantage to another person or for providing an advantage to themselves.

## **11.0 Conflicts of Interest**

- 11.1 A Member shall seek to avoid conflicts of interest, both pecuniary and non-pecuniary. A Member shall comply with the requirements of the *Municipal Conflict of Interest Act* with respect to obligations relating to pecuniary interests. A Member shall take proactive steps to mitigate any non-pecuniary conflicts of interest in order to maintain public confidence in the Township and its elected officials.
- 11.2 Members are encouraged to seek guidance from the Integrity Commissioner when they become aware that they may have a conflict between their responsibilities to the public as a Member and any other interest, pecuniary or non-pecuniary.

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**TOWNSHIP OF WEST LINCOLN  
PUBLIC MEETING UNDER THE PLANNING ACT MINUTES  
AMENDMENT TO THE TOWNSHIP OF WEST LINCOLN'S OFFICIAL PLAN**

**June 27, 2022, 5:00 p.m.**

**Township Administration Building  
318 Canborough Street, Smithville, Ontario**

**Council:** Mayor Dave Bylsma  
Councillor Shelley Bradaric\* (refer to page 2)  
Councillor Cheryl Ganann  
Councillor Harold Jonker\* (refer to page 14)  
Councillor William Reilly  
Councillor Jason Trombetta

**Absent:** Councillor Mike Rehner

**Staff:** Bev Hendry, CAO  
Joanne Scime, Director of Legislative Services/Clerk  
Brian Treble, Director of Planning and Building

**Others:**

Regional Councillor Albert Witteveen	Jennifer Meader
Bruce Harris, WeeStream	Chris Frere
Steve Wever	Lou DiLeonardo
Richard Vandezande	Franco Abbaglivio
Aaron Farrell	Henry Pupek
Karl Grueneis	Katharine Richter
John Ariens	Kathy Pupek
Paul Lowes	Linda Sivyer
Ellen Irving, Community Responsible for Growth	Lois Saunders
Rick Sivyer, Community Responsible for Growth	Mike Pettigrew
Scott Antonides, Community Responsible for Growth	Patricia Wirth
	Ron Budenas
	Sylvie Budenas
	Sue Langdon
	Toni Mills
	Joann Chechalk

\* =IN ATTENDANCE PART-TIME

**1. Proposed Official Plan Amendment**

**Chair - Councillor William Reilly**

The Chair advised that this public meeting was being held to consider an Official Plan Amendment, being Official Plan Amendment No. 63 for the Smithville Master Community Plan (Secondary Plan).

**EXPLANATION OF THE PURPOSE AND EFFECT OF THE OFFICIAL PLAN AMENDMENT:**

The purpose and effect of Official Plan Amendment No. 63 is to incorporate the Master Community Plan land use designations and policies as well as the natural heritage, infrastructure and transportation systems mapping and policies for the planned growth of Smithville into the Township of West Lincoln Official Plan. The Master Community Plan has been developed under the Planning Act and is integrated with related infrastructure planning in accordance with the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment ACT (EA) for Water, Wastewater and Roads (as amended in 2015) Master Plan Approach #4. A Subwatershed Study is also being undertaken to address environmental and stormwater considerations associated with the Twenty Mile Creek watershed and to support the Master Community Plan Study. To date, four Public Information Centres (PICs) have been held for this study, including January 30, 2020, February 11, 2021, October 6, 2021 and April 27, 2022.

**SUBJECT LAND:**

The Smithville Master Community Plan Area as shown on the Public Meeting Notice is the primary area that will be subject to the amendment and has been proposed to be added to the urban boundary as part of Official Plan Amendment No. 62 and for which will be designated for urban land uses in Official Plan Amendment No. 63. Some aspects of Official Plan Amendment No. 63, including components of the proposed natural heritage, infrastructure and transportation systems, apply to both the Master Community Plan Area and to the area within the existing urban boundary of Smithville. Two special policy areas are also being proposed, which are not part of the proposed area to be added to the Smithville Urban Boundary but will be part of the Master Community Plan Study Area.

**2. Purpose of the Public Meeting**

The Chair stated that the Planning Act requires in Section 17(15) that before adopting an Official Plan Amendment, Council must hold at least one public meeting for the purpose of informing the public in respect of the amendment.

The purpose of this public meeting is to receive comments and answer questions from the public regarding the amendment to the Township of West Lincoln's Official Plan with respect to the proposed Official Plan Amendment No. 63 for the Smithville Master Community Plan (Secondary Plan).

The Chair stressed that, at this point, no decision has been made on the proposed amendments and any comments received will be taken into account by Council in their consideration. The Chair advised that the Planning Act requires under the Ontario Regulation 543/06 that Council advise the public that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of West Lincoln before the by-law is passed, the person or public body is not entitled to appeal the decision of Council for the Township of West Lincoln to the Ontario Land Tribunal (OLT).

### 3. **Public Meeting**

The Chair requested that the Clerk advise of the method and dates by which notice of the public meeting was given.

The Clerk advised that proper notice was given by way of advertising in a newspaper with general circulation on May 26th, 2022 as well as posting notice of the public meeting on the Township's website, and by mail to agencies during the week of May 17th, 2022.

The Chair asked the Director of Planning & Building, Brian Treble, to explain the purpose and reason for the proposed Official Plan Amendment.

The Director of Planning & Building, Brian Treble, introduced Steve Wever and various Members of the Consultant Team hired by the Township. The Director of Planning & Building invited Mr. Wever to share his team's presentation to Council and the public.

Mr. Wever reviewed a PowerPoint Presentation, which has been attached to the minutes as **Schedule "A"**.

Following Mr. Wever's presentation, the Director of Planning & Building thanked Mr. Wever and the other consultants for their work on the presentation, and stated that there were two items of correspondence given to Township staff after staff's report had been finalized. The Director of Planning & Building advised that the two letters of correspondence would be included as part of Planning Staff's Recommendation Report. NOTE: During the Public Comment Section the letters of correspondence were addressed and as such are attached to the minutes as Schedule E (Paul Lowes) and Schedule F (Jennifer Meader).

The Chair asked if there were any oral or written submissions from any members of the public present as part of the Zoom meeting that wished to provide comments at this time with respect to the Official Plan Amendment. The Chair suggested that if there were any Members of the Public present who wished to provide comments that they should state them now, as OLT may not consider comments made during any other Council and/or Committee meetings.

**Richard Sivyver, Ellen Irving, Scott Antonides - Smithville, Ontario**

Mr. Sivyver, Mrs. Irving, and Mr. Antonides, Members of the Community for Responsible Growth in West Lincoln, reviewed a PowerPoint Presentation, which has been attached to the minutes as **Schedule "B"** with their speaking notes being attached as **Schedule "C"**.

**John Ariens - Hamilton, Ontario**

Mr. Ariens, on behalf of a Member of the Landowners Group in West Lincoln, reviewed a PowerPoint Presentation, which has been attached to the minutes as **Schedule "D"**.

Mayor Bylsma inquired to Mr. Ariens and staff regarding the level of specifics that Council would be going into, as the current OPA 63 Plan was quite general as Mr. Ariens presentation focused on specific land uses. Mayor Bylsma stated that he felt it may be premature to get into specifics at this time.

In response to Mayor Bylsma's inquiry, the Director of Planning & Building stated that it was important to hear comments from the public on these issues; however, the detail could be subject to change later during the process. The Director of Planning & Building stressed that although the detail may change, it was important to take note of it regardless.

Mayor Bylsma thanked the Director of Planning & Building for clarification, and also thanked Mr. Ariens for his presentation.

**Paul Lowes, SGL Planning - Toronto, Ontario**

Mr. Paul Lowes, from SGL Planning advised that he was representing the Smithville Landowners Group and stated that while the group he represents fully supports OPA 62, they have prepared a document which lists concerns in regards to OPA 63, as attached to the minutes as **Schedule "E"**. Mr. Lowes stated that there were 7 key concerns from the group including the following: (1) the density of some zonings were too low to meet housing needs, (2) concerns regarding "mixed use" zonings, (3) coverage targets, (4) unknown karst features, (5) servicing and transportation, (6) block plans, and lastly (7) the study requirements for each block plan.



**Jennifer Meader - Hamilton, Ontario**

Ms. Meader, Turkstra Mazza, Counsel to Phelps Homes Ltd. and JTG Holdings Inc. stated that her client's possess land that would fall under OPA 63, and that her clients have concerns regarding the Official Plan Amendment. Ms. Meader stated that her clients had provided written correspondence to the Township Clerk late Friday afternoon, which are attached to the minutes as **Schedule "F"**, and reviewed important parts of the letter. Ms. Meader stated some of the concerns found in her letter addressed such issues as the 30% natural coverage targets, the density targets for residential zoning, and constraints on developable land that her clients owned. Ms. Meader stated that her clients, Phelps Homes Ltd. and JTG Holdings Inc., wish to work collaboratively with the Township to ensure they have a beneficial relationship.

**Mike Pettigrew - Hamilton, Ontario**

Mr. Pettigrew, of the Biglieri Group, stated that much of the concerns stated by previous speakers were shared by his various clients that had interest in OPA 63. Mr. Pettigrew echoed the concerns presented by previous presenters regarding the natural heritage policies, the level of specifics necessary in these early plans of OPA 63, the density targets for residential zonings, and the mixed-use percentage. Mr. Pettigrew stated that while his clients were in support of the block/phasing plan outlined by OPA 63, he stated that his clients were concerned regarding the home development timelines.

The Chair asked if any Members of the Council had any oral or written submissions on the proposed Official Plan Amendment. The Chair advised that this may be the only Public Meeting being held with respect to this application; therefore, he noted that if any Members of the Committee have any comments they should state them now as the Ontario Land Tribunal (OLT) may not consider comments made during any other Council and/or Committee meetings.

Mayor Bylsma inquired to Mr. Wever regarding the timing of the project and if a timeline has been properly added into OPA 63. Mayor Bylsma stated his concerns regarding pushing development too quickly, and expressed his desire for West Lincoln to carefully plan out the development timeline.

In response to Mayor Bylsma's inquiry, the Director of Planning & Building stated that the timeline that the Township of West Lincoln was working with had come from the Region and their timeline for expanding infrastructure throughout Niagara. The Director of Planning & Building stated that the plan from the Region was on a continued and sustainable platform, which the expansion plan for the Township of West Lincoln was beholden to.

Mayor Bylsma expressed that because this plan spans so many years, over approximately 7 Council terms, he was worried the Township may be pressured into speeding up the process exponentially. Mayor Bylsma questioned whether or not it will be the Region's responsibility to deflect pressure to expand too rapidly, or will it be left to the Township to handle. Mayor Bylsma acknowledged the tension felt at both the Regional level and the local level, between development stakeholders and environmental/natural heritage stakeholders in this process, and hoped to see a healthy compromise between the two.

Mr. Wever responded to the inquiries from Mayor Bylsma, and stated that there were numerous "wins" that both the development crowd and the environmental/natural heritage crowd would gain from OPA 63. Mr. Wever stated that he recognized the tension between these two interests, but stated that these tensions further demonstrate the need to carefully plan out these projects to ensure no future issues arise. Mr. Wever gave the example of buffer zones between developable land and natural sites as an example of positive compromise between the two interests.

Aaran Farrell, representing Wood, stated his support of Mr. Wever's comments and stated that while these tensions exist between the competing development and environmental/natural heritage stakeholders, compromises could be made in the future.

Councillor Jonker inquired whether or not communication had occurred with West Lincoln landowners and the Township's Consultant team, as he had heard some residents have voiced concerns regarding the rezoning of their properties.

Councillor Reilly responded to Councillor Jonker's inquiry, and suggested the individuals that he has spoken should communicate directly with staff to resolve any concerns they may have.

The Director of Planning & Building agreed with Councillor Reilly, and asked Councillor Jonker to direct the concerned citizens to contact Planning Staff to discuss their concerns and/or questions regarding the rezoning of their lands.

Councillor Ganann thanked the residents who had taken it upon themselves to voice concerns and opinions regarding OPA 62 and OPA 63, and also appreciated their approval of the current drafts of OPA 63.

Councillor Reilly stated his appreciation for both sides making the effort to state their case to Council, and echoed Mayor Bylsma's earlier comments regarding the necessity of compromise. Councillor Reilly expressed his confidence in staff to deal with any challenges or issues that arise during the drafts of the Official

Plan Amendments. Councillor Reilly inquired regarding the timeline of the block plans in relation to the Region's infrastructure timeline.

In response to Councillor Reilly's above noted inquiry, the Director of Planning & Building advised that it will be necessary for staff to review the concerns, presentations, correspondence and questions in order to form a more accurate look into how the project should unfold. The Director of Planning & Building stated that the plan was still subject to change, and would perhaps be able to provide more insight into the timeline of the block plans in future updates.

Councillor Reilly asked if it was possible to estimate when a recommendation report would be presented for Council's consideration.

In response to Councillor Reilly's inquiry, the Director of Planning & Building stated that the recommendation report may be presented at the July Council meeting, however; he was not certain if this would be possible.

The Chair stated that anyone who was interested in observing Council and/or Committee discussions with respect to a particular by-law should not solely rely on mailed notices and thus miss the opportunity to attend applicable meetings and suggested the public watch the Township's website for posting of agendas to review items that will be discussed at Council and/or Committee meetings. The Chair advised that agendas for meetings are posted on the Township Website after 4 p.m. on the Friday prior to the meeting and that meeting schedules are also noted on the Township's website for the public to view. The Chair stated that anyone wishing to receive notices by email, should contact the Township Clerk to advise of their request and include their email address along with their mailing address and phone number.

#### **4. Adjournment**

This public meeting with respect to the proposed Official Plan Amendment No. 63 was concluded at the hour of 7:48 p.m.

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**JOANNE SCIME, DIRECTOR OF  
LEGISLATIVE SERVICES/CLERK**

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**COUNCILLOR WILLIAM REILLY,  
CHAIR**



# West Lincoln

Your Future Naturally

## **SMITHVILLE MASTER COMMUNITY PLAN**

PUBLIC MEETING OF COUNCIL

OFFICIAL PLAN AMENDMENT NO. 63

**June 27, 2022**

# **AGENDA**

- 1. Project Timeline**
- 2. Recap: Draft Official Plan Amendment No. 62**
- 3. Draft Official Plan Amendment No. 63**
- 4. Next Steps**
- 5. Questions**

# **AGENDA**

## **1. Project Timeline**

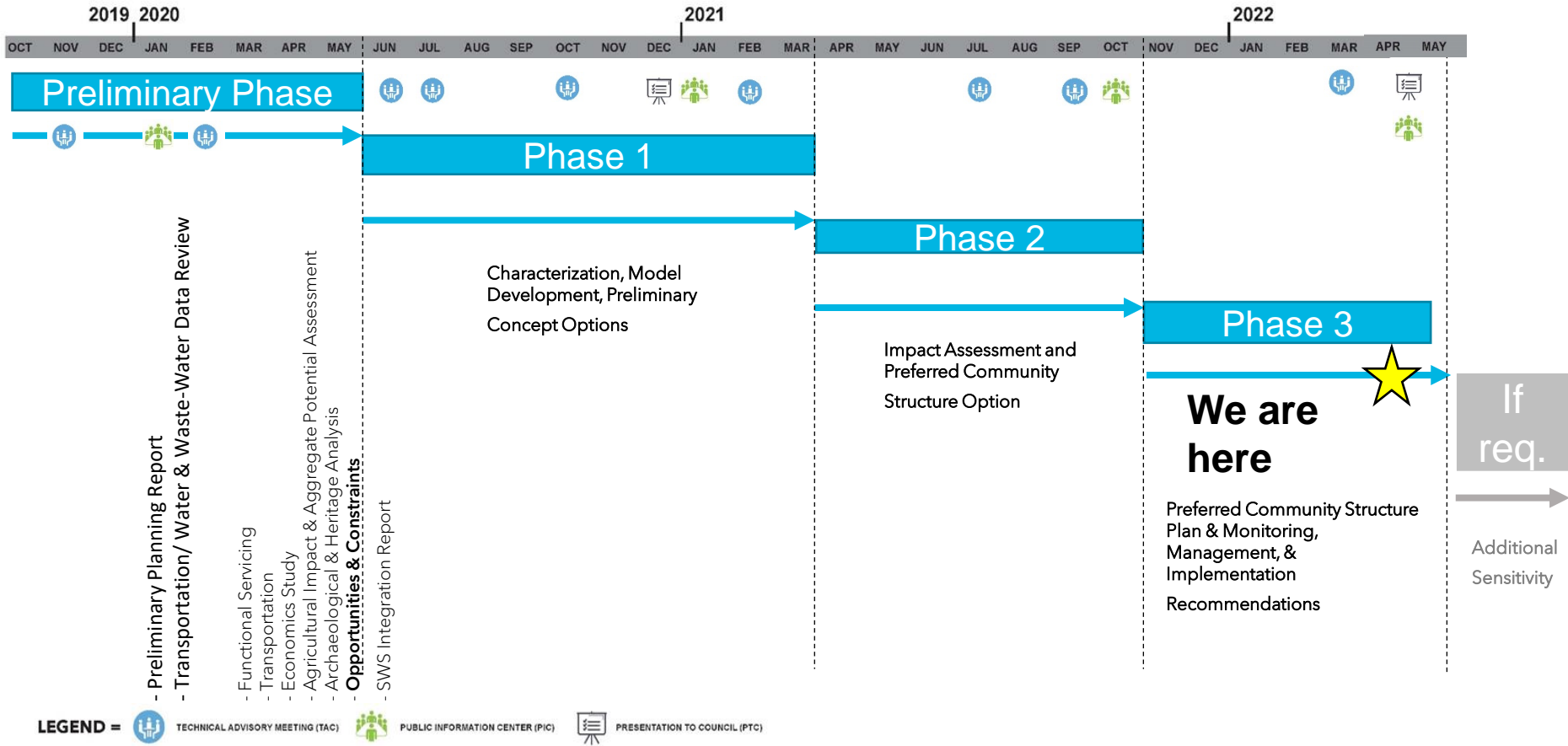
**2. Recap: Draft Official Plan Amendment No. 62**

**3. Draft Official Plan Amendment No. 63**

**4. Next Steps**

**5. Questions**

# PROJECT TIMELINE



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# AGENDA

1. Project Timeline
- 2. Recap: Draft Official Plan Amendment No. 62**
3. Draft Official Plan Amendment No. 63
4. Next Steps
5. Questions



## RECAP: DRAFT OFFICIAL PLAN AMENDMENT NO. 62

### SMITHVILLE URBAN AREA EXPANSION

#### Purpose:

- Update population and employment forecasts and targets to 2051\*
- Add land to the Smithville urban area boundary\*
- Designate the added land as "Future Greenfield Area"\*
- Identify the added land as a Secondary Plan Area (Smithville MCP)
- Establish policies to reserve the Smithville MCP area for future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems (*Note: the Smithville MCP Secondary Plan will be implemented through a separate Official Plan Amendment (OPA 63)*)
- Update Rural Settlement Area boundaries\*

**\*As per the new draft Niagara Region Official Plan**

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## RECAP: DRAFT OFFICIAL PLAN AMENDMENT NO. 62

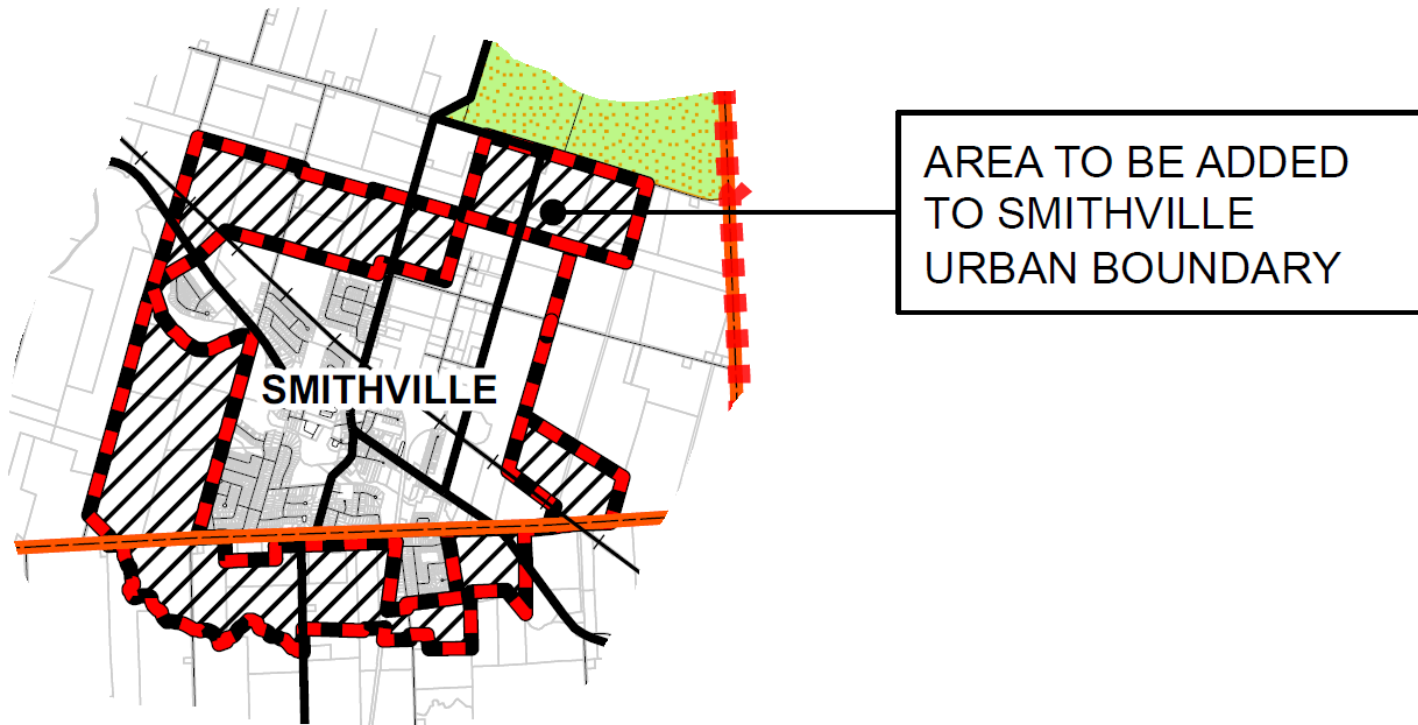
### SMITHVILLE URBAN AREA EXPANSION

#### Growth Forecast and Targets:

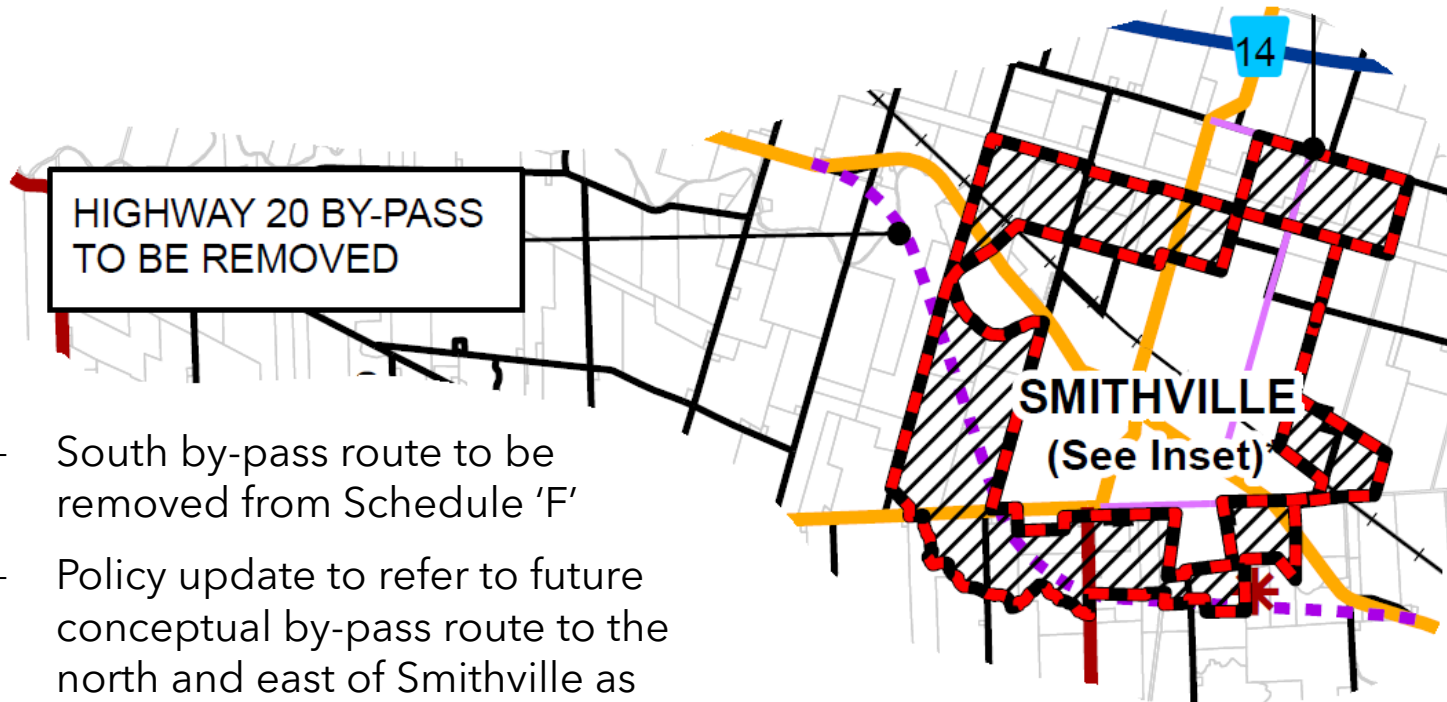
2021 Census Population:	15,454
2051 Forecast Population:	38,370
2051 Forecast Employment:	10,480
Intensification Target:	13%
Greenfield Density Target:	50 people and jobs per hectare
Housing Mix Target:	60% low density 35% medium density 5% high density

# RECAP: DRAFT OFFICIAL PLAN AMENDMENT NO. 62

## SMITHVILLE URBAN AREA EXPANSION



## RECAP: DRAFT OFFICIAL PLAN AMENDMENT NO. 62 SMITHVILLE URBAN AREA EXPANSION

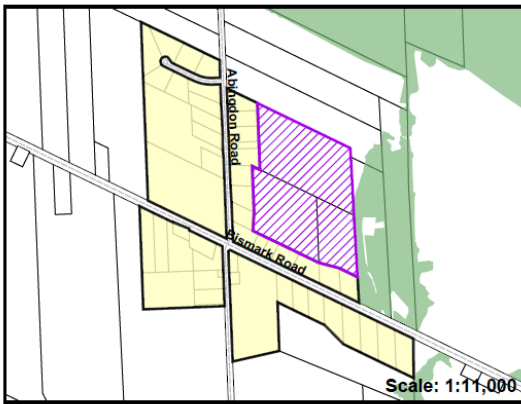


- South by-pass route to be removed from Schedule 'F'
- Policy update to refer to future conceptual by-pass route to the north and east of Smithville as shown in new draft Niagara Region Official Plan

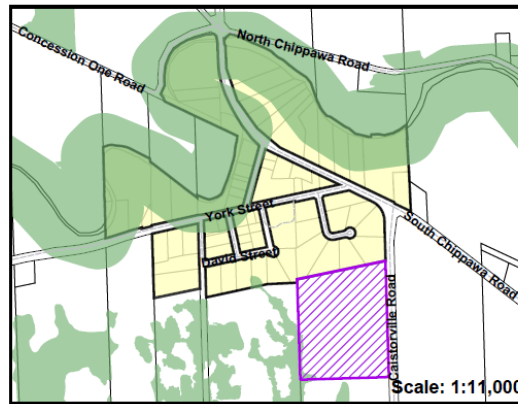
# RECAP: DRAFT OFFICIAL PLAN AMENDMENT NO. 62


## RURAL SETTLEMENT AREA (HAMLET) BOUNDARY UPDATES

ABINGDON

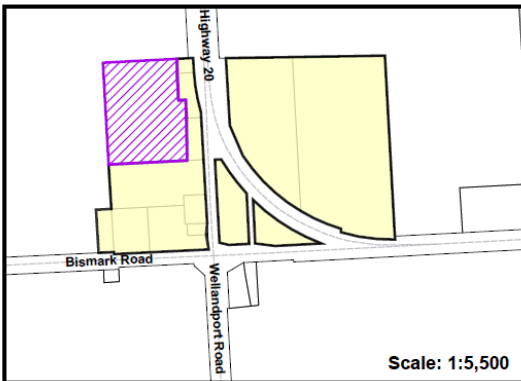


CAISTORVILLE

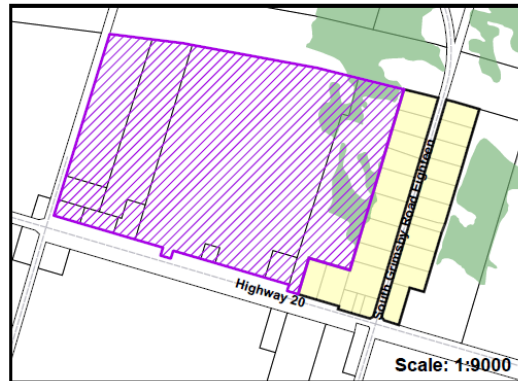


<b>OPA NO. 62</b>	<b>DRAFT</b>
SCHEDULES L, M, N	
	AREA TO BE ADDED TO HAMLET SETTLEMENT AREA
APRIL 2022	

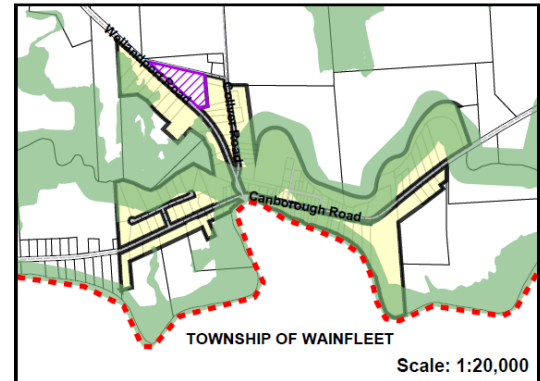
BISMARK



FULTON



WELLANDPORT



# AGENDA

1. Project Timeline
2. Recap: Draft Official Plan Amendment No. 62
- 3. Draft Official Plan Amendment No. 63**
4. Next Steps
5. Questions

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# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## SMITHVILLE MASTER COMMUNITY PLAN

### Sections:

1. Introduction
2. Land Use Plan
3. Natural Heritage System
4. Infrastructure & Transportation Systems
5. Community Design & Sustainability
6. Implementation
7. Map Schedules

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INTRODUCTION - VISION (2051)

*Smithville is a **vibrant centre of community life and economic activity** in western Niagara, offering a range of **services and amenities** to residents across the Township and as a **memorable place to visit**.*

*West Lincoln's **diverse agricultural sector** is strengthened by **local access to supportive and complementary businesses** in Smithville's north-east employment area and farm-related services nearby, and **local food retailing** opportunities. The **movement of goods** including agricultural products is efficiently accommodated by **strong regional transportation connections** and delivery routes, connecting local businesses to broader markets. Smithville's **well-defined community edges** provide certainty to the long-term protection of high-quality farmlands and investment in agricultural production.*

*Smithville retains its **rural, small-town character**, while **using land, energy and infrastructure efficiently**. Community and **environmental health, sustainability and resiliency** are protected by a **linked system of natural features, water resources and open spaces**, supported by environmental stewardship and watershed management. Urban places are framed and enhanced by **connected natural landscapes**.*

*Quiet residential neighbourhoods provide a **range of housing to meet diverse needs**. **Local retail and services, parks, open spaces and community facilities** are within convenient walking and cycling distances via **safe, multi-modal streets and multi-use trails**. A **network of complete streets** supports enhanced connectivity within neighbourhoods and throughout Smithville and provides **access to local and regional transit and ride-sharing options**.*



# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## INTRODUCTION - GOALS

ACCOMMODATE  
FORECAST GROWTH  
TO 2051

SMALL TOWN  
CHARACTER &  
COMPATIBILITY;  
WELL-DEFINED  
URBAN EDGES

HEALTHY  
ENVIRONMENT;  
LINKED OPEN SPACE  
& NHS – PROTECT,  
RESTORE, ENHANCE

COMPLETE  
COMMUNITY,  
RESILIENT &  
SUSTAINABLE

RANGE AND MIX OF  
HOUSING AT  
APPROPRIATE  
DENSITIES

ACCESS TO  
COMMUNITY  
FACILITIES &  
SERVICES

LOCAL FOOD, RETAIL  
& COMMERCIAL  
SERVICES

LOCAL JOBS &  
INDUSTRY;  
AGRICULTURAL  
SERVICE CENTRE

COMPLETE STREETS  
& WALKABILITY;  
TRANSPORTATION  
CHOICES

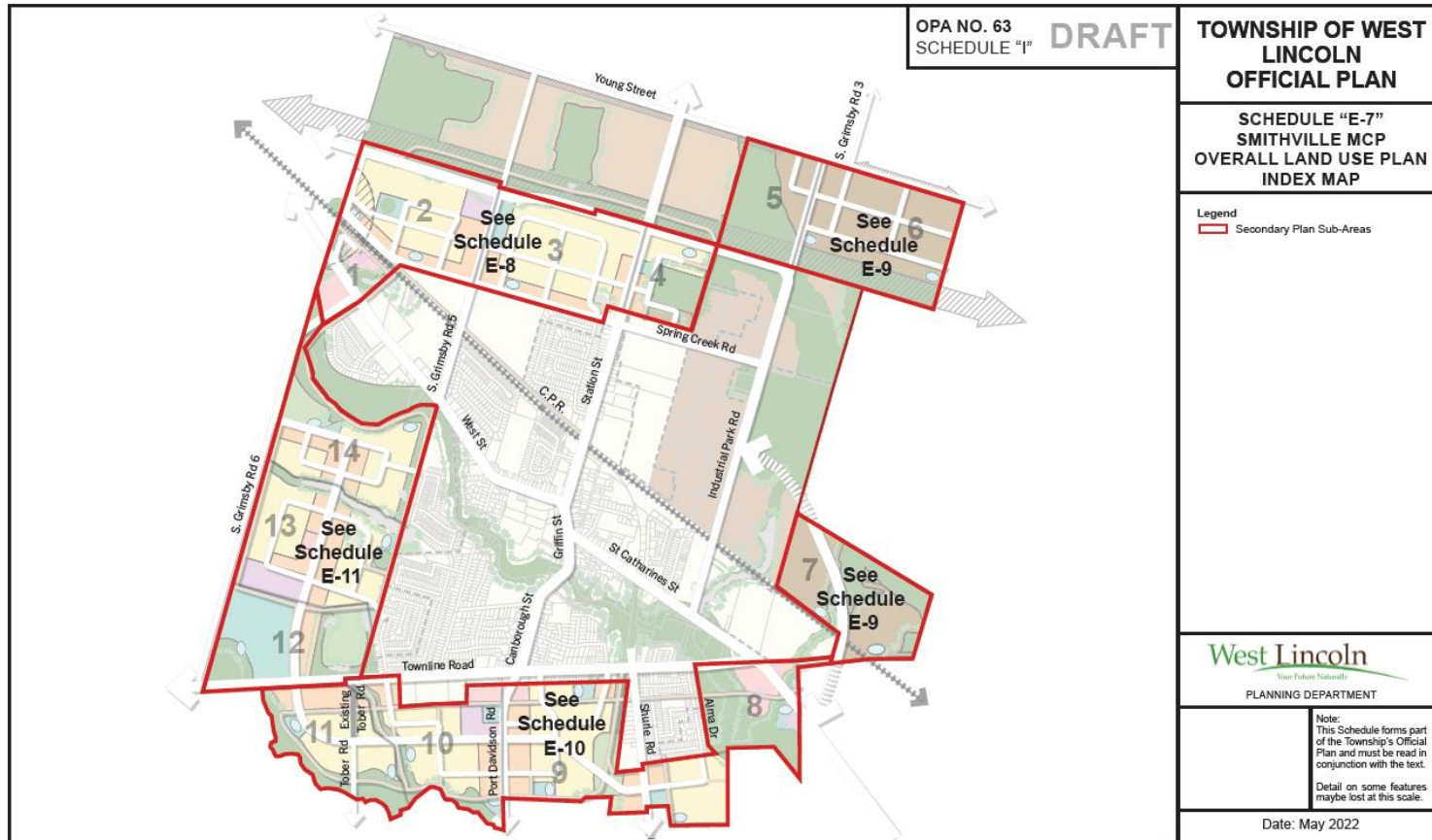
REGIONAL  
CONNECTIVITY &  
GOODS MOVEMENT

OPTIMIZED,  
EFFICIENT & GREEN  
INFRASTRUCTURE;  
STAGED  
DEVELOPMENT

AVOID/MITIGATE  
HAZARDS: PROTECT  
& MANAGE WATER  
RESOURCES

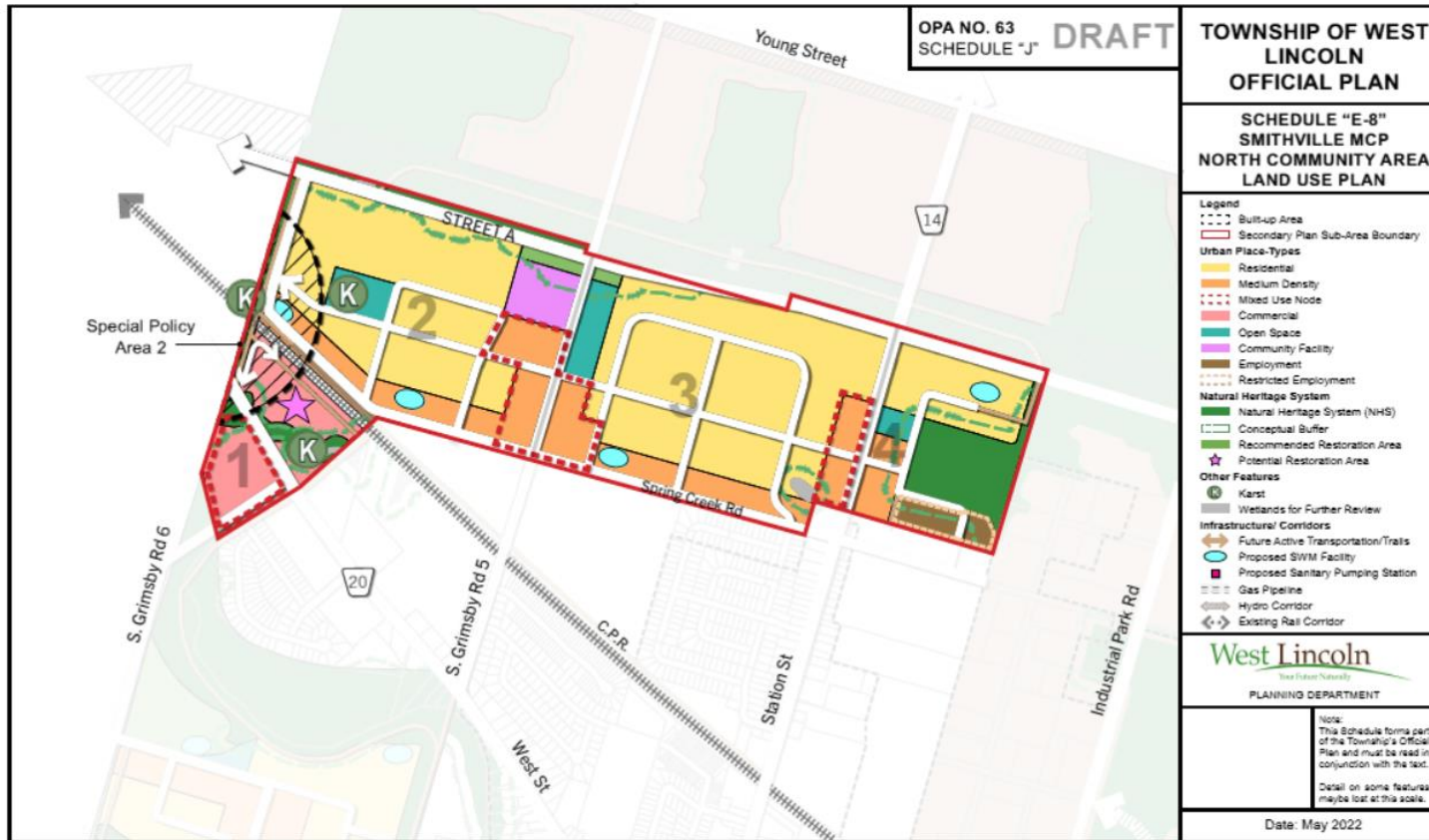
# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN



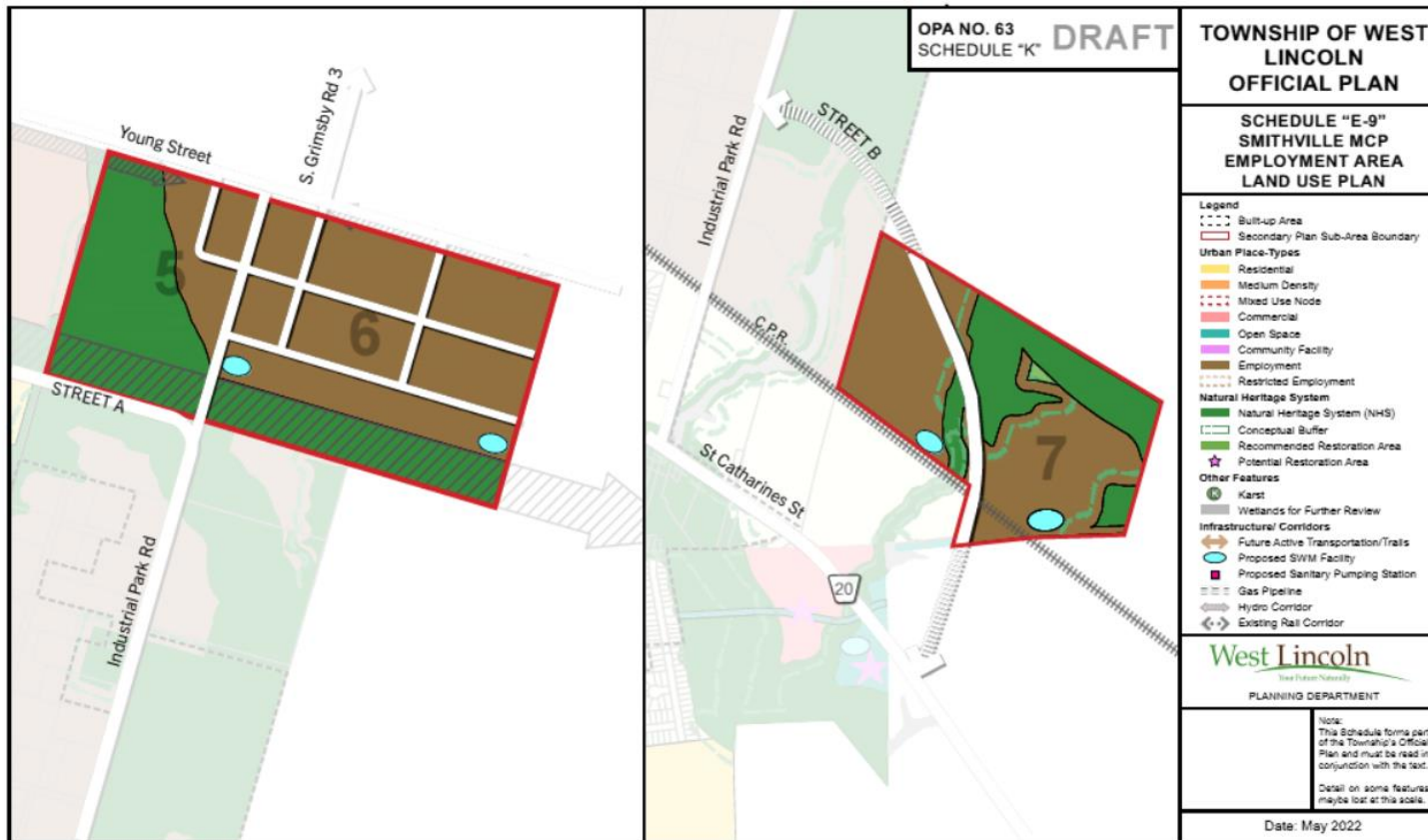
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## LAND USE PLAN



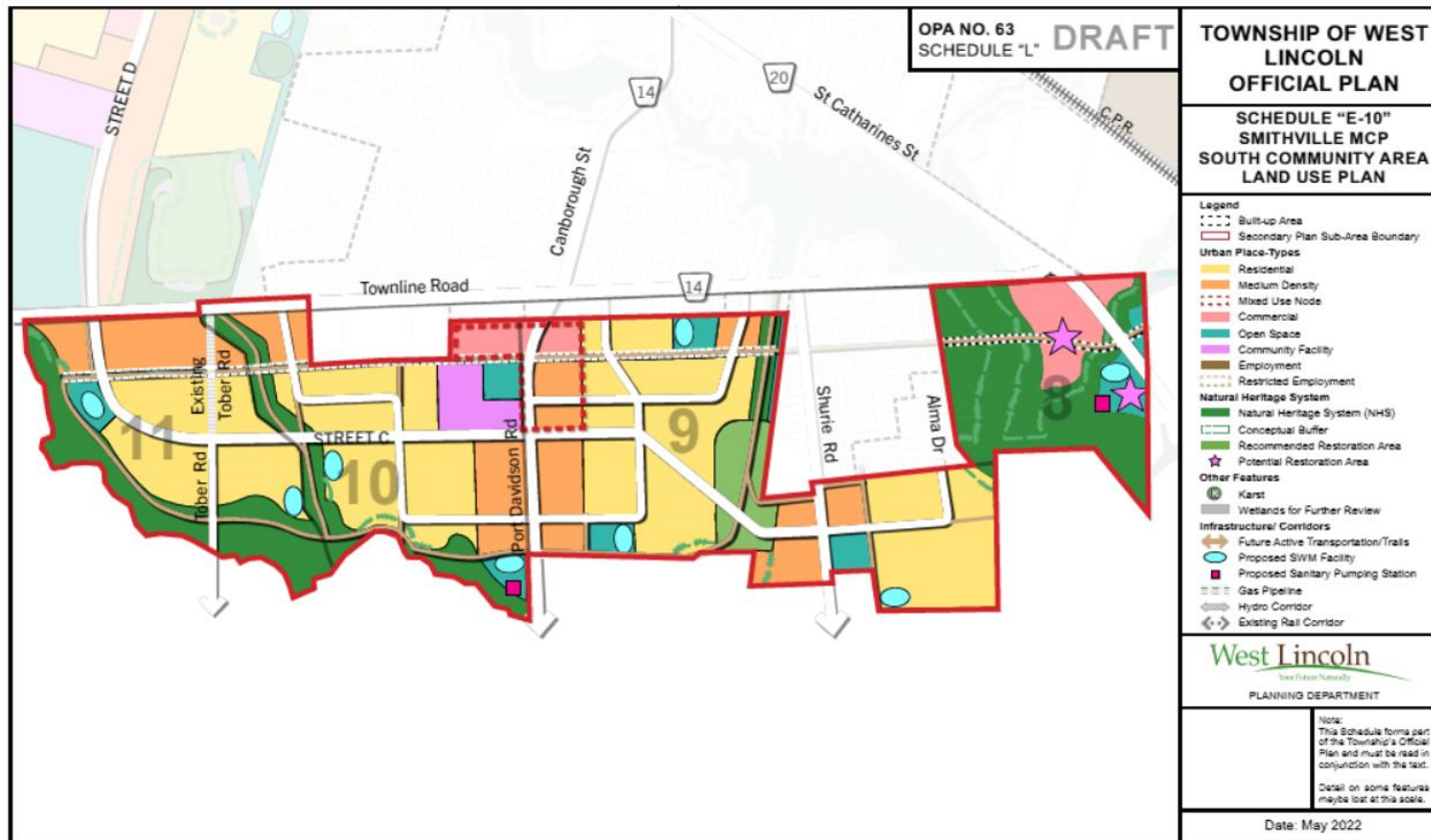
# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN



# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

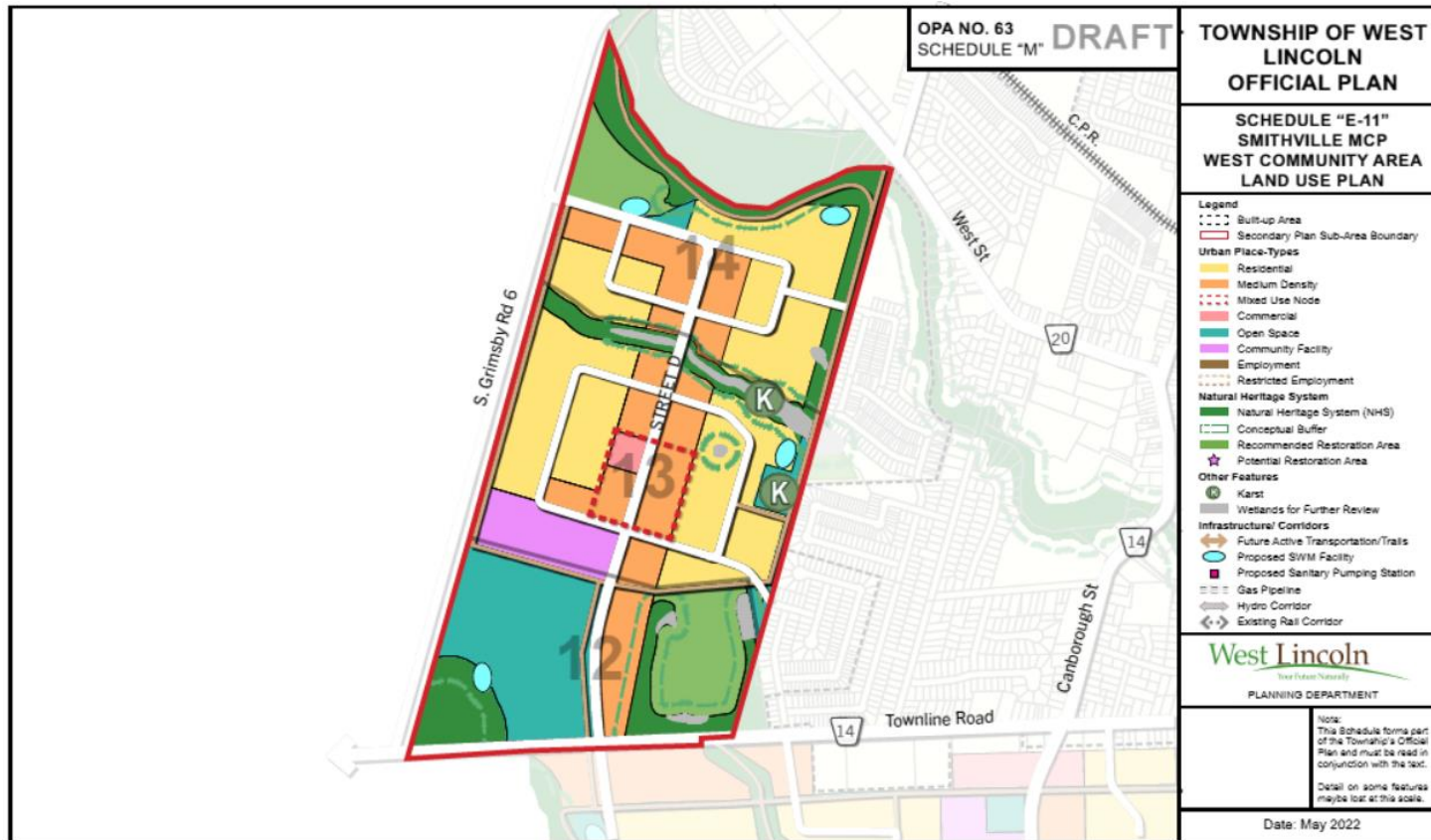
## LAND USE PLAN





# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN



# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN

### Land Use Designations:

- Residential
- Medium Density
- Commercial
- Mixed Use Node\*
- Open Space
- Employment
- Restricted Employment\*
- Proposed SWM facilities – conceptual locations – based upon SWS
- Conceptual Buffers – part of NHS
- Density target: 50 people and jobs per hectare

\*overlay designations

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN - POLICIES

### Residential:

- **Planned Function:** to provide opportunity for the development of low-rise, ground-related residential land uses at lower densities.
- **Permitted Uses:** Single detached dwellings; Semi detached dwellings; Duplex dwellings; Townhomes; Converted Dwellings & Additional Residential Units; Home Occupations; Bed & Breakfast Establishments; Day-Care Facilities; Public & Private Utilities
- **Other Potential Uses (subject to ZBA):** Local convenience retail/services; Places of worship; Educational facilities
- **Density:** 15-20 units per hectare
- **Height:** Up to 2.5 storeys
- **Key Design Principles:** attractive street edge and strong public face; designed for an additional residential unit or ease of conversion; animated residential streetscape; variety of housing types, sizes and styles yet consistent and compatible



## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### LAND USE PLAN - POLICIES

#### Medium Density:

- **Planned Function:** to provide opportunity for the development of low-rise, multi-unit residential land uses at medium densities.
- **Permitted Uses:** Townhomes (variety of forms – street, cluster, back-to-back, stacked), triplexes, fourplexes and other multiples (80%); apartments (10%); duplex and semi-detached (10%); additional residential units; communal housing; home occupations; bed-and-breakfast establishments; day-care facilities; public and private utilities
- **Other Potential Uses (subject to ZBA):** Local convenience retail/services; Places of worship; Educational facilities
- **Density:** 20-40 units per hectare
- **Height:** Up to 3 storeys (up to 4 storeys where justified through re-zoning)
- **Key Design Principles:** attractive street edge and strong public face; transition of density and height with adjoining low-density residential; individual unit and common parking areas; animated residential streetscape, pedestrian-oriented;

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN - POLICIES

### Commercial:

- **Planned Function:** provide a wide range of commercial uses to meet the needs of residents, with a reasonable walking distance and contribute to achieving a complete community.
- **Permitted Uses:** full range of retail commercial uses; personal services and commercial services; medical clinics, dental clinics, and other health care-related uses; restaurants; hotels; cultural, recreational and entertainment uses; community and institutional uses; public and private utilities.
- **Height:** Up to 3 storeys (up to 4 storeys where justified through re-zoning)
- **Key Design Principles:** strong street edge and pedestrian and transit-orientation; mix of uses and building/unit sizes; multi-unit and single-tenant building formats; high quality public amenities and landscaping (urban squares/greenspaces, landmark features); walkable and cycling supports; plan for integration of future transit connections/stops

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN - POLICIES

### Mixed-Use Nodes:

- **Planned Function:** neighbourhood focal points accommodating a mix of compatible residential, commercial and community uses centrally located as a walkable destination and/or along key corridors and community gateways.
- **Permitted Uses:** Commercial Mixed-Use Nodes: primarily commercial uses with appropriately located residential uses in the form of apartments in the upper storey(s) of mixed-use buildings. Medium Density Mixed-Use Nodes: primarily medium density residential with compatible commercial uses primarily small-scale retail, personal service, office, live-work and community uses at the ground floor/street-level.
- **Height:** Up to 3 storeys (up to 4 storeys where justified through re-zoning)
- **Key Design Principles:** vibrant street with prominent building entrances and street-level facades clear-glazed to promote a high level of visibility; separate residential entrances in mixed-use buildings; design transition from commercial to residential components of mixed-use buildings through architectural detailing such as cornices, signage, porches, and/ or changes in materials or colours.

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN - POLICIES

### Open Space:

- **Planned Function:** accommodate needs for a range of outdoor recreation facilities and amenities, active and passive recreation, trails and access to natural spaces, establish a connected public open space system, recognize and provide for community greening / green infrastructure and enhanced tree canopy coverage.
- **Permitted Uses:** Parks, trails, associated buildings and structures, conservation and natural areas restoration and enhancement, for a range of active and passive recreation activities; public and private utilities.
- **Key Design Principles:** well-connected open spaces and corridors that encompass both natural and manicured landscapes and supportive amenities and facilities for public access to greenspace and recreation in a variety of settings.

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN - POLICIES

### Community Facility:

- **Planned Function:** accommodate needs for a range of community facilities that play an important role in civic life, often as the heart of community activities and social events for all ages, abilities and cultures.
- **Permitted Uses:** Schools and other educational facilities; Community Centres; Libraries; Cultural and Recreational Facilities; Parks; Places of Worship; Parks; and similar uses and facilities (per ZB).
- **Height:** Up to 3 storeys (site-specific exceptions may be made by OPA for up to 4 storeys)
- **Key Design Principles:** sense of community and neighbourhood/community focal point for gathering; access to transit and transportation options; extension of public realm; best practices in sustainability, safety and accessibility; high quality design, prominent entrances, transparency between indoor and outdoor spaces.

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### LAND USE PLAN - POLICIES

#### Employment:

- **Planned Function:** protected land base for employment as an extension of Smithville's existing North-East Industrial Park for a range of industrial, office and ancillary/supportive employment area uses.
- **Permitted Uses:** Industrial uses (including manufacturing, processing, servicing, warehousing, and the storage of goods and raw materials); data processing, laboratories, and research and development facilities; business parks; accessory offices; agricultural services; other uses (per ZB).
- **Other Potential Uses:** ancillary facilities and uses supportive of the employment area. Accessory retail limited to goods manufactured or processed on-site.
- **Key Design Principles:** buildings with continuous street frontage to the extent possible to promote a more urban character; campus-style developments; screening of loading and outdoor storage areas; gateway and prestige sites defined by high profile buildings; strong access and connectivity to primary goods movement corridors.

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## LAND USE PLAN - POLICIES

### Restricted Employment:

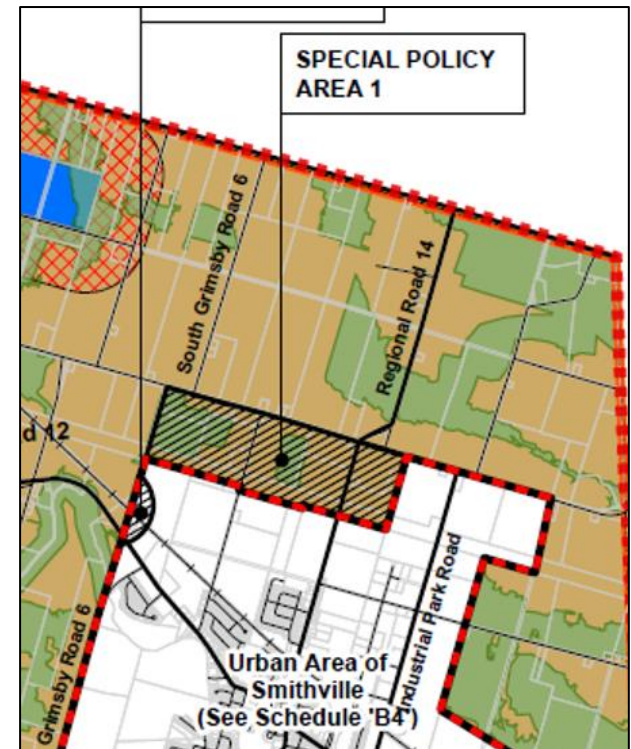
- **Planned Function:** to provide for limited types of employment uses compatible with adjacent residential areas and appropriate transition of land uses between residential areas and larger employment areas.
- **Permitted Uses:** automotive related uses, including car wash facilities; automobile sales establishments; commercial and recreational facilities; financial institutions; health clubs; local convenience/retail uses; nurseries and garden centres; Light/prestige industrial uses (light manufacturing, processing, servicing, warehousing, and the storage of goods and raw materials); data processing, laboratories, and research and development facilities; business parks; professional and administrative offices; agricultural services; other uses (per ZB).
- **Key Design Principles:** buildings with continuous street frontage to the extent possible to promote a consistent urban character; screening of loading and outdoor storage areas; gateway and prestige sites defined by high profile buildings; strong access and connectivity to primary goods movement corridors.

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### LAND USE PLAN - POLICIES

#### Special Policy Area 1 (Agriculture-Related Uses):

- **Planned Function:** to promote the location of a range of agriculture-related uses and the clustering of these uses in a central location on the edge of Smithville, with strong access and connectivity to goods movement corridors, to support the viability and vitality of farming in West Lincoln and Niagara Region. To support rural economic development and employment opportunities linked to the agricultural sector.
- **Permitted Uses:** Farm equipment and service; food / agricultural product processing; veterinary services; similar uses as per Provincial Guidelines.
- **Key Design Principles:** design for compatibility with nearby sensitive uses and integration with rural character and service levels, avoid/minimize/mitigate potential for adverse impacts to farm operations in the area.



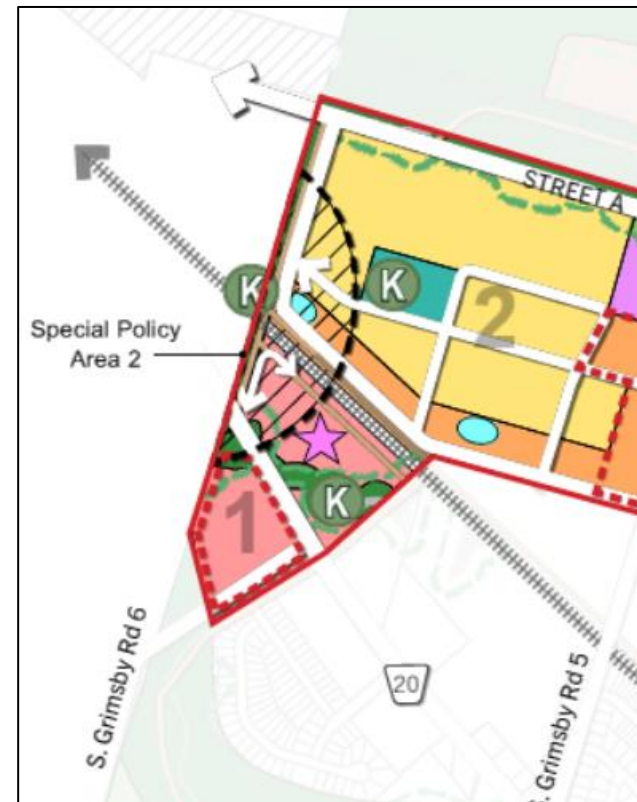


## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### LAND USE PLAN - POLICIES

#### Special Policy Area 2 (Limited Permitted Uses / Urban Infrastructure):

- Purpose: to limit permitted uses within the designated area until such time as:
  - the livestock operation at 6817 Highway 20 ceases to operate; or
  - it is demonstrated through future MDS analysis that a reduced MDS setback is justified based on changes to the livestock operation and/or intervening land uses
- No urban community uses shall be permitted within the MDS setback

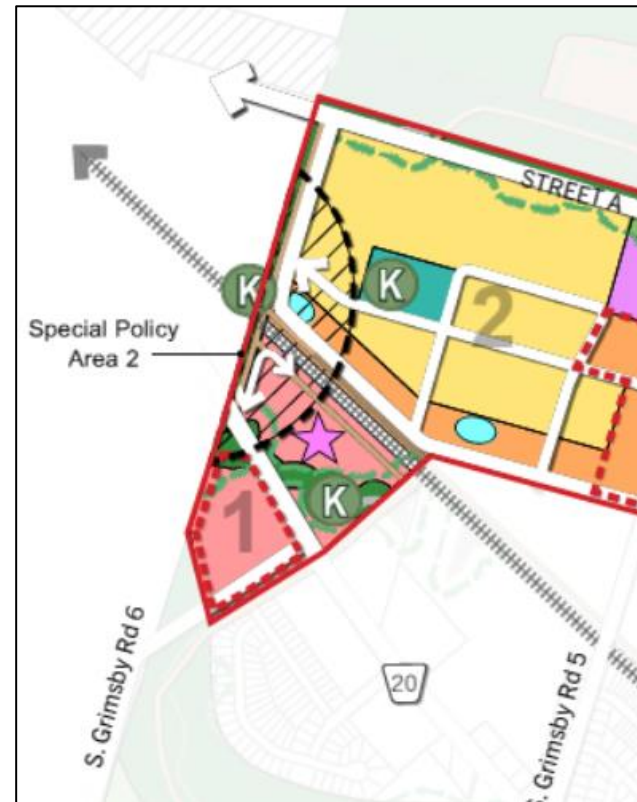


## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### LAND USE PLAN - POLICIES

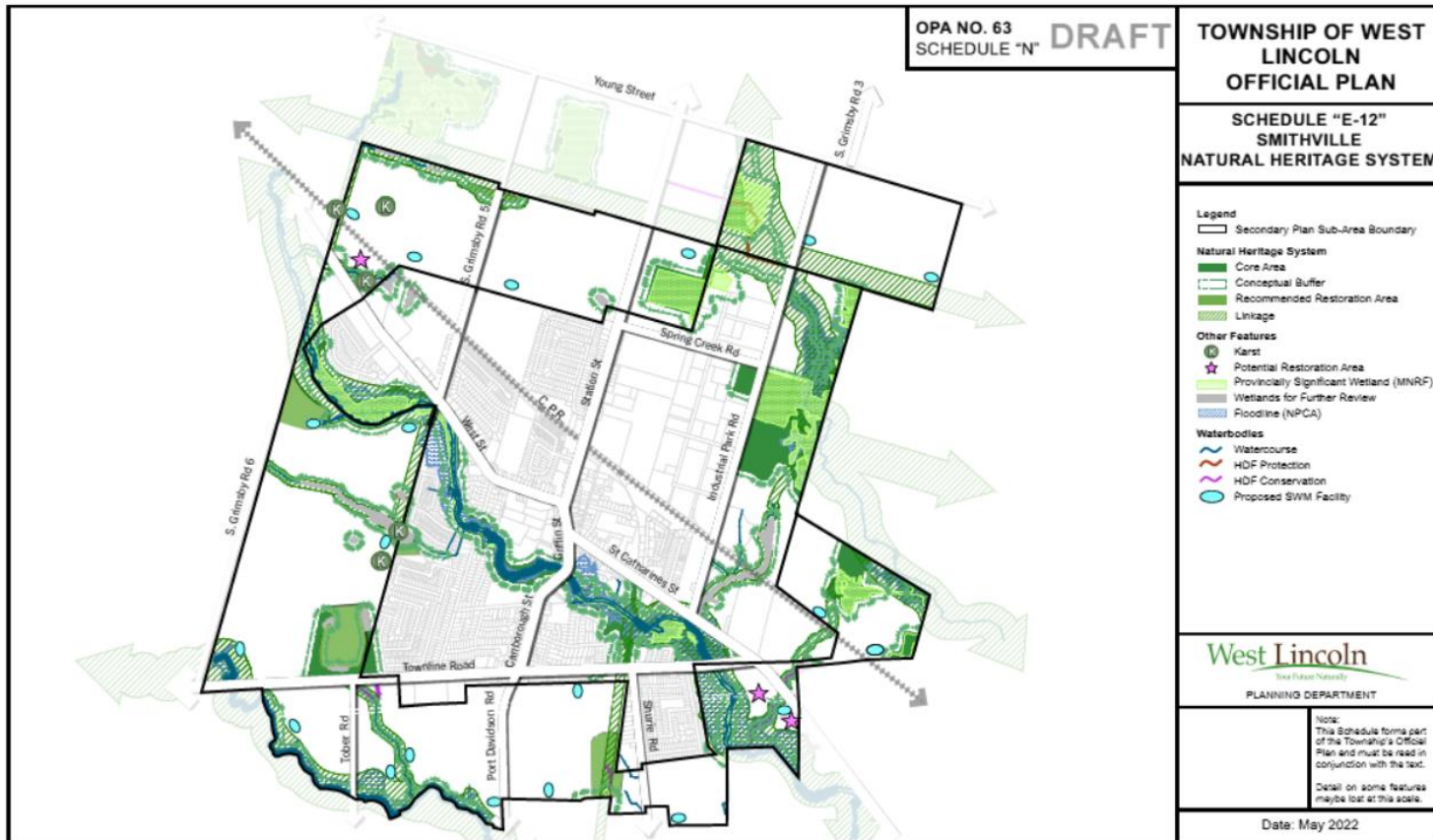
#### Special Policy Area 2 (Limited Permitted Uses / Urban Infrastructure):

- Urban infrastructure permitted to support the development of Blocks 1 and 2 for their intended urban uses
  - public roads, trails, and multi-use pathways;
  - public utilities and other forms of linear infrastructure;
  - stormwater management facilities; and
  - public open space uses that do not involve a sensitive land uses



# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

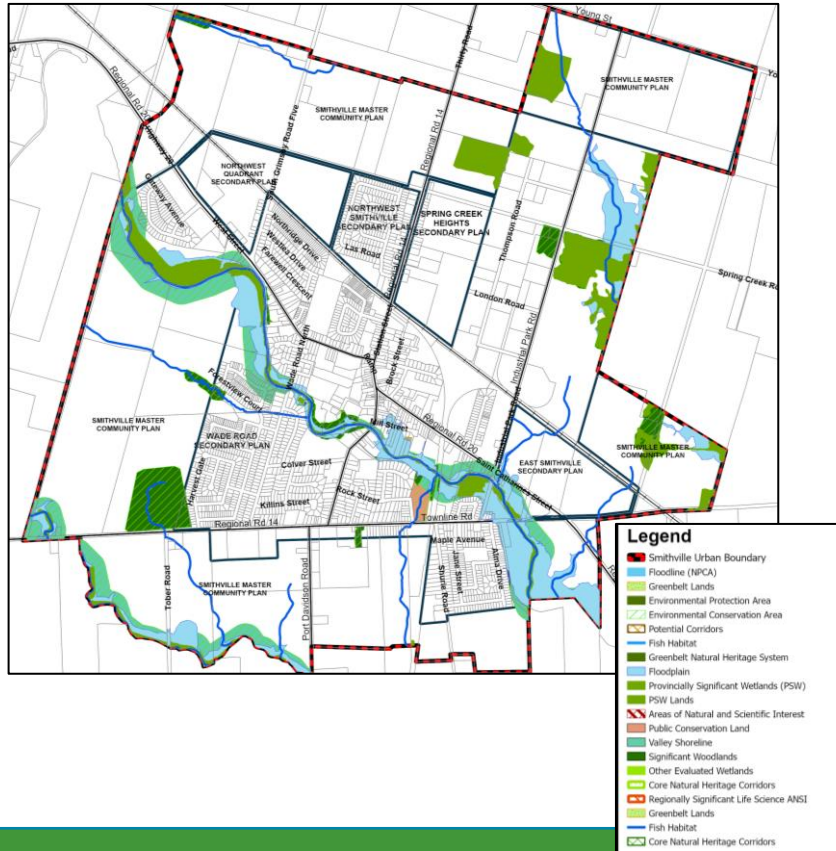
## NATURAL HERITAGE SYSTEM



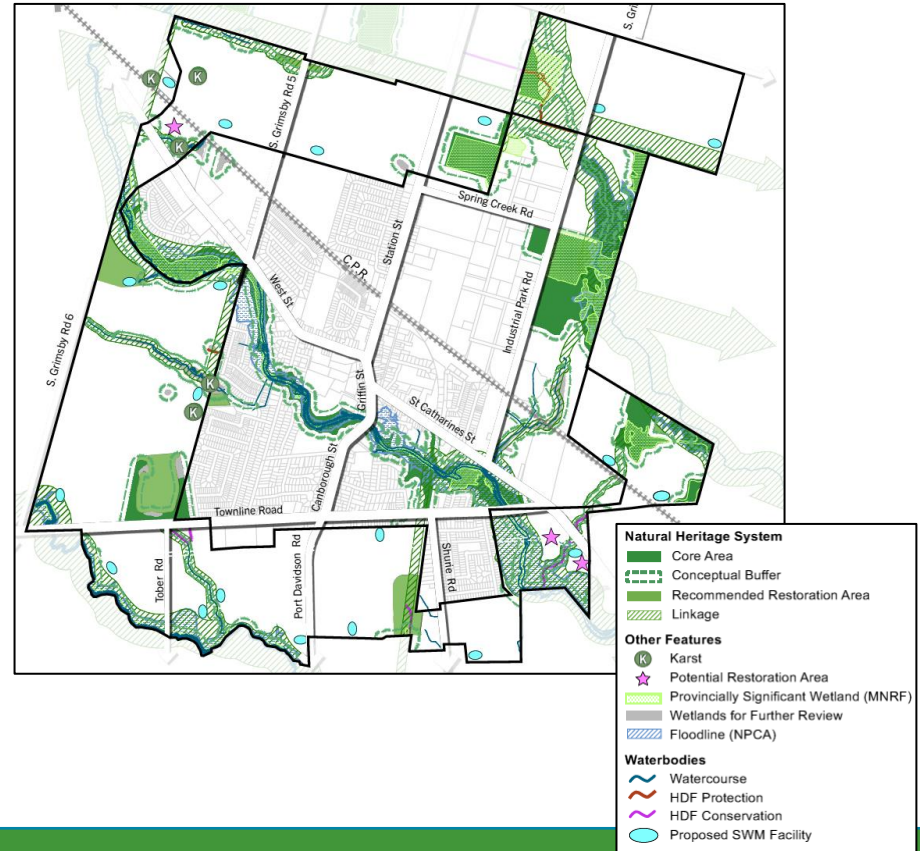
# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## NATURAL HERITAGE SYSTEM

Current Official Plan Mapping:



Draft OPA 63 Mapping:





## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### NATURAL HERITAGE SYSTEM

- Core Areas
  - central defining features of the NHS
  - significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, and habitat of endangered and threatened species
- Conceptual Buffers
  - to protect Core Areas from nearby land uses and to mitigate the impacts of development
- Linkages
  - provide physical and functional connections between Core Areas
  - maintain the ability of various species to move between habitats
- Recommended Restoration Areas
  - areas where restoration of the land to a natural state will enhance the functions of the overall NHS and provide a range of ecological benefits

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## NATURAL HERITAGE SYSTEM

- Principles/Objectives
  - Identify, plan for, and protect a robust NHS, that will contribute to the creation of a complete and resilient community while helping mitigate climate change
  - Protect, and where possible enhance and restore, high-quality habitats that accommodate a diverse range of flora and fauna, rare and significant species
  - Ensure that the water budget of important natural heritage and water resource features is maintained to support those features post-development
  - Provide ecological buffers that will protect key natural heritage features and their functions
  - Ensure that connectivity between key natural heritage features is maintained
  - Provide Restoration Areas that will contribute towards meeting established targets for natural cover

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## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### NATURAL HERITAGE SYSTEM

- Interpretation – definition of key terms and phrases
  - Adjacent to a wetland
  - Key natural heritage features
  - Ministry of Environment
  - Ministry of Natural Resources
  - Significant wetland
  - Unevaluated wetland
  - Wetland
  - Wetland for further review
  - Wetland that is not considered significant

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

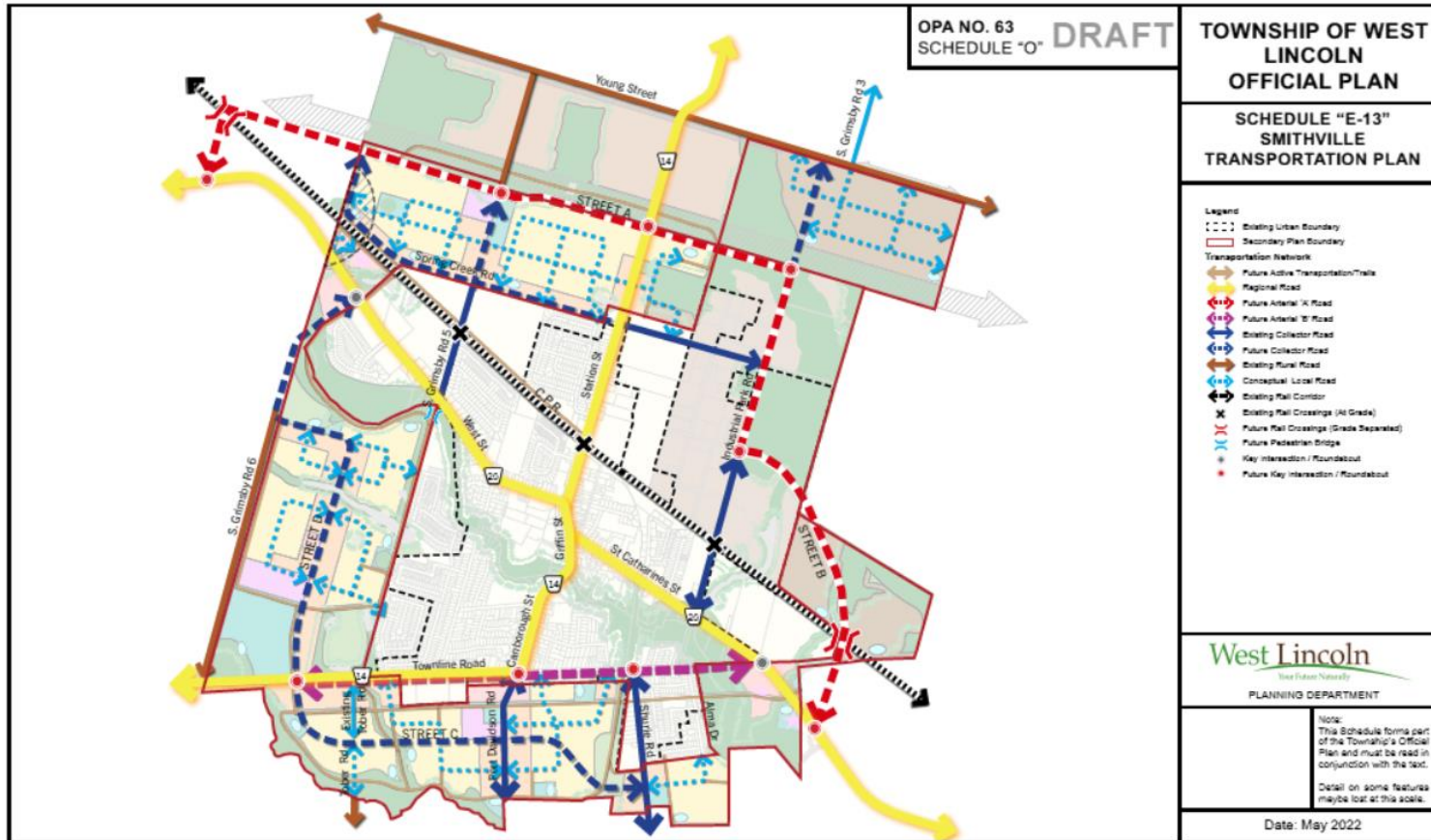
## NATURAL HERITAGE SYSTEM

- General Policies
  - NHS for entire Smithville Urban Area (including MCP Area)
  - Smithville NHS policies prevail if conflict with Township-wide NHS policies
  - Existing Secondary Plans recognized
  - Boundaries of NHS to be refined through Block Plans and EIS
    - Maintain or increase the overall NHS area
  - EIS shall be in accordance with Section 10.8 of Official Plan
  - Additional features may be identified and added by EIS
  - Generally no lot creation within NHS
  - Watercourse crossings
  - Fencing/delineation



# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## INFRASTRUCTURE & TRANSPORTATION SYSTEMS



## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INFRASTRUCTURE & TRANSPORTATION SYSTEMS

- Street A
  - Future Arterial 'A' Road
    - Potential future alternative truck route/by-pass
    - Final right-of-way width to be determined through EA/design process
    - Corridor protection required as part of Block Plans for Blocks 1, 2 and 3
    - No direct access
    - Land uses oriented with window streets and acoustic mitigation where required
    - EA to address grade-separated crossing of CPR
  - Alternative: if EA determines a different by-pass route for Regional Road 20, Street A will be a Future Arterial 'B' Road

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## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INFRASTRUCTURE & TRANSPORTATION SYSTEMS

- Street B
  - Future Arterial 'A' Road
    - Potential future alternative truck route/by-pass
    - Final right-of-way width to be determined through EA/design process
    - Corridor protection required as part of Block Plan for Block 7
    - No direct access
    - Land uses oriented to internal local streets
    - EA to address grade-separated crossing of CPR
  - Alternative: if EA determines a different by-pass route for Regional Road 20, Street B may not be required.

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INFRASTRUCTURE & TRANSPORTATION SYSTEMS

- Townline Road
  - Future Arterial 'B' Road
    - Turning lane to be added
    - Urbanization
    - Required for Stages 3 and 4 developments
- Streets C and D, Spring Creek Road
  - Future Collector Roads
- South Grimsby Roads 5 and 6, Young Street
  - Existing rural roads at urban edge – semi-urban cross-section may be considered
  - Maintain rural profile outside of urban area

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INFRASTRUCTURE & TRANSPORTATION SYSTEMS

- Local Roads
  - Conceptually shown on transportation system to illustrate overall intent of the street pattern/layout
  - To be refined in Block Plans and finalized as part of complete applications for development
  - Township standard right-of-way widths (20m)
- Active Transportation / Trails System
  - Conceptual primary routes to be refined in Block Plans and finalized as part of complete applications for development
  - Special Policy Area for Hydro Corridor to permit/encourage multi-use trail opportunity
  - On-road active transportation facilities to be recommended as part of TMP / typical road profile designs

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INFRASTRUCTURE & TRANSPORTATION SYSTEMS

- Water/Wastewater Servicing
  - All new development in the Smithville MCP Area shall be provided with full municipal water services and full municipal wastewater services (MESP required)
  - New development in the Smithville MCP Area may be required to provide for the future connection of adjacent existing uses
    - Existing uses in the Smithville MCP Area will eventually be connected to full municipal water and wastewater services, but expansions to, or the redevelopment of, an existing use may be permitted on existing private services (subject to criteria)
  - No development shall proceed in any given Overall Stage Area shown on Schedule “E-14” unless the infrastructure and services to support that development have been constructed

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INFRASTRUCTURE & TRANSPORTATION SYSTEMS

- Water/Wastewater Servicing
  - Infrastructure and systems for water, wastewater, and other buried services shall be installed using best management practices to prevent the redirection of groundwater flow.
  - It is recommended that any construction of municipal services that will require dewatering systems apply for and obtain a Permit to Take Water from the Ministry of the Environment before any construction activities begin, in the event that unexpectedly high flows are encountered.
  - Backfilling during the decommissioning of any existing sewer lines should consider the use of materials with low hydraulic conductivity to prevent preferential groundwater flow.

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### INFRASTRUCTURE & TRANSPORTATION SYSTEMS

- Stormwater Management
  - All development in the Smithville MCP Area shall proceed according to a stormwater management strategy that has been prepared as part of an approved MESP
  - The stormwater management facilities provided with development in the Smithville MCP Area shall generally be located to conform with the conceptual locations shown on Schedules “E-8” through “E-11” to this Plan, except where the SWM Plan prepared as part of Phase 3 of the SWS has recommended a different specific location for the facility
  - All wet end-of-pipe facilities shall be constructed to provide a permanent pool volume and forebay design, in accordance with current Provincial guidelines



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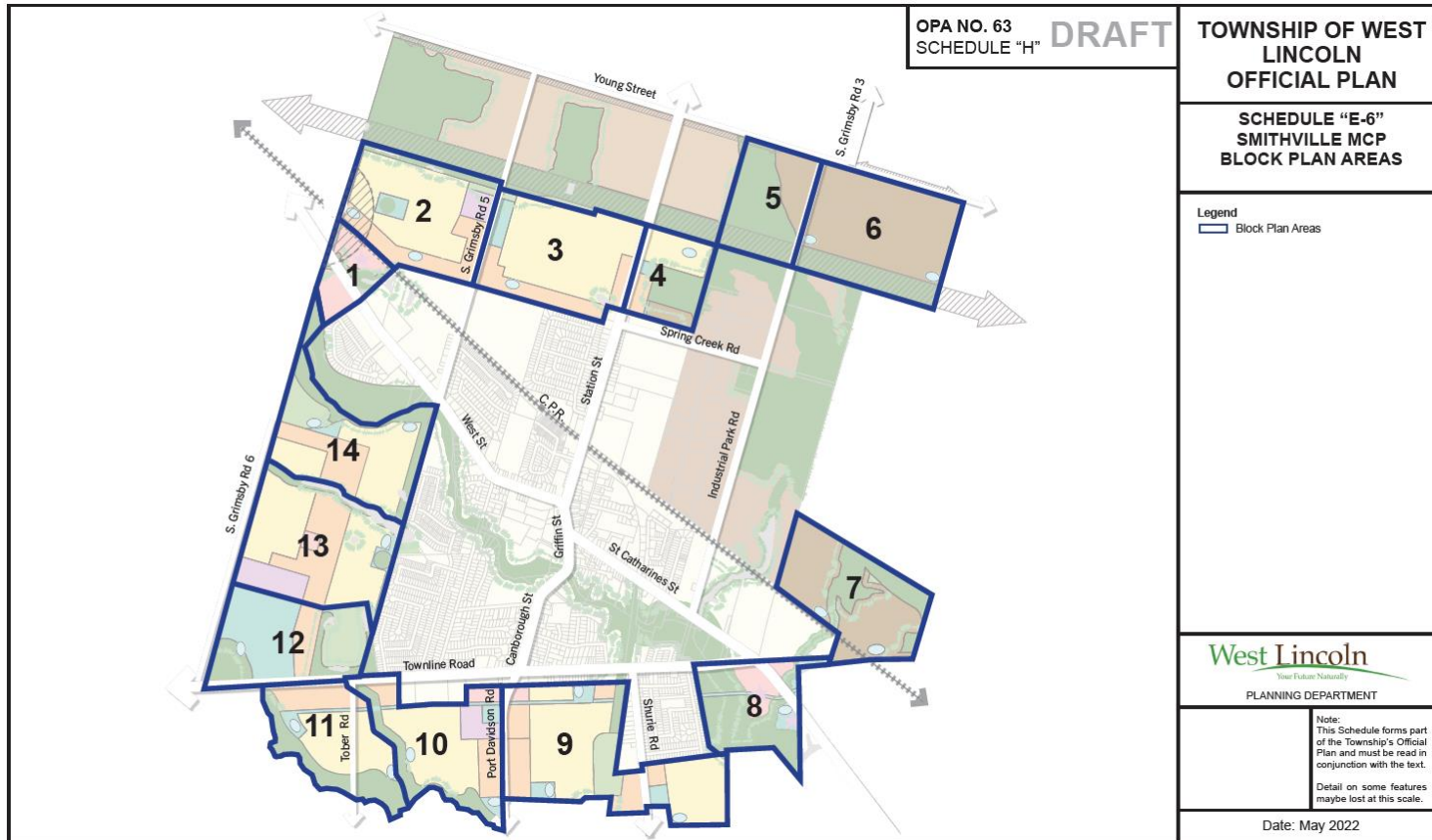
## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### COMMUNITY DESIGN & SUSTAINABILITY

- Urban Design Guidelines
  - Residential, Medium Density and Open Space Areas
  - Commercial Areas
  - Mixed Use Nodes
  - Community Facilities
  - Urban Employment

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

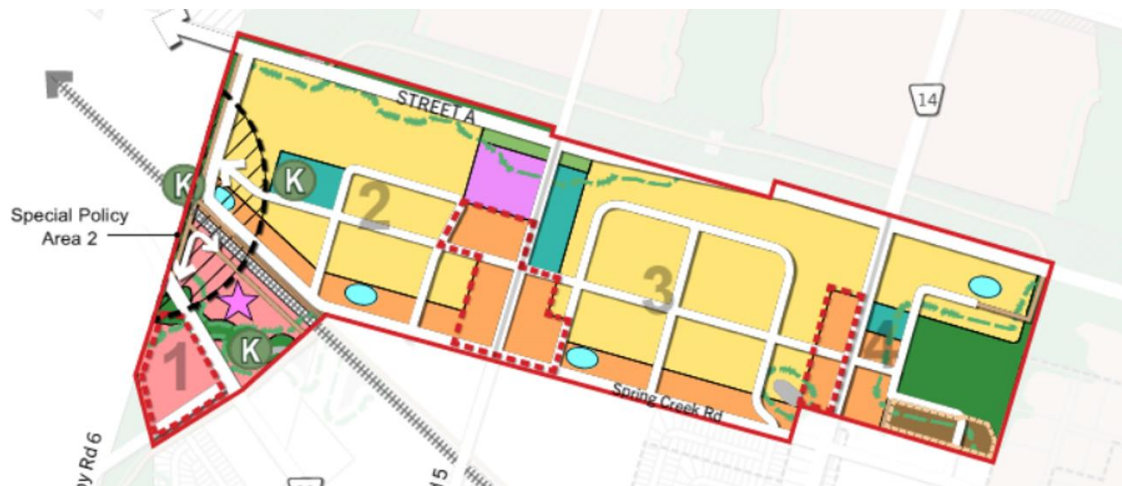
## IMPLEMENTATION - BLOCK PLANS



## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - BLOCK PLANS

- Detailed planning will occur by Block Plan
- Block Plan Areas (Schedule E-6) are the smallest areas for Block Plans
- One Block Plan may be accepted for multiple Block Plan Areas if the land is contiguous and within the same development stage
  - Example: one Block Plan could cover all of Block Plan Areas 1, 2, 3 and 4



## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - BLOCK PLANS

- Block Plan components:
  - Detailed land uses – location, area, type, dimensions of each land use area, conforming to and refining the Land Use Concept Plan
  - Community facilities parks and open spaces – conforming to and refining land use designations and based on the applicable Township Master Plan(s)
  - Master Environmental Servicing Plan (MESP) – in accordance with Smithville MCP Master Servicing Plan, Transportation Master Plan and Subwatershed Study
  - Housing mix and densities, population and related employment estimates, demonstrate greenfield density target will be met
  - Vision and design principles with associated graphics and imagery to illustrate the design intent, demonstrate conformity with design and sustainability policies and Township Design Guidelines

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - BLOCK PLANS

- Potential exceptions to Block Plans:
  - Employment Area and Commercial land use designations, if all information is provided as part of a complete application for development for the entire block
  - Minor applications such as variances or site plans related to existing or interim land uses (excluding urban land uses)
- Township Council approval required, unless otherwise delegated to Township staff
  - Terms of Reference to set out process, review and consultation requirements

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - MASTER ENVIRONMENTAL SERVICING PLANS (MESPs)

- Required for each Block Plan
- MESPs to include:
  - EIS to delineate and confirm/refine the NHS boundaries
  - Water and sanitary servicing plans and confirmation of capacities, including water system modelling, based upon MSP
  - Proposed order/phasing of development, in accordance with Development Staging Plan and policies
  - Stormwater Management Strategy, description of LID measures, preliminary grading, coordination with external areas, conforming to and refining the SWM locations shown on the Land Use Concept Plan
  - Karst Hazards Assessment (where applicable)
  - TIS prepared in accordance with TMP

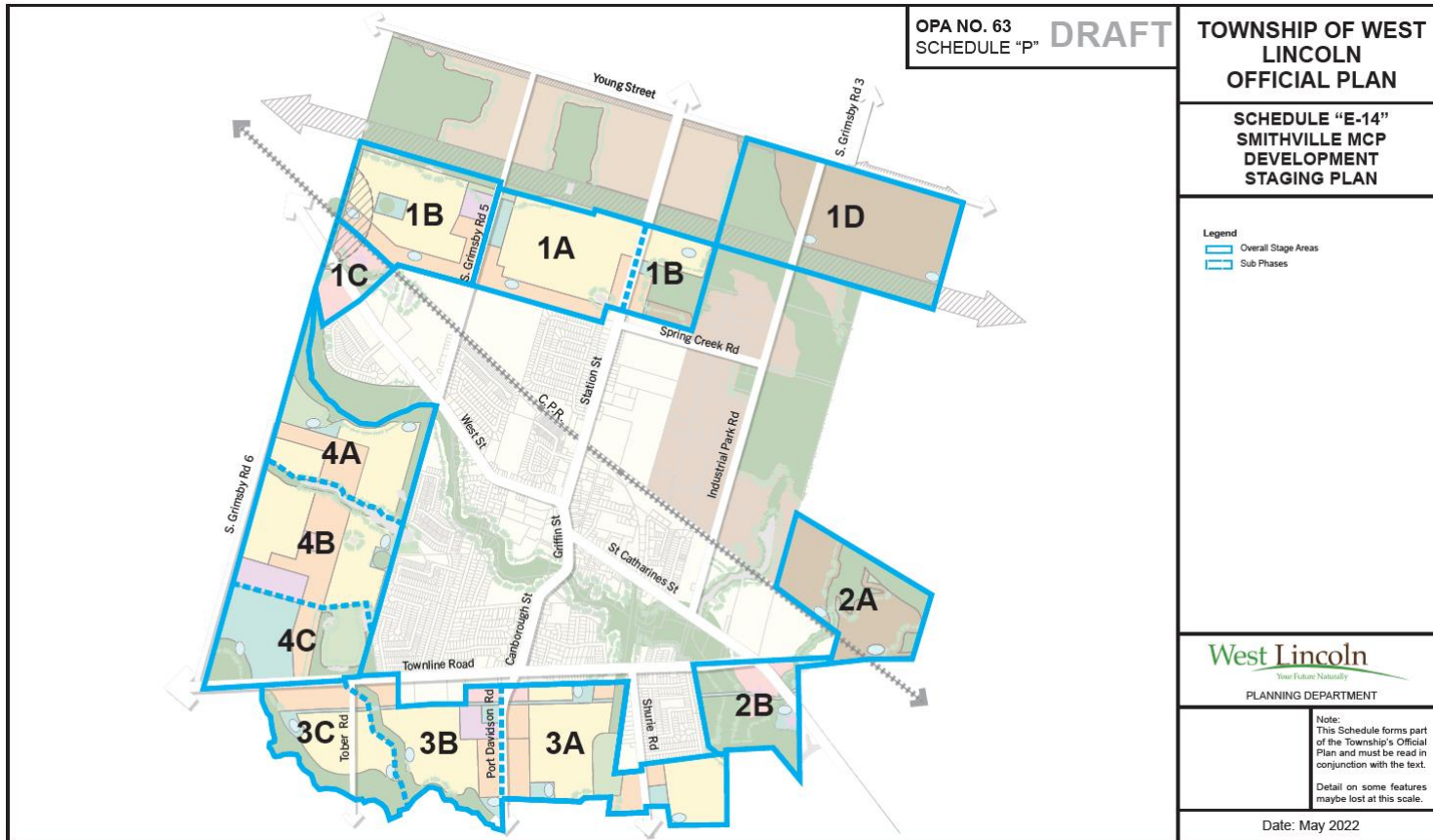
## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - MASTER ENVIRONMENTAL SERVICING PLANS (MESPs)

- MESP's to include:
  - Detailed street network and profiles/sections, as per Transportation System and based upon TMP
  - Noise impact assessment for transportation-related and stationary noise sources (where applicable)
  - Minimum Distance Separation (MDS I) assessment and proposed phasing and other measures to avoid/mitigate potential land use conflicts with any existing livestock operations within MCP Area
  - Environmental site assessment(s)
  - Archaeological assessment(s)

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## IMPLEMENTATION - DEVELOPMENT STAGING PLAN





## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - DEVELOPMENT STAGING PLAN

- Development to occur in logical and orderly manner, aligned with the planning and implementation of required infrastructure and transportation systems
- Order of development based on Development Staging Plan (E-14) and timing of provision of required infrastructure and transportation systems based on MSP and TMP
- Possible exceptions / adjustments to Development Staging Plan to change the order of development, subject to criteria:
  - Demonstrated need based on growth forecasts and status of other developments/supply to meet expected needs
  - Will not adversely impact achievement of intensification target
  - Will establish necessary roads and infrastructure including those external to the development / Block Plan Area

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - DEVELOPMENT STAGING PLAN

- Possible exceptions / adjustments to Development Staging Plan to change the order of development, subject to criteria:
  - No adverse impacts to the provision of the required roads and infrastructure in keeping with MSP and TMP;
  - Oversizing and other improvements addressed through appropriate agreements with Region, Township and affected landowners
  - Grading and drainage addressed and coordinated with future development of adjoining external areas
  - Required community facilities and parks will be provided or adequate capacity exists in existing facilities, based on applicable Township Master Plan(s)
  - Adequate reserve infrastructure capacity is or will be available to service the development without negatively impacting earlier sub-phases/stages

## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - DEVELOPMENT STAGING PLAN

- Possible exceptions / adjustments to Development Staging Plan to change the order of development, subject to criteria:
  - Any changes to planned infrastructure and transportation systems are addressed through EA addendum, where required
  - Any temporary or interim infrastructure, transportation or other facilities that are not part of the permanent systems in the MSP and TMP are appropriately designed for future removal/decommissioning
- Infrastructure and transportation systems to be coordinated among Township and Region, in a financially viable manner, based on “growth pays for growth”, aligned with Block Plans and complete applications for development and the applicable Region and Township Master Plans
- Infrastructure and transportation improvements may be advanced municipally before development is permitted

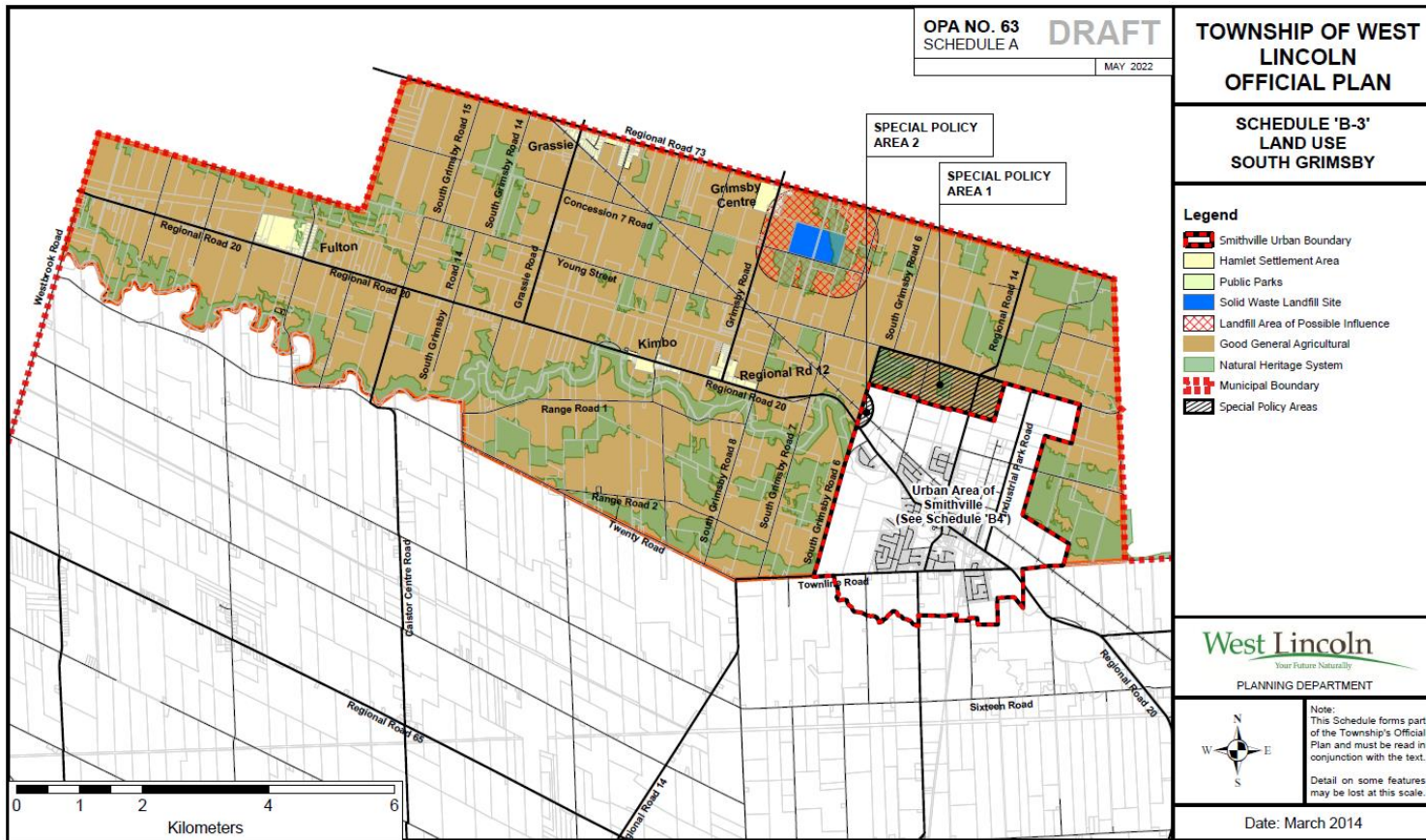
## DRAFT OFFICIAL PLAN AMENDMENT NO. 63

### IMPLEMENTATION - DEVELOPMENT STAGING PLAN

- Approval of Block Plans will be based on timing of implementation of required infrastructure and available capacities
- Township may adopt and implement a servicing allocation policy
- Township may use holding zones, conditions of development approval and front-ending/credit agreements to establish phasing and other requirements to support the logical and orderly development of the MCP Area
- Township may revise/update the Development Staging Plan without amendment to Official Plan

# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## MAP SCHEDULES



# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

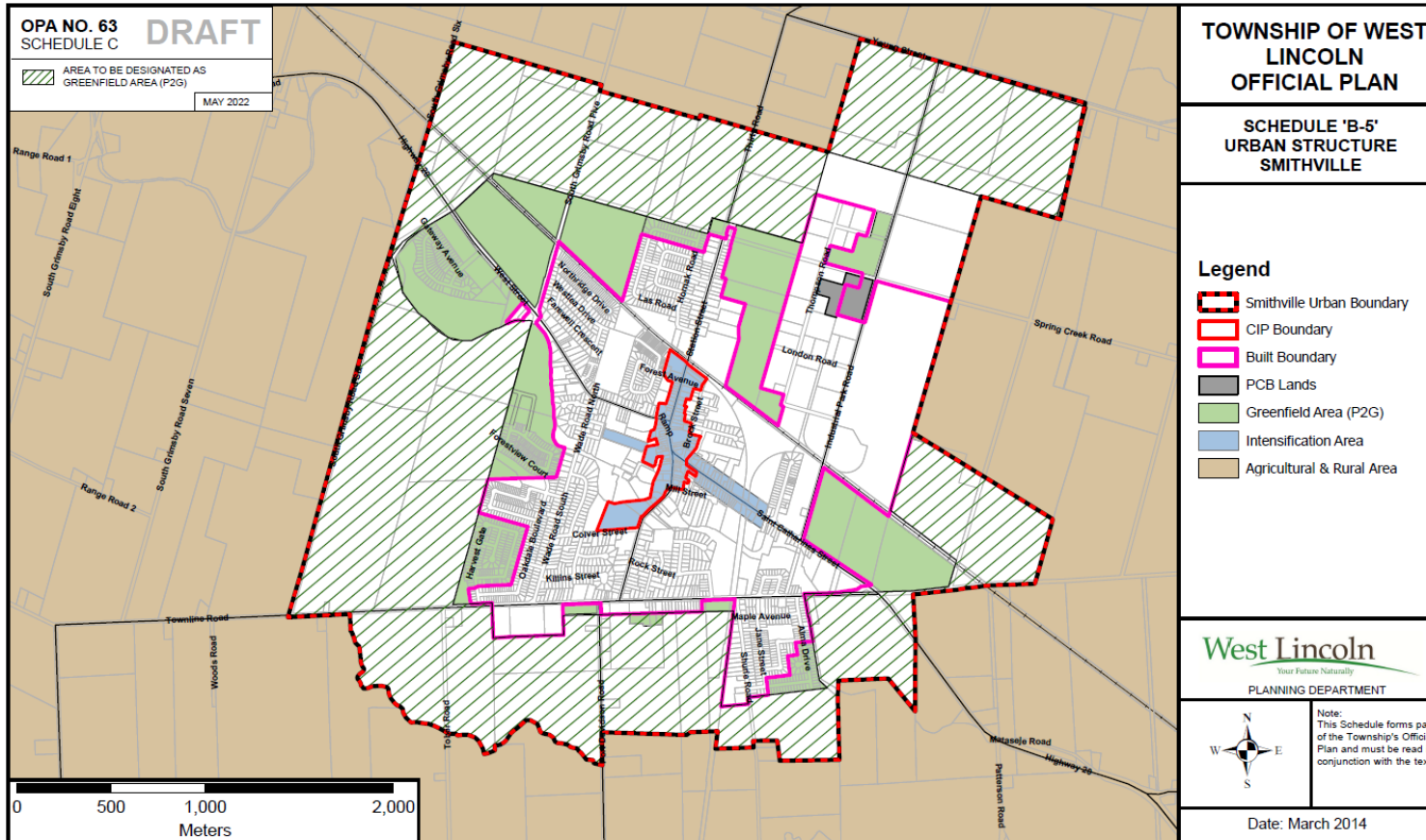
## MAP SCHEDULES





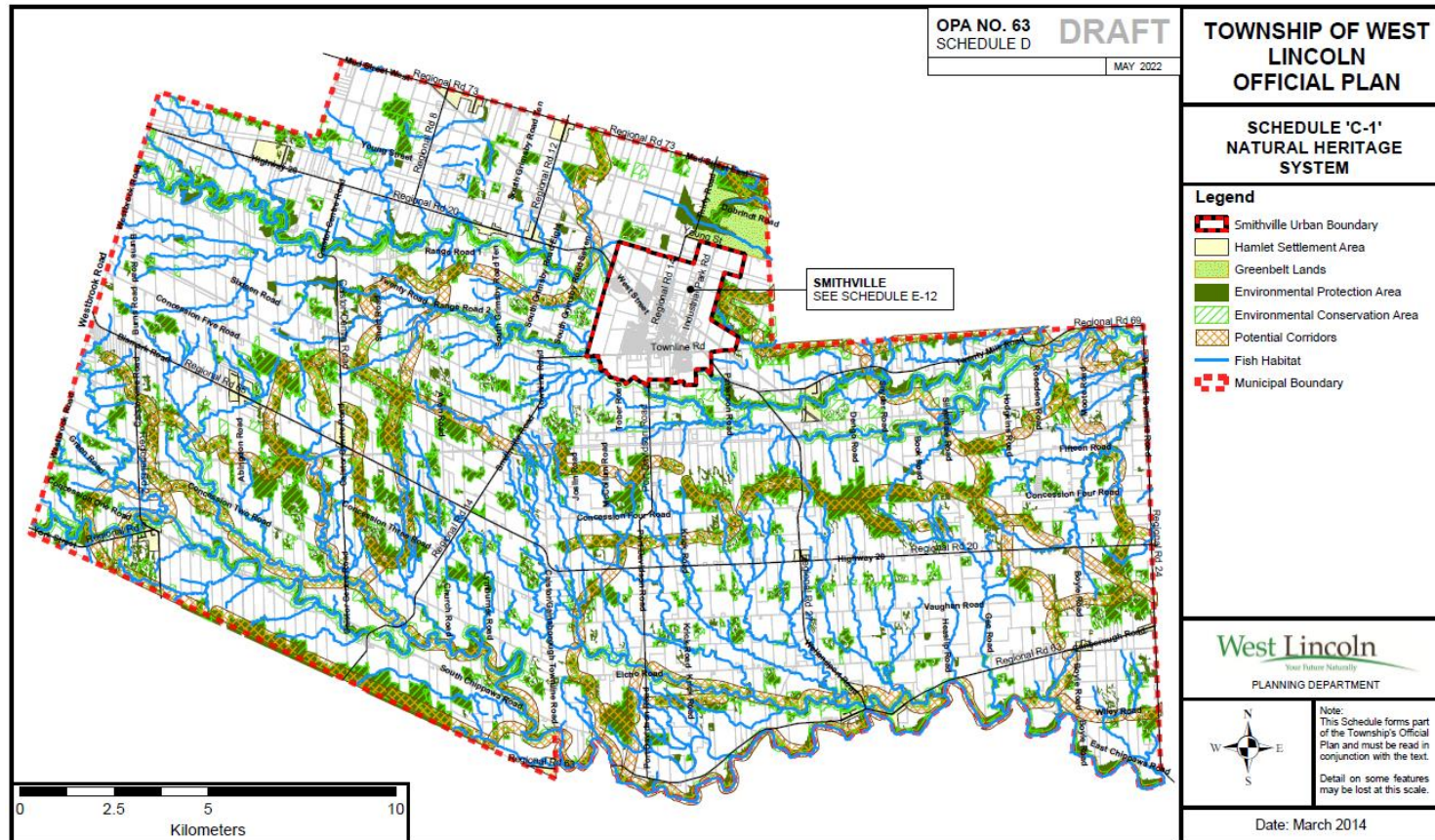
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## MAP SCHEDULES



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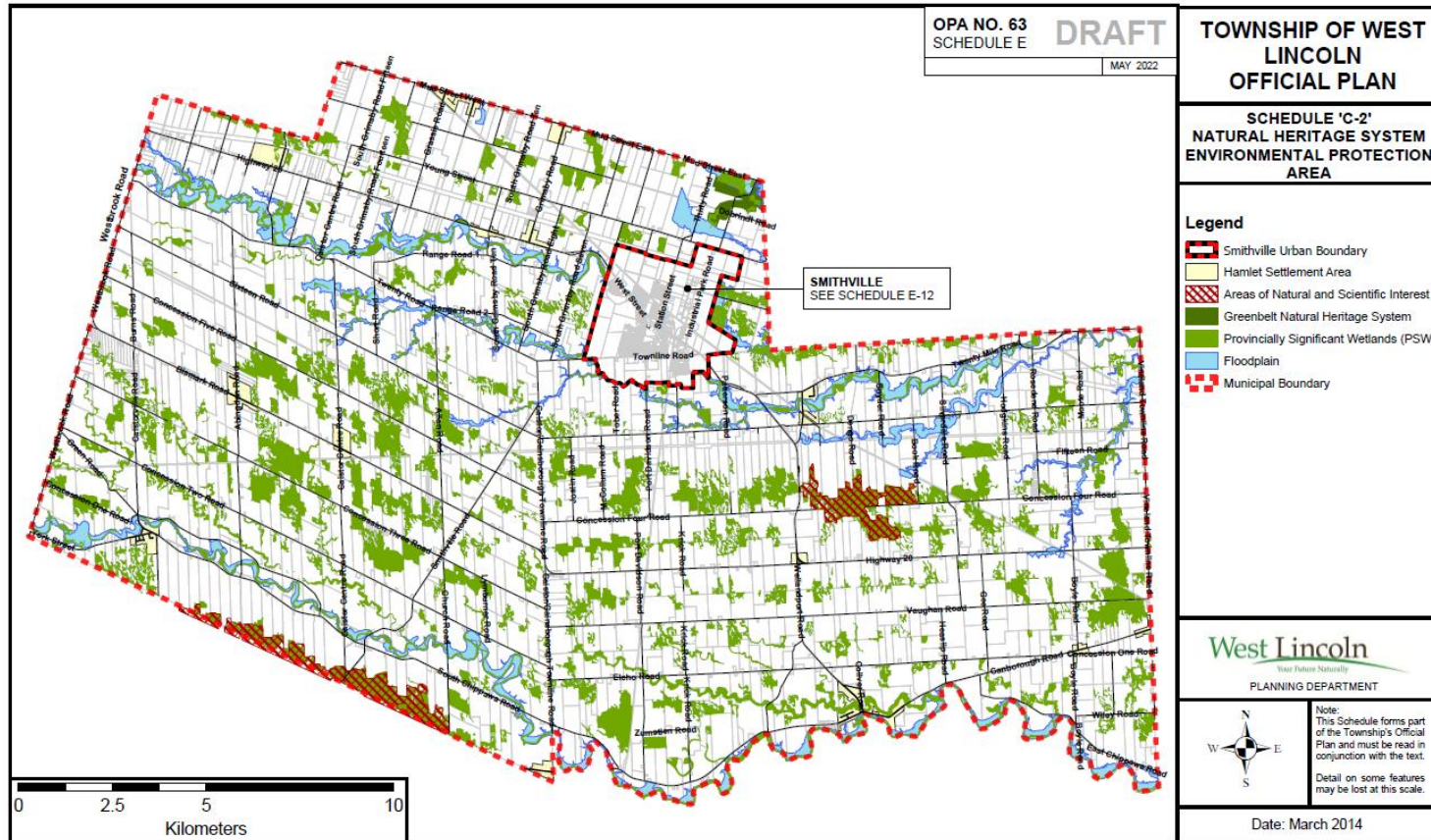
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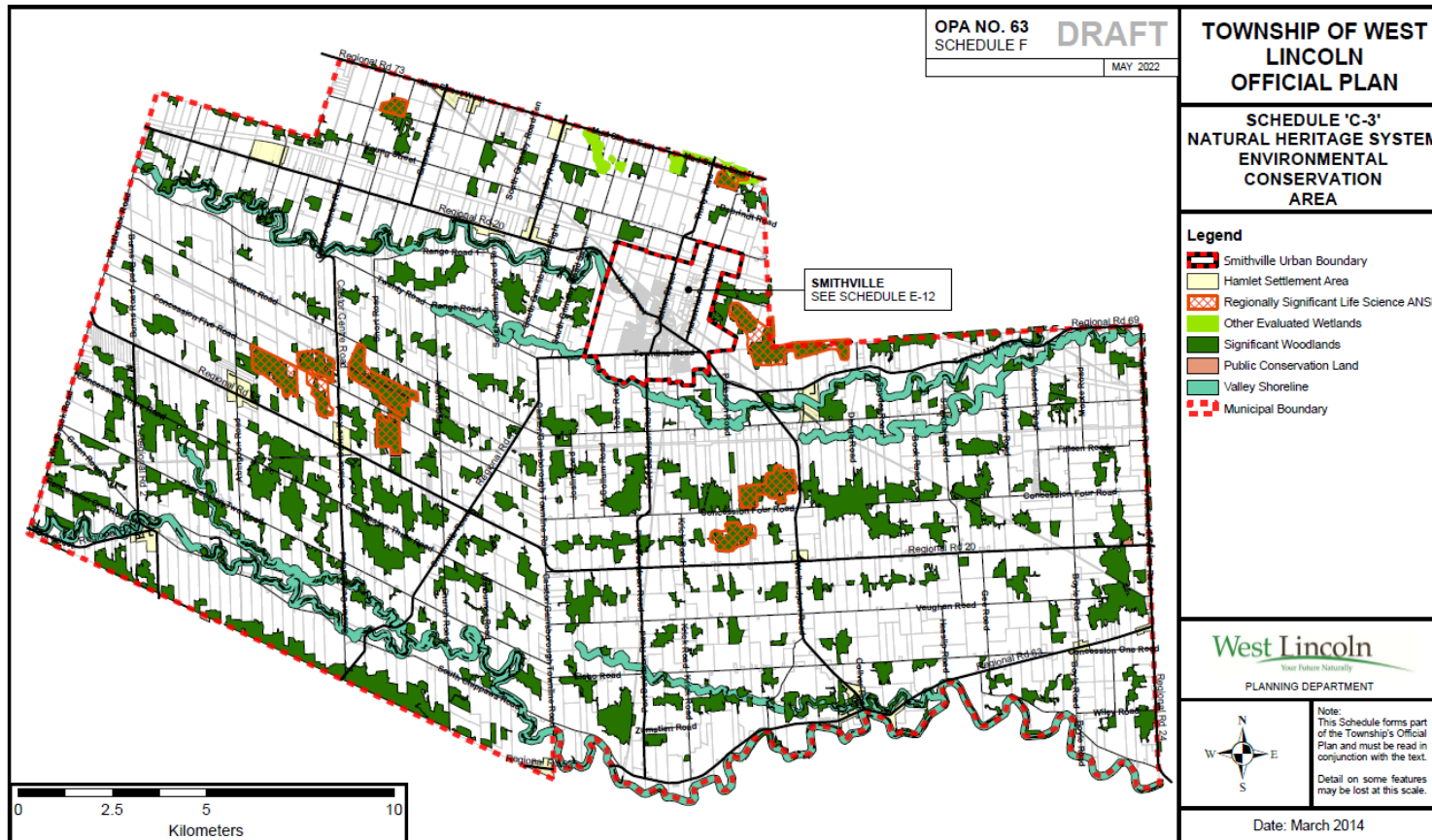
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## MAP SCHEDULES



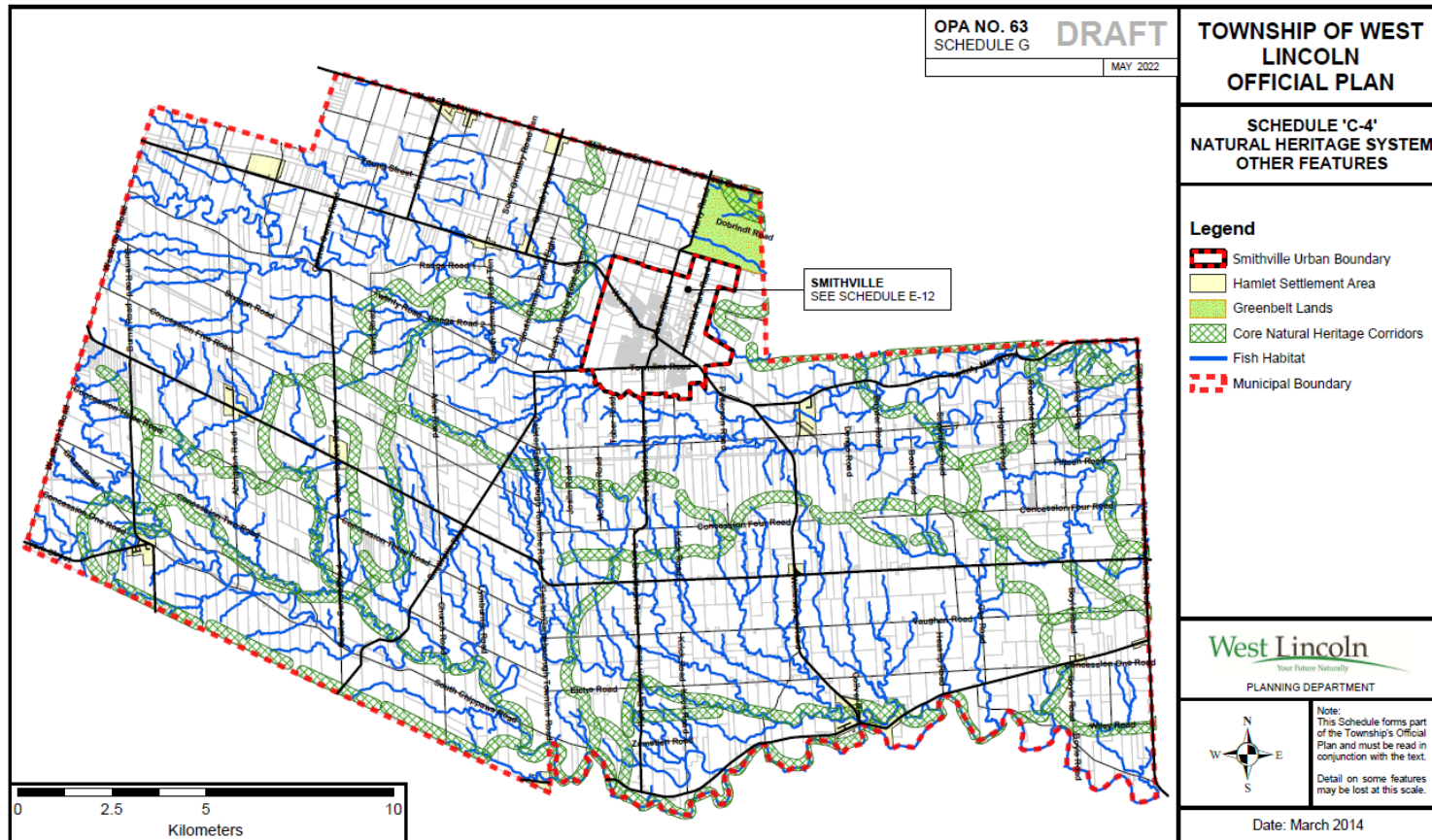
# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## MAP SCHEDULES



# DRAFT OFFICIAL PLAN AMENDMENT NO. 63

## MAP SCHEDULES



# **AGENDA**

1. Project Timeline
2. Recap: Draft Official Plan Amendment No. 62
3. Draft Official Plan Amendment No. 63
- 4. Next Steps**
5. Questions



## NEXT STEPS

- Review and respond to comments and questions received
- Finalize OPA No. 62 (Growth Forecasts & Settlement Area Boundary Changes) for Township and Region of Niagara approval
- Finalize OPA No. 63 (Smithville MCP Secondary Plan) for Township and Region of Niagara approval
- Subject to adoption by Township and Regional councils, and no appeals the MCP, Sub Watershed Study and Municipal Servicing Master Plans will be finalized and be used to guide implementation of the MCP

# **AGENDA**

1. Project Timeline
2. Recap: Draft Official Plan Amendment No. 62
3. Draft Official Plan Amendment No. 63
4. Next Steps
- 5. Questions**

**Thank you!**  
**Question Period**



**West Lincoln**

Your Future Naturally

**SMITHVILLE MASTER COMMUNITY PLAN**

COUNCIL MEETING, June 27, 2022

# Community for Responsible Growth

Schedule B

## Goals

- Support the township's effort to identify, protect and restore our natural heritage systems for the benefit of current and future residents.
- Recognize and applaud the work of Wood consulting and OPA 63 with respect to natural heritage systems (self sustaining ecosystems)
- Assist, where appropriate, in the identification, protection and restoration of our natural heritage systems.

West Lincoln Council Meeting  
June 27, 2022

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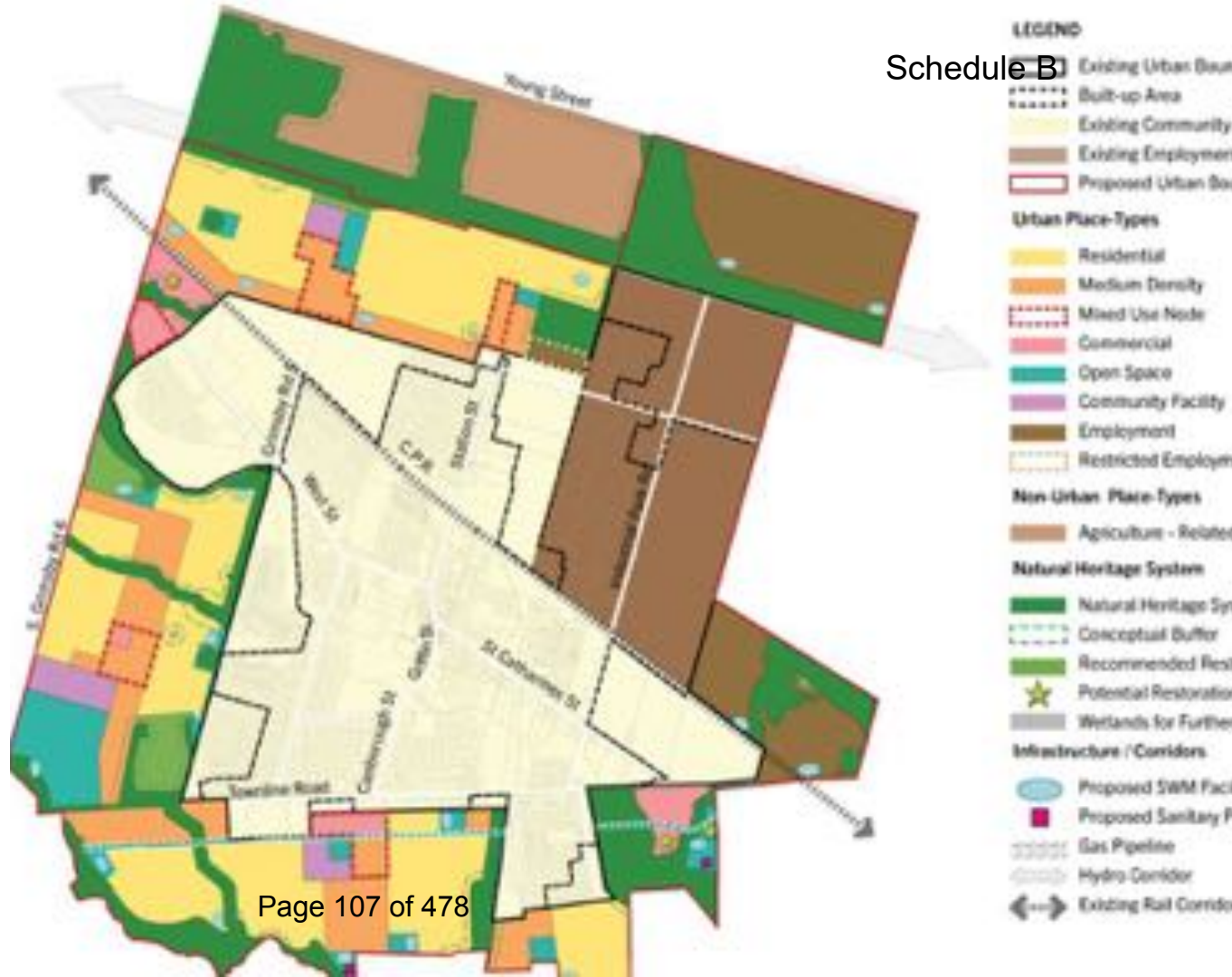


Provincial recommendations for new developments state that:

"... at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation..."

Natural ecosystems are now recognized as essential assets that provide irreplaceable services.

Current proposal shows between 25-30% Natural Heritage Systems



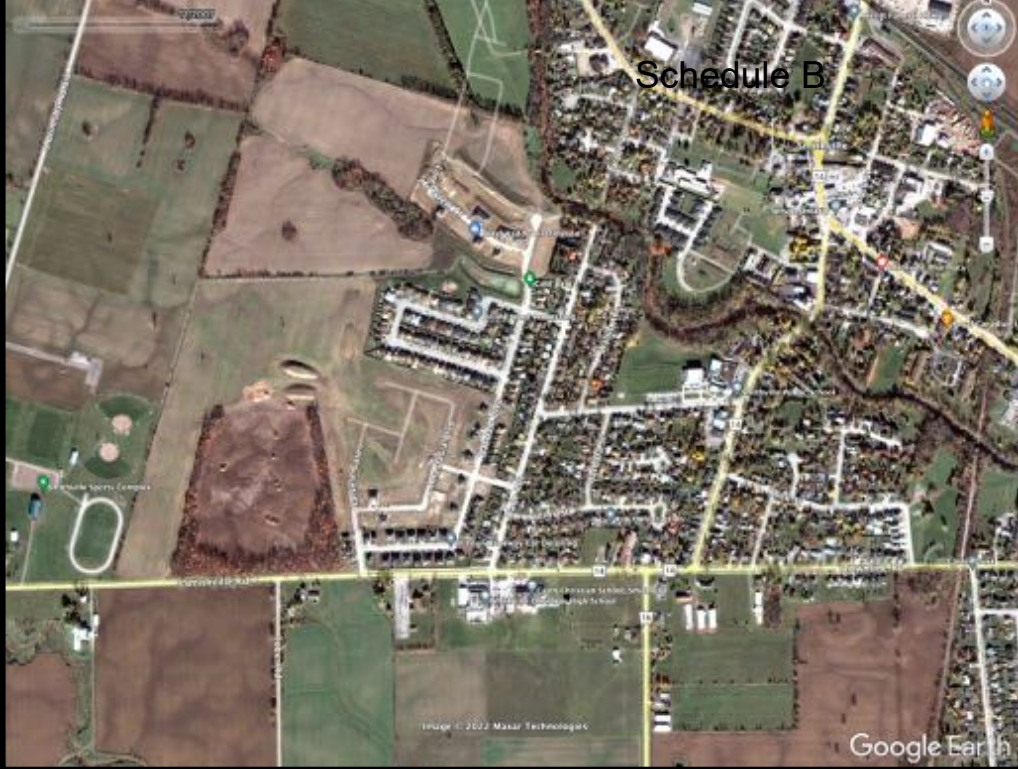


# SW corner of Smithville Prior to 2007





**SW corner of Smithville  
Prior to 2007**



**SW corner of Smithville  
November, 2007**

Fall, 2007

Schedule B

Townline Road

Golden Acres Drive





**Fall, 2007**



**Fall, 2007**





**March, 2022**



July, 2018



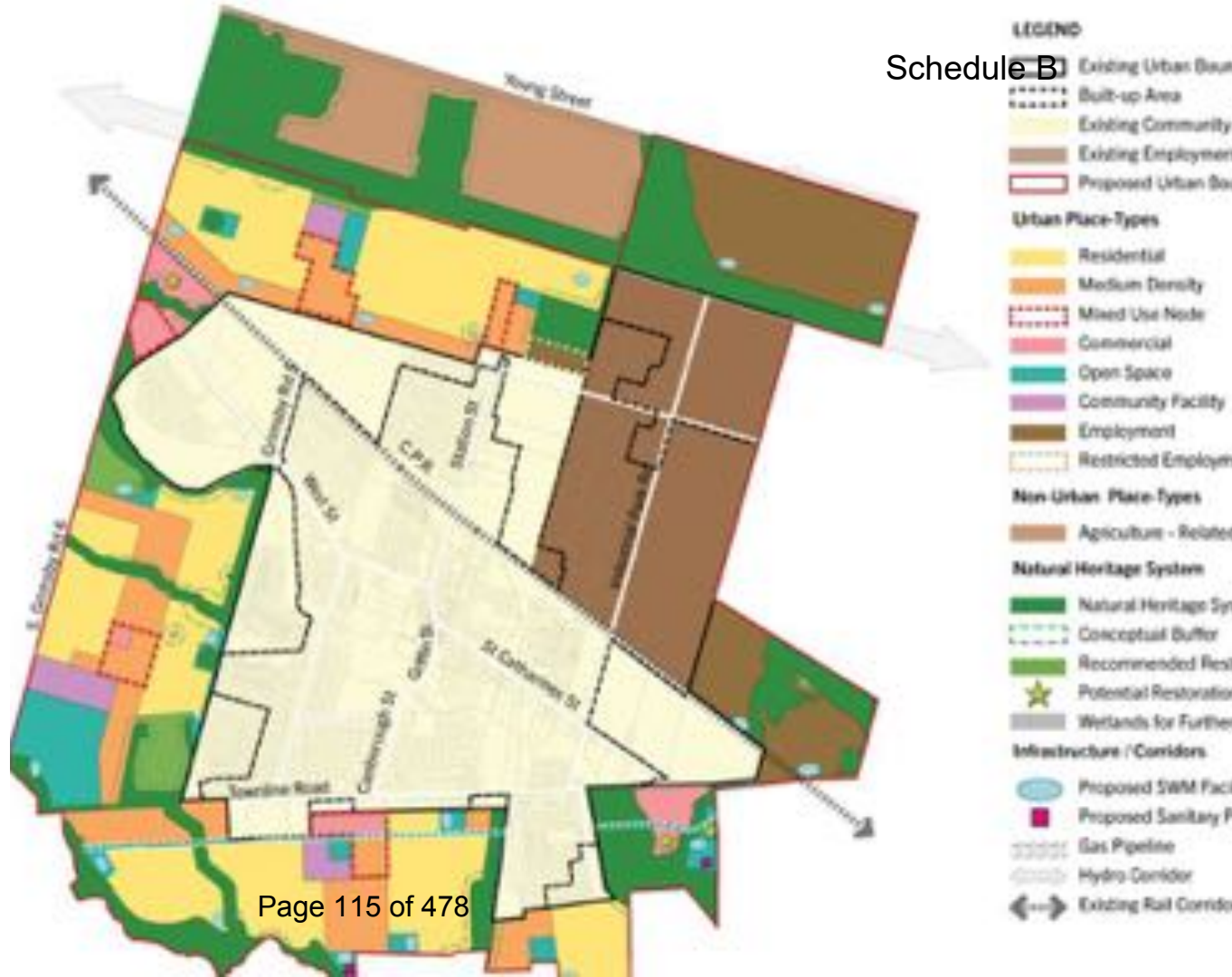


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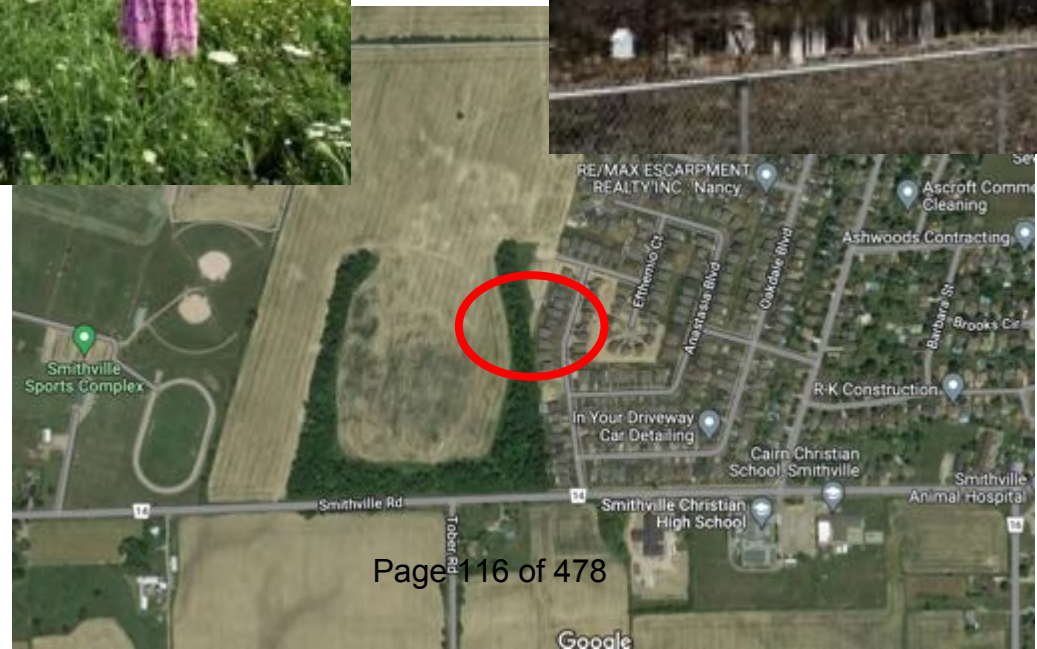
Natural ecosystems are now recognized as essential assets that provide irreplaceable services.

Current proposal shows between 25-30% Natural Heritage Systems





Schedule B





# Enjoy the Peaceful Country Atmosphere with city conveniences!

Winspear Homes builds quality homes to accommodate your family's unique lifestyle in a tranquil and safe community. Our homes include ceramics, fully sodded lots and asphalt paved driveways.



Wooded Lots for Nature Lovers available

Visit our model home at 72 Oakdale Blvd., Smithville, ON  
Tues. - Thurs. 1:00 to 5:00 p.m.; Sat. & Sun. 12:00 to 4:00 p.m. or call for an appointment

Semis from \$212,900

Single Detached from \$248,900

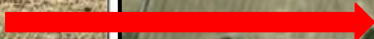


Now Available



**March 23,  
2022**

Schedule B





# March, 2022, West of Harvest Gate

Schedule B





# Municipal Natural Assets Initiative

## Assessing the value of our green infrastructure

Schedule B



# Asset Management

Schedule B



Municipalities are already well versed in asset management. As you know you continuously inventory and assess your community's existing infrastructure such as roads, storm water systems etc. You determine the current state of those assets and prepare and implement plans to maintain or replace those assets as necessary, allowing the municipality to make informed decisions on service provision and budgeting for capital expenses.



# The Missing Municipal Assets

Schedule B



Unfortunately, local governments lack policies to measure and manage one class of assets: natural assets.

Natural assets are ecosystem features that provide, or could be restored to provide, services just like the engineered assets, but historically have not been considered on equal footing or included in asset management plans.



# What is a Natural Asset?

## Green Infrastructure

### Natural Assets

- Wetlands
- Forests
- Parks
- Lakes/Rivers/Creeks
- Fields
- Soil

### Created “Natural” Assets

- Rain Gardens
- Bioswales
- Urban Trees
- Urban Parks
- Stormwater Pond

### Engineered “Green” Assets

- Permeable Pavement
- Green Roofs
- Rain Barrels
- Green Walls
- Cisterns

# Key Benefits Of Natural Assets

Schedule B



## **Natural Assets Reduce Service Delivery Costs**

- Managing areas such as aquifers, forests and wetlands reduces service delivery costs and improves the efficiency of engineered assets.

## **Natural Assets Have A Perpetual Life Span**

- Engineered assets must be replaced after their life span ends. Some natural assets, on the other hand, can provide services in perpetuity. They can become more valuable over time with effective monitoring, maintenance and restoration.

## **Natural Assets Support Climate Change Adaptation**

- Some natural assets are resilient and can meet increased service delivery requirements under predicted climate change scenarios, meaning that their value can grow over time.



# Making Nature Count

## The Municipal Natural Asset Initiative



Until now, there has been no standardized way to measure natural assets. The Municipal Natural Assets Initiative (MNAI) was created to address this. It has worked with nearly 100 communities to explore nature's ability to provide municipal services as a long-term, cost-effective and climate-resilient solution to aging infrastructure.

The MNAI team provides scientific, economic and municipal expertise to support and guide local governments in identifying, valuing and accounting for natural assets in their financial planning and asset management programs, and in developing leading-edge, sustainable and climate resilient infrastructure.

MNAI's mission is to make natural asset management a best practice across Canada, and in support of this, for local governments to accept and use the methodologies and tools in standard ways across the country.



# Case Study: Oshawa

Schedule B



The project examined natural assets along the southernmost, highly urbanized, 7-kilometre segment of the Oshawa Creek.

Key findings: Natural assets along this segment of the Creek provide a stormwater management value of \$18.9 million. When including the full Oshawa Creek watershed and the surrounding floodplain, this increases to between \$392 million and \$414 million. The comparison of natural assets to engineered assets under future land use and climatic conditions concluded that replacing the natural assets with an engineered asset would reduce the ability to retain water, leading to the potential for more flooding.

This project identified preventative measures for the City of Oshawa to take to improve the function of natural assets to further protect against and prevent erosion in City-owned riparian lands, mitigate the negative impacts of urbanization, and avoid having to build additional engineered assets.



# Smithville Proposed Plan



## Best Practice Example

# Best Practices to Natural Heritage Systems Planning

*“Since European settlement, approximately 80 percent of the region’s woodlands, 72 percent of its wetlands and more than 99 percent of its native grasslands have been lost to clearing and development.<sup>4</sup> As a result, the diversity of plant and animal life has also declined. With only 3.5 percent of southern and eastern Ontario protected for conservation,<sup>5</sup> natural heritage systems planning will be a key mechanism for restoring and sustaining biodiversity “*

*“The services that nature provides have been estimated to be worth over \$84 billion annually in southern and eastern Ontario.<sup>33</sup> Globally, the value has been conservatively estimated at \$33 trillion per year, a number that exceeds the combined GDP of all the world’s economies.<sup>34</sup> From a human health perspective alone, research shows that the human connection with nature is fundamental to our physical, mental and social well-being.<sup>35</sup>”*

## Page 15 - Health Benefits of Nature

<https://ontarionature.org/wp-content/uploads/2017/10/nhs-guide-web-1.pdf>

In 2010, Dr. Frances (Ming) Kuo reviewed and summarized the evidence from around the world on the health benefits of nature and access to the natural world. She described the findings as “remarkable” in their strength, consistency and convergence: the health benefits of being connected with nature are real.<sup>36</sup> For example, the social health benefits of “green” environments include:

- Stronger neighbourhood social ties;
- Greater sense of community;
- More mutual trust and willingness to help others;
- More positive social interaction; and
- Greater shared use of space.

The mental health benefits of access to nature include:

- Better cognitive functioning;
- More effective “life functioning”;
- More self-discipline and impulse control;
- Greater resilience to stress; and
- Greater mental health overall.

The physical health benefits of access to nature include:

- Enhanced recovery from surgery;
- Higher levels of physical activity;
- Improved immune system functioning; and
- Improved health status and independent living skills among older adults.

In contrast, Dr. Kuo also looked at the costs of not having access to nature. It’s an impressive – and alarming – list:

- Higher rates of aggression, violence and crime;
- More loneliness and sadness;
- More stress and anxiety;
- Higher rates of clinical depression;
- Exacerbated attention deficit hyperactivity disorder (ADHD);
- Higher rates of childhood obesity;
- Higher rates of disease (15 out of 24 categories); and
- Higher rates of mortality in younger and older adults.



Beccomont



Sharon Durnmond



Beccomont



Dana Sparrow



# Golden Acres Forest Project

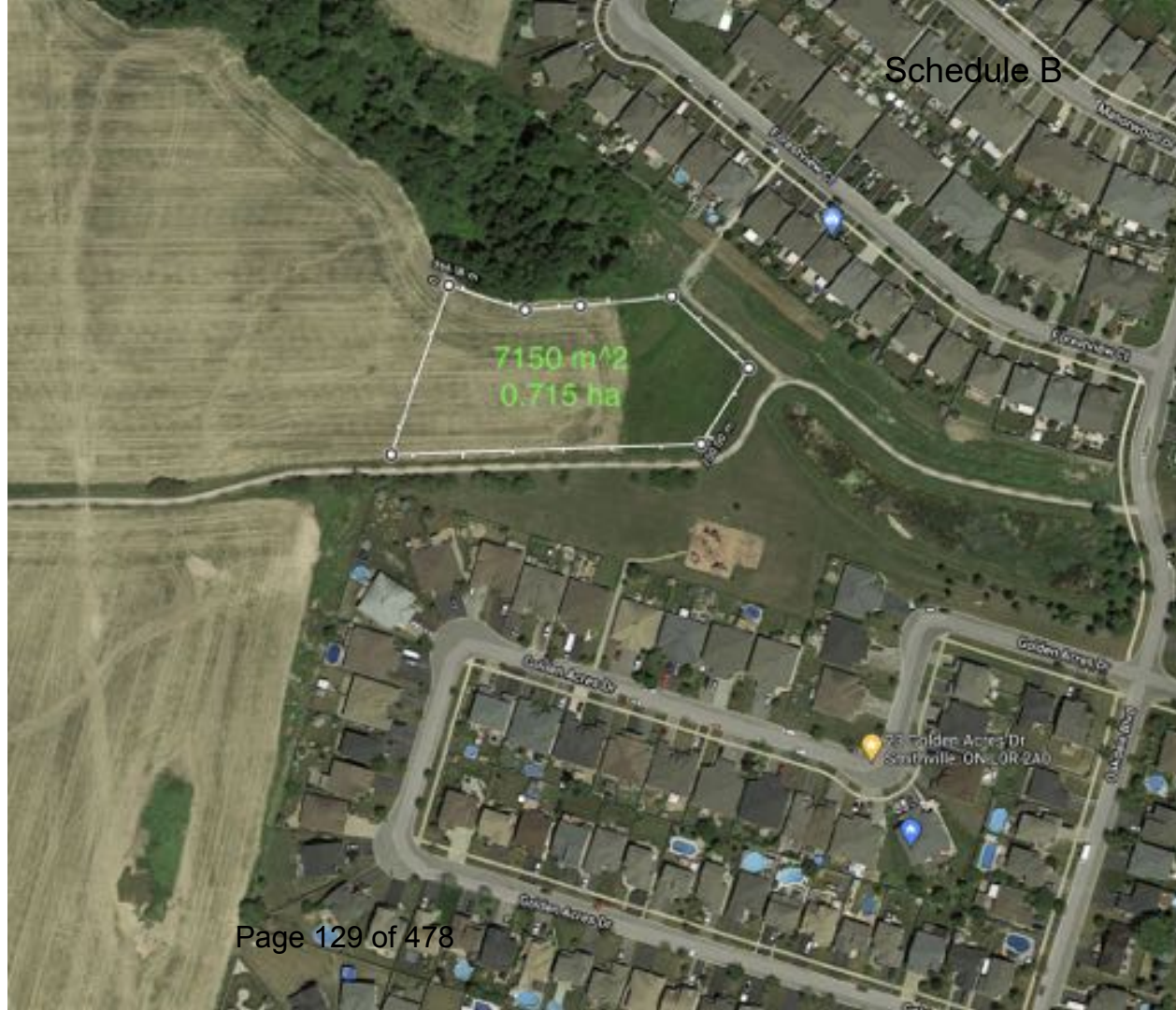
Protection of existing ecosystems is a priority but restoration is possible

1500 trees planted within 2 acres. April, 2022

## Partnership between;

- Land Care Niagara
- NPCA
- 50 Million Trees Program
- High School
- West Lincoln Township

Can be replicated at any location at any scale





Schedule B





# NPCA Water Testing Sites



**There has never been a more urgent need to revive damaged ecosystems than now.**

Ecosystems support all life on Earth. The healthier our ecosystems are, the healthier the planet - and its people. The UN Decade on Ecosystem Restoration aims to prevent, halt and reverse the degradation of ecosystems on every continent and in every ocean. It can help to end poverty, combat climate change and prevent a mass extinction. It will only succeed if everyone plays a part.





# For more information:

Municipal Natural Assessment Initiative - <https://mnai.ca/#start>

Best Practices Guide to Natural Systems Planning

<https://ontarionature.org/wp-content/uploads/2017/10/nhs-guide-web-1.pdf>



**Presentation to Township of West Lincoln Council – June 27, 2022**

**By Community for Responsible Growth**

**PRESENTER - RICK SIVYER - 6562 Townline Road**

**Slide 1**

Mr. Chairman, members of council, township staff and fellow citizens:

My name is Richard Sivyer. My wife Linda and I have lived at 6562 Townline Road since 1973. Over almost fifty years we have watched Smithville evolve and grow and we live here because we really like what this small town has to offer. And the potential to become even better is within reach.

Thank you for the opportunity to speak with you this afternoon. I want to make clear that my purpose is to represent a group called “**Community for Responsible Growth**” which was organized for the sole purpose of supporting you, our council, as you consider Official Plan Amendments 62 and 63, to proceed with responsible growth within the Township of West Lincoln and the proposed land use within that expansion area.

**Slide 2**

We support the recommendations of OPA 62 and 63 in their entirety as proposed. Considerable time and expense has been incurred in acquiring the recommendations developed by Wood Consulting using scientific methods, technical expertise, sound operating procedures and overall good judgment in compiling these recommendations. **Good work, well done Wood Consulting.**

We believe that there will be challenges to the proposed growth plan by some who stand to gain financially by challenging these plans.

There may be challenges to several aspects of the proposal but specifically, I want to address an area designated in OPA 63 as “Recommended for Restoration” east of Leisureplex on the north side of Townline Road.

**Slide 3**

This area has a history. Prior to August 10, 2007, the area currently designated as Recommended for Restoration was indeed a mature forest. Land immediately east of this forest extending over to Wade Road recently known as “Harvest Heights” was developed at first by Winspear Homes and later, Phelps Homes. Winspear Homes and the forested area I am referring to had the same principal owner at that time. This is a sample of promotional material for Winspear Homes in 2007 advertising Phase III of Harvest Heights including Harvest Gate, Georgakakos Drive and Oakdale Blvd. This promotional material from the summer of 2007 refers to the area in OPA 63 as Recommended for Restoration, as being for “Future Development”. That clearly indicates the owner’s real intent.

**Slide 4 - 7**

**Here is a brief summary of events** that took place in August of 2007:

Aug.10 - Council was made aware of tree cutting within this forest.

Aug.20 - West Lincoln Council passed a resolution to urge the region to tighten its bylaw re. clear cutting to make it more difficult for non-farming activities to abuse the bylaw.

Aug. 28<sup>th</sup>, The Niagara Region’s bylaw enforcement officer posted a “Stop Work Order” to allow for the situation to be investigated. This “Stop Work Order” turned out to be temporary.

The investigation revealed that the owner of the forest in question was indeed a registered farmer and thereby was allowed to clear land in order to farm under the provisions of the woodcutting bylaw in force at the time. To be clear, he was also the principal owner of Windspear Homes and was advertising at that same time that this

very piece of deforested land was to be developed. Approximately 15 of the 30 acres of the forest was cleared and has since been farmed. There remains a narrow band of forest on the west, south and east sides of this original forest. This was clearly an 'end run' around our Council and the intent of the bylaws. Now that the urban boundaries are expanding, developers are interested in this property for building; planting houses, not trees.

**Slide 8**

We were reminded again this spring of the potential for further devastation of this forest when a tree removal service was seen removing trees along the northeast side of what little remains of this forest. It is my understanding that once again, they were ordered to stop under the tree cutting bylaw.

We suspect that there will be challenges to the "Natural Heritage Systems" and areas Recommended for Restoration by Wood Consulting.

A deliberate effort appears to be under way to degrade several environmentally sensitive areas in OPA 63 so that a case can be made to the Ontario Land Tribunal that they are beyond the point where it is practical to protect or restore them. This picture was taken behind Harvest Gate in the spring of 2022. Another area of concern is west of the former TH&B railway line near the RVL development off Shurie Road. We are told that this is a common and often effective tactic.

**Slide 9**

The **Community for Responsible Growth** encourages this council to unanimously approve both OPA 62 and OPA 63 in their entirety and know that there is significant community support to **protect and restore the "Natural Heritage Systems" and Restoration** designations. The common good will be achieved by moving forward with responsible growth while maintaining what's in the best interest of the community, the environment and future generations. We hope that when those predictable challenges do occur, you will defend OPA 62 and 63 vigorously knowing that the community supports you.

**PRESENTER - ELLEN IRVING - 34 HARVEST GATE**

**Slide 10**

Good evening, Mayor Bylsma, Council members and fellow West Lincoln residents.

My name is Ellen Irving and my husband, Scott, and I live on 34 Harvest Gate. We purchased this Phelps home in 2016. We chose the lot location, style, colours and plan design.

I am commenting on OPA 63 and specifically the areas designated as Natural Heritage Systems, as a resident supporting responsible growth.

As you can see on the **map**, there are many areas designated as Natural Heritage Systems. This urban expansion plan was designed by our West Lincoln planning department and Wood Consulting, to fulfill the 30% of Natural Heritage Systems, required by the provincial guidelines. Currently, the expansion plan falls somewhat short of the target percentage but we are adamant that all these areas be protected, enhanced or restored. We encourage the Council to support this expansion plan, as we want to grow responsibly.

I am going to focus on the Natural Heritage System that is west of Harvest Gate and north of Townline. Refer to the **map**.

#### Slide 11

This remaining strip of forest has a variety of habitat, trees, foliage and wetland. The **pond** is a unique wetland area, alive with peepers. This small chorus frog marks the beginning of spring. The pond is also home to a pair of ducks, that return each year. A muskrat was also seen swimming in these waters.

Many small animals can be seen scurrying around below and in the trees. As well, a variety of colourful songbirds can be heard and the woodpecker and hawk are a delight to see. Pollinator plants and different species of grasses also grow in this area. It is easy to imagine what a large and important habitat existed before nearly all of the forest was cut, and to anticipate what a productive natural ecosystem it would be again, if it was restored. These are valuable spaces and it is crucial that they not be lost.

#### Slide 12

Speaking of value, there is great value living near or backing onto a “wood lot”. In fact, all of us on Harvest Gate, that have this **small line of trees** in our backyard. In fact, we all paid an extra \$15000, for this view. So, a Natural Heritage system is valuable to have, in a community. We crave green space and we seek it. Realtors will

promote a home that has a wood lot behind them. We certainly don't want this remaining forest destroyed. This tactic that builders use, referred to as a bait and switch, is of real concern. That is, advertising a forest in your backyard only to cut it down. You can see **marketing material** here from 2007, advertising homes along Harvest Gate as being "wooded lots for nature lovers".

### Slide 13 - 14

As recently as this Spring, large trees were cut out of the remaining line of trees in an apparent effort to subvert and degrade its Natural Heritage designation. We understand these are not the only trees and low-lying growth, in the designated Natural Heritage Systems, of OPA63, that have been removed recently.

Further benefits of living near Natural Heritage Systems will be commented on by another speaker.

## PRESENTER - SCOTT ANTONIDES - 23 GOLDEN ACRES DRIVE

Good evening, Chairman Reily, Mayor Bylsma, Council and staff members, My name is Scott Antonides, I live at 23 Golden Acres with my family. I am a teacher specializing in ecology.

### Slide 15

You have heard from the previous speakers about the history of some of our natural areas that seem to be disappearing one tree or one small forest at a time. There is an obvious tension between growth and the preservation of our natural heritage ecosystems. *I think one of the challenges is that the environment is often seen as an obstacle rather than an asset.* I'd like to talk briefly about the Municipal Natural Assets Initiative (MNAI). This material comes from Liz Benneian who founded the Biodiversity and Climate Action Collective and has been instrumental in preserving natural spaces in Fort Erie and around Niagara.

### Slide 16

Municipalities are already well versed in asset management. As you know you continuously inventory and assess your community's existing infrastructure such as roads, storm water systems etc. You determine the current state of those assets and prepare and implement plans to maintain or replace those assets as necessary, allowing the municipality to make informed decisions on service provision and budgeting for capital expenses.



**Slide 17**

Unfortunately, local governments lack policies to measure and manage one class of assets: natural assets. Natural assets are ecosystem features that provide, or could be restored to provide, services just like the engineered assets, but historically have not been considered on equal footing or included in asset management plans.

**Slide 18**

Natural assets include things like forests, creeks, wetlands, ponds, fields and even soil itself. Natural assets can be created such as gardens, parks or stormwater ponds

**Slide 19**

Under this initiative, natural assets such as the forests pictured earlier are NOT a liability for a land owner looking to develop their land. Aquifers, sinkholes, forests and wetlands reduce the service delivery cost, they have a perpetual life span and even improve over time. Natural assets can adapt to change. For example, if the climate were to become hotter and wetter, a healthy forest would respond and mitigate some of those changes. If nutrients from lawns escape through our stormwater, our creeks and ponds actually absorb those nutrients and change their biology to meet new conditions. Traditional assets can not adapt to change and are not self-sustaining. Under this pretense, a landowner could be incentivized to keep or even restore a forest or any natural ecosystem. Instead of clearcutting land before submitting a site plan or doing an environmental impact study, we might find landowners who actually protect or even restore natural features because of their value and what those features provide to the community indefinitely.

**Slide 20**

Until now, there has been no standardized way to measure natural assets. The Municipal Natural Assets Initiative (MNAI) was created to address this. It has worked with nearly 100 communities to explore nature's ability to provide municipal services as a long-term, cost-effective and climate-resilient solution to aging infrastructure.

The MNAI team provides scientific, economic and municipal expertise to support and guide local governments in identifying, valuing and accounting for natural assets in their financial planning and asset management programs, and in developing leading-edge, sustainable and climate resilient infrastructure. *MNAI's mission is to make natural asset management a mainstream practice across Canada, and in support of this, for local governments to accept and use the methodologies and tools in standard ways across the country.*

### Slide 21

Under MNAI, natural assets including entire ecosystems are assigned values based on the services they provide. Here is an example from Oshawa; The project examined natural assets along the southernmost, highly urbanized, 7-kilometre segment of the Oshawa Creek. Key findings: Natural assets along this segment of the Creek provide a stormwater management value of \$18.9 million. When including the full Oshawa Creek watershed and the surrounding floodplain, this increases to between \$392 million and \$414 million.

The main point here being that creeks, forests, wetlands, sinkholes etc. are not obstacles, they are assets. They provide services that would be very expensive to replace if the system is damaged or removed.

### Slide 22

The preferred plan in OPA 63 presents a linked network of natural heritage systems on existing mature forests and wetland. This is very similar to other examples of best practices from around Ontario.

### Slide 23

*I want to refer now to a document called "Best Practices to Natural Heritage Systems Planning". This document outlines the importance of protecting and restoring ecosystems and outlines what many other cities in Ontario are doing.*

*"since European settlement, approximately 80 percent of the region's woodlands, 72 percent of its wetlands and more than 99 percent of its native grasslands have been lost to clearing and development. As a result, the diversity of plant and animal life and the services they provided has also*

*declined. With only 3.5 percent of southern and eastern Ontario protected for conservation, natural heritage systems planning will be a key mechanism for restoring and sustaining biodiversity “*

*“The services that nature provides have been estimated to be worth over \$84 billion annually in southern and eastern Ontario. Globally, the value has been conservatively estimated at \$33 trillion per year, a number that exceeds the combined GDP of all the world’s economies. From a human health perspective alone, research shows that the human connection with nature is fundamental to our physical, mental and social well-being.”*

Aside from the physical services that nature can provide such as flood control, water filtration, carbon sequestration, climate mitigation, nature is known to have human health benefits. In 2010 a study was done by Dr. Frances Kuo on the connection between human health and access to the natural world. She described the findings as ‘remarkable’, some of which include;

#### Page 15 - Health Benefits of Nature

- Stronger social ties,
- greater sense of community,
- more mutual trust,
- better cognitive function,
- better resilience to stress
- Greater mental health overall
- Higher levels of physical activity,
- Time spent in nature was even proven to Improve immune system functioning and decrease crime.

#### Slide 24

As I wrap up, I want to highlight a project that was just completed this spring near Golden Acres Park on the West side of town. A priority should always be the protection of existing, mature ecosystems but restoration is possible. 1500 native trees were planted on 2 acres of town land. This was in a sensitive area near a storm pond, and between 2 sinkholes. The idea being that once mature, the forest will be part of the town’s infrastructure. Plus it’s next to a park and within view of ‘Forest View’ court where I’m sure residents paid a premium to back onto a forest. This can be replicated at any site and in any scale. Government agencies, and private donors

are ready to facilitate this restoration work. I am happy to help with logistics of all this if the Town wanted to replicate this project. We can do this anywhere.

### Slide 25 - 27

Lastly I'll show this picture which was one of the things that triggered my class in taking on the forest project. The coloured dots are all the sites where the NPCA performs water tests. Only one stream in all of Niagara was found to be in excellent condition. Red indicates poor quality water which should be alarming to anyone. High phosphate or nitrate levels or e-coli contamination. *The point is with only 15% forest cover and 95% of our waterways in poor condition, we are not ok.* We can not continue with business as usual or keep expanding indefinitely. The work of Wood Consulting and its recognition of natural heritage systems is a step in the right direction and one that we support. "Your Future Naturally" is a fitting motto for West Lincoln

Councilors, planning staff, thank you for the work you do in making our town grow responsibly and continue to be a place where me and my family love to live. Thank you very much for your time tonight. I or anyone on my team is happy to answer any questions.

*Public Meeting*

OPA No. 63

Smithville Master Community  
Plan

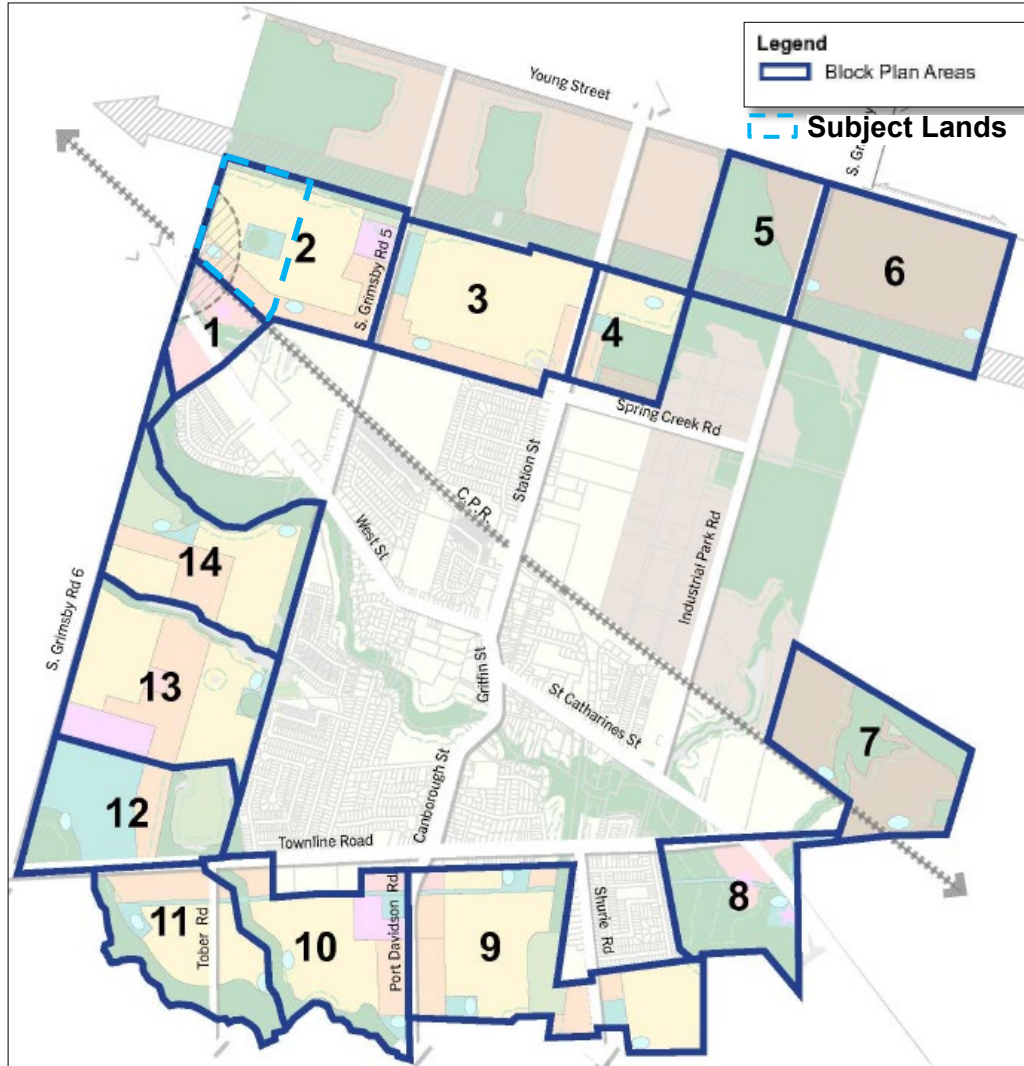
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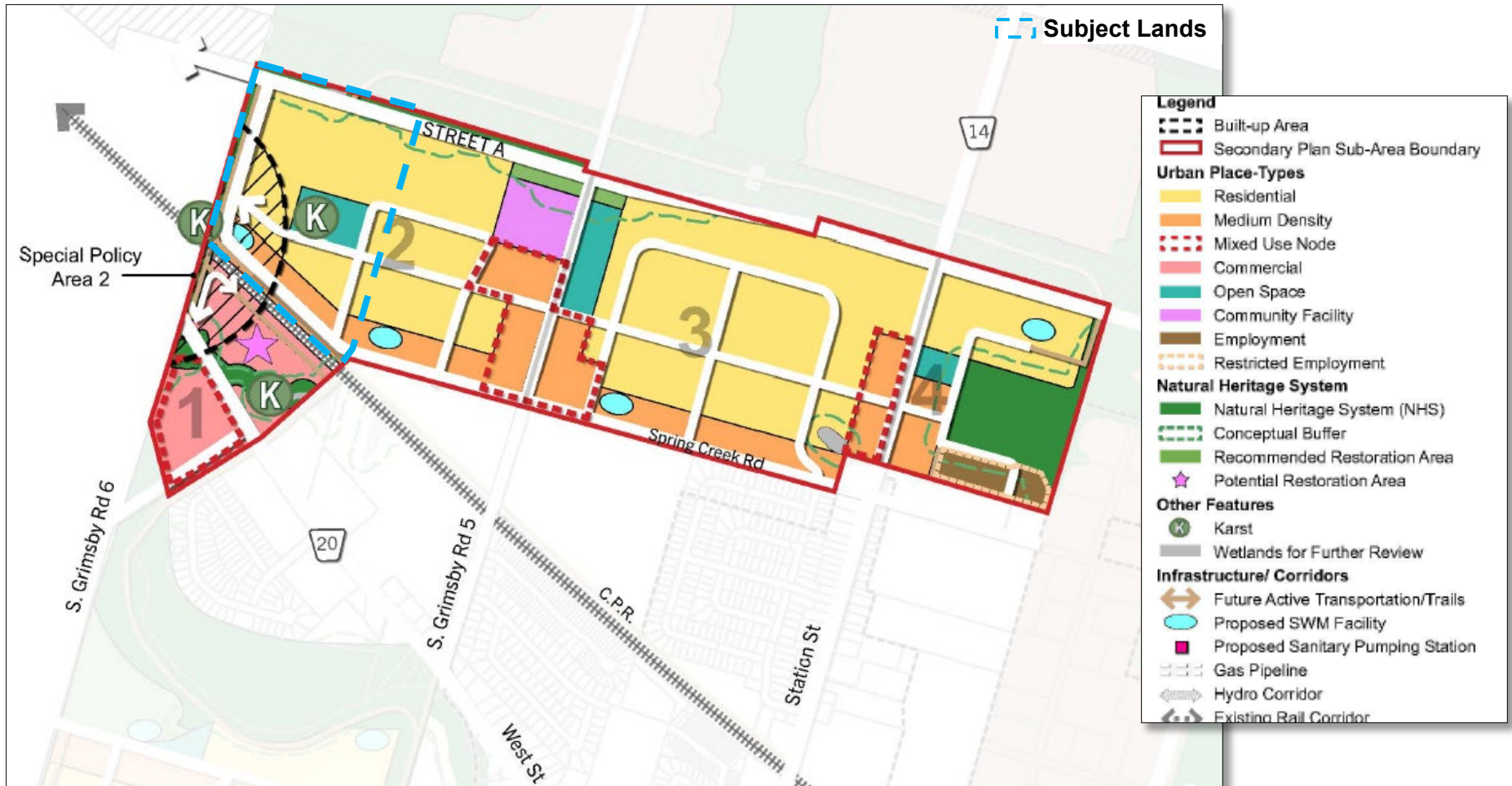
**IBI GROUP – John Ariens, MCIP, RPP**  
1734234 Ontario Ltd.  
June 27<sup>th</sup>, 2022



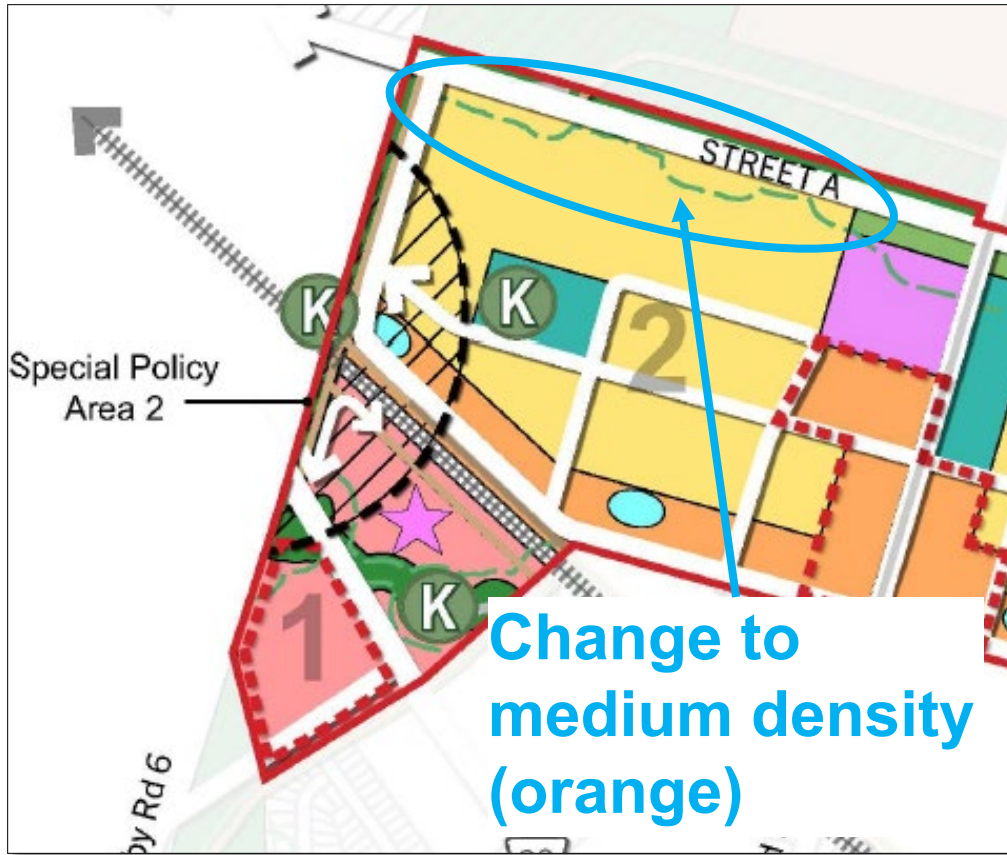
# Schedule E-6 Smithville MCP Block Plan Areas



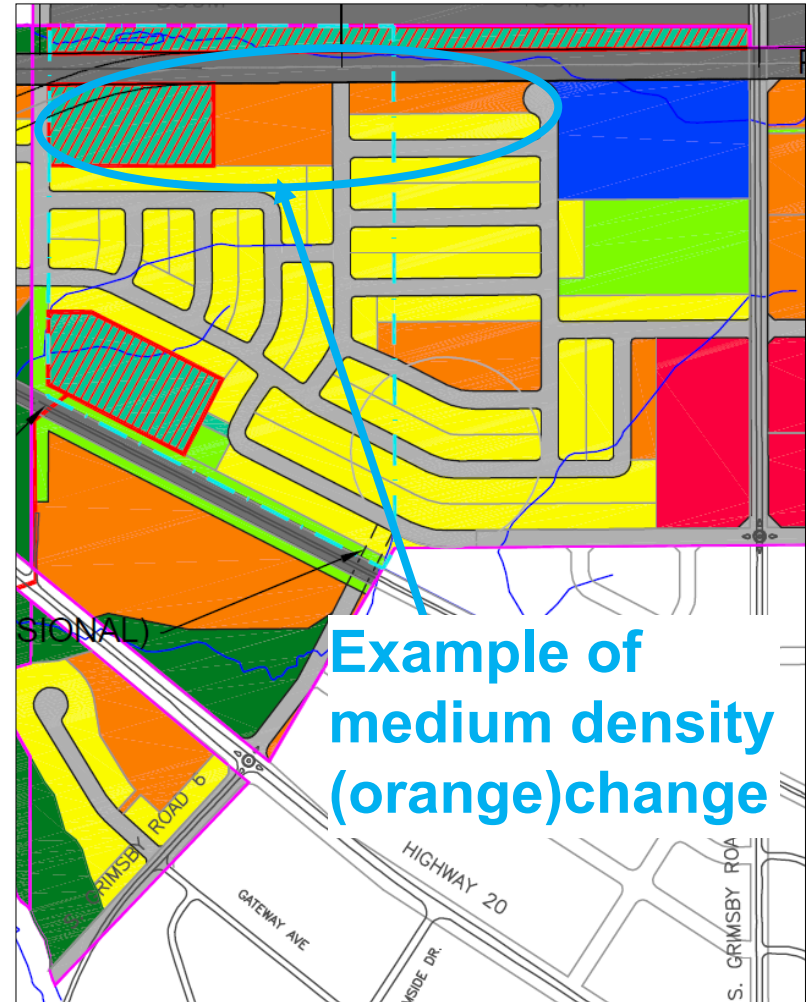
# Schedule E-8 North Community Area Land Use Plan



# Schedule E-8 North Community Area Land Use Plan

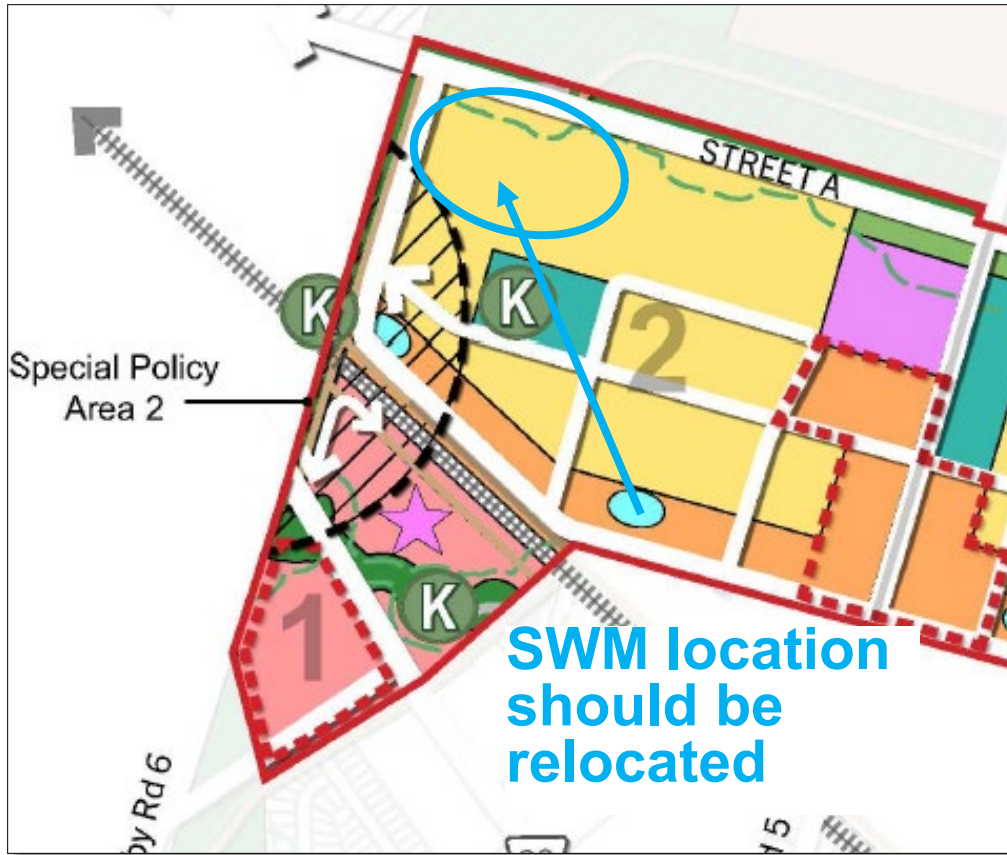


## "We the North" Concept

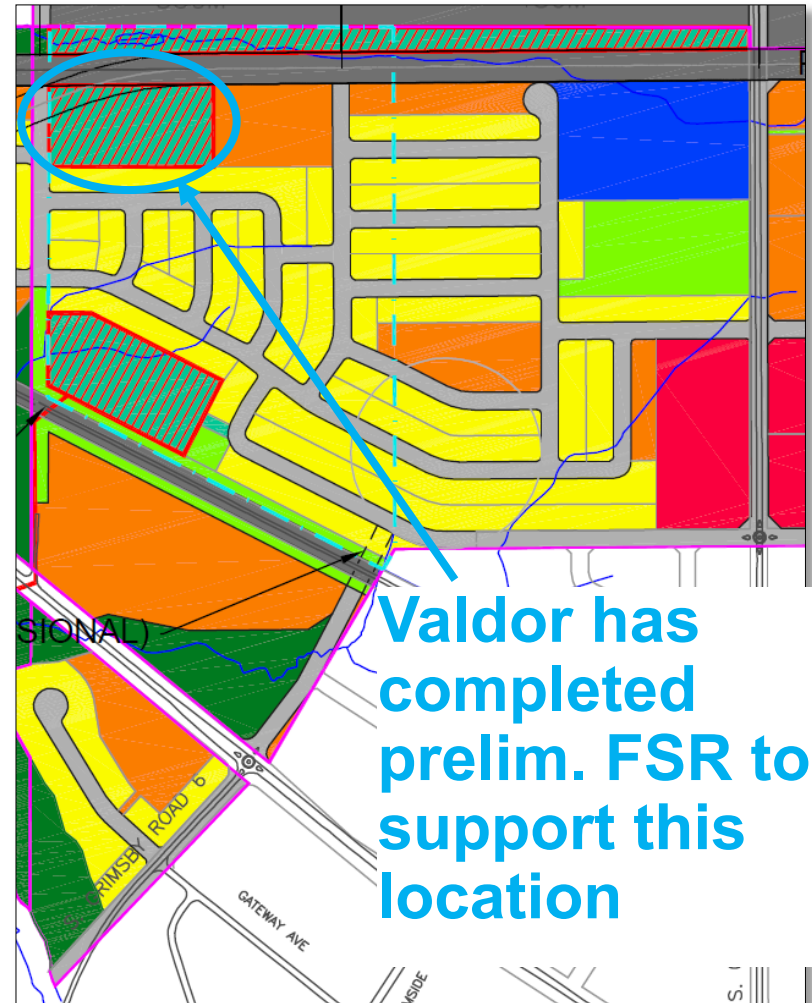




# Schedule E-8 North Community Area Land Use Plan



## "We the North" Concept



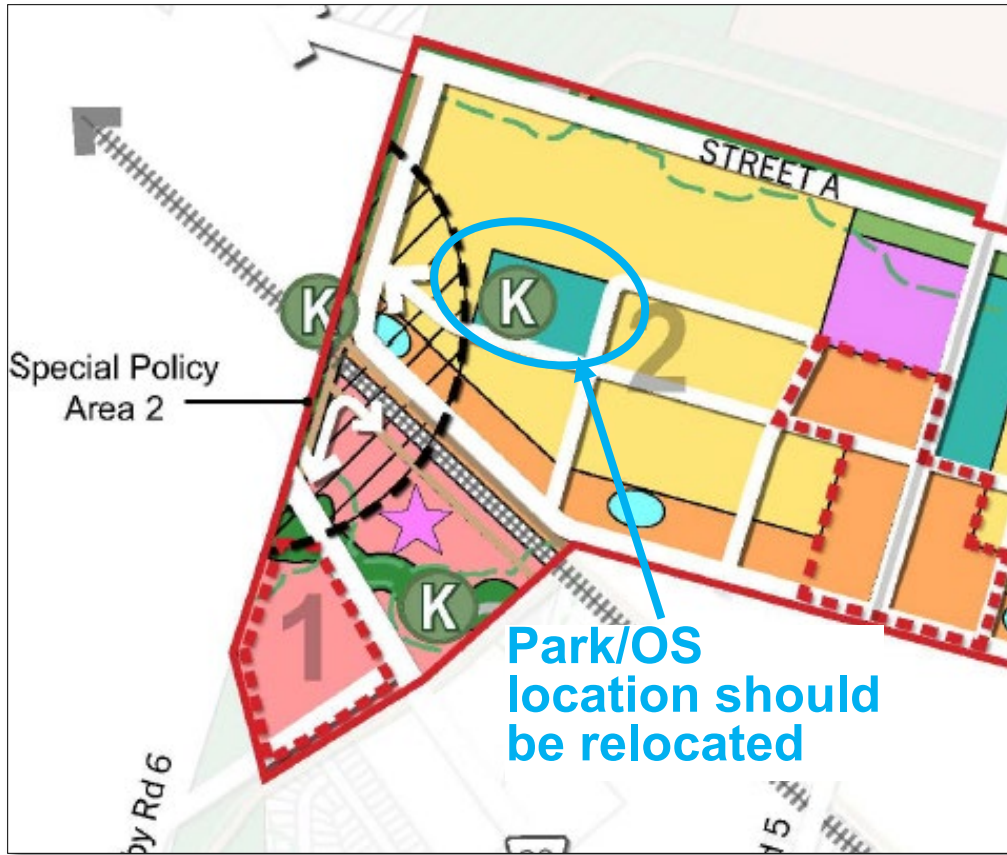
# Schedule E-8 North Community Area Land Use Plan



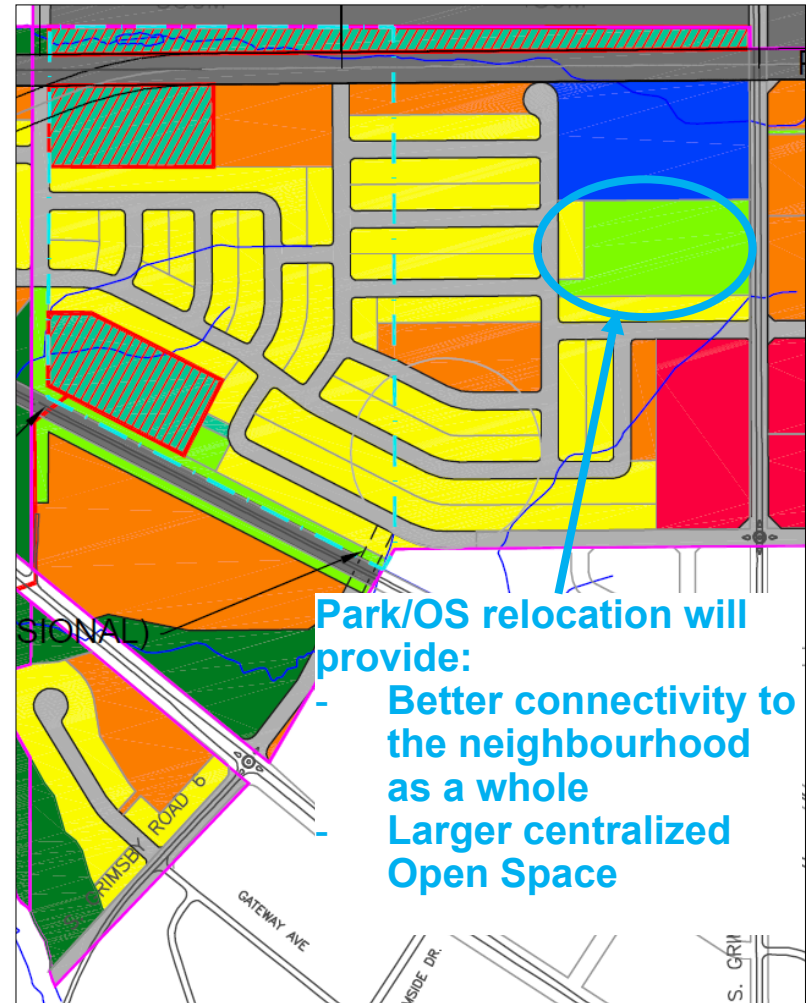
- Karst should be overlay constraint and not a land use designation
- Land underneath of the Karst should be identified as low density
- Policies should identify mitigation, studies and NPCA approval/permits to permit development



# Schedule E-8 North Community Area Land Use Plan



## “We the North” Concept



# Schedule E-8 North Community Area Land Use Plan



- Conceptual buffer is adjacent (south side) to Street A.
- This buffer is not warranted as the feature is on the adjacent (north side) of Street A

# Schedule E-12 Smithville Natural Heritage System

## EXCERPT

**Legend**

- Secondary Plan Sub-Area Boundary
- Natural Heritage System**
- Core Area
- Conceptual Buffer
- Recommended Restoration Area
- Linkage
- Other Features**
- K Karst
- ★ Potential Restoration Area
- Provincially Significant Wetland (MNRF)
- Wetlands for Further Review
- Floodline (NPCA)
- Waterbodies**
- ~ Watercourse
- ~ HDF Protection
- ~ HDF Conservation
- Proposed SWM Facility



- SWM Pond locations should be relocated as per previous slide
- Hydro corridor should be considered limit of linkage

# Schedule E-13 Smithville Transportation Plan

**EXCERPT**

Need to maintain South Grimsby Road 6 ROW connection

**Legend**

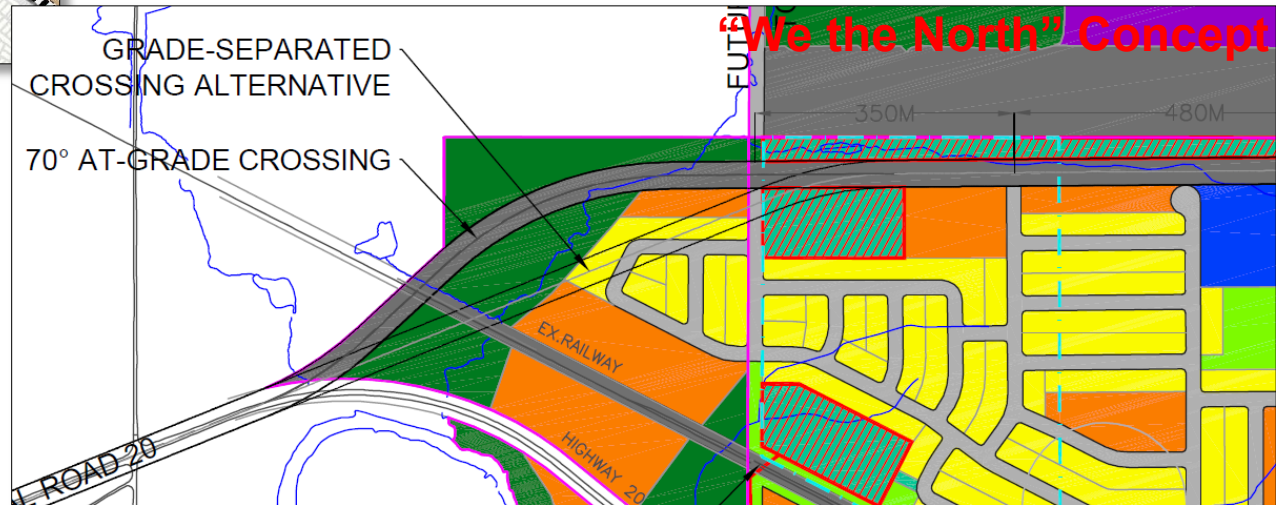
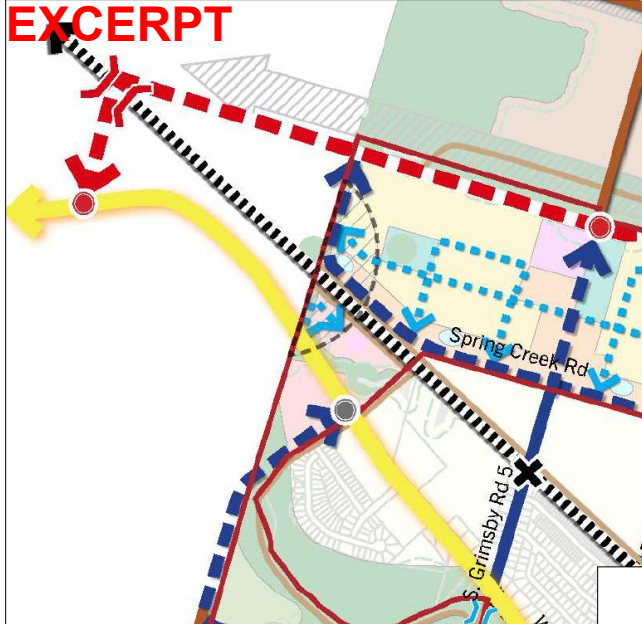
- Existing Urban Boundary
- Secondary Plan Boundary
- Transportation Network**
- Future Active Transportation/Trails
- Regional Road
- Future Arterial 'A' Road
- Future Arterial 'B' Road
- Existing Collector Road
- Future Collector Road
- Existing Rural Road
- Conceptual Local Road
- Existing Rail Corridor
- Existing Rail Crossings (At Grade)
- Future Rail Crossings (Grade Separated)
- Future Pedestrian Bridge
- Key Intersection / Roundabout
- Future Key Intersection / Roundabout



Realignment of Spring Creek Road

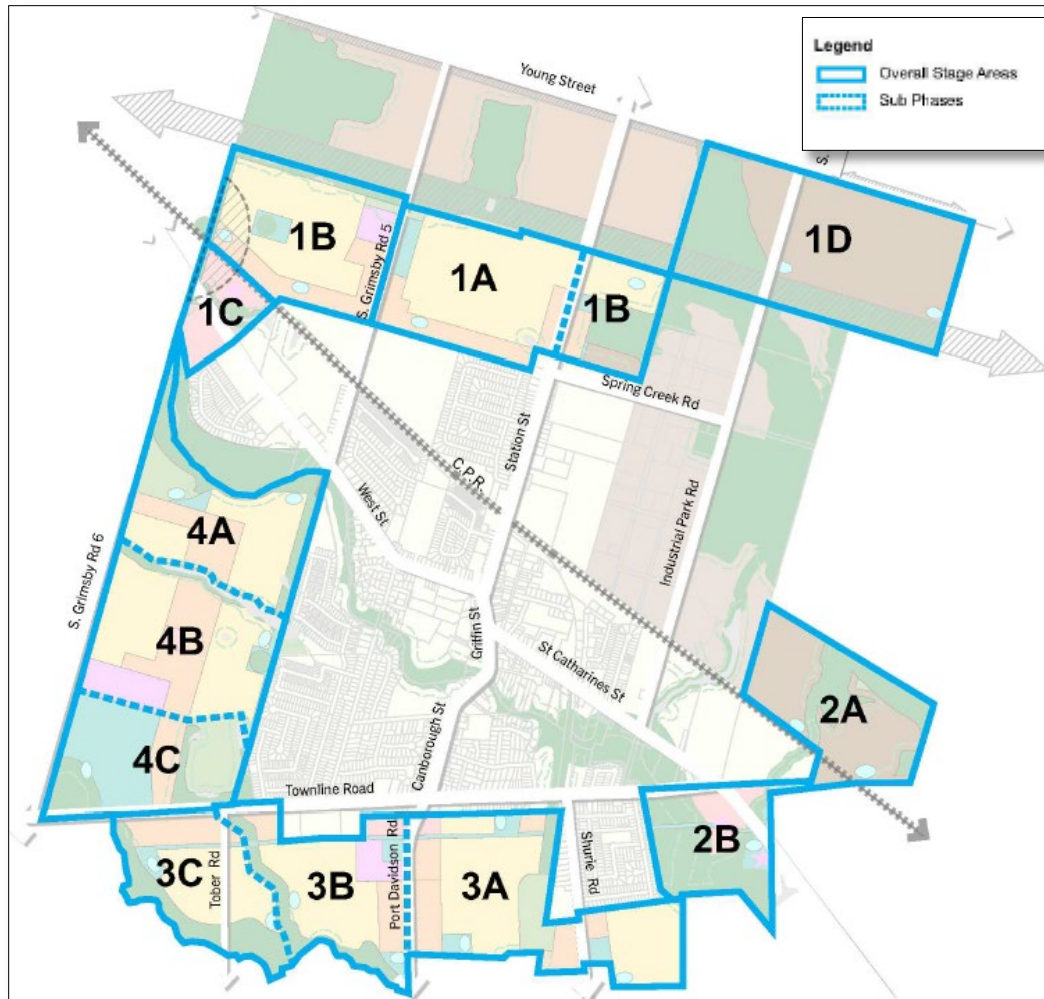


# Schedule E-13 Smithville Transportation Plan





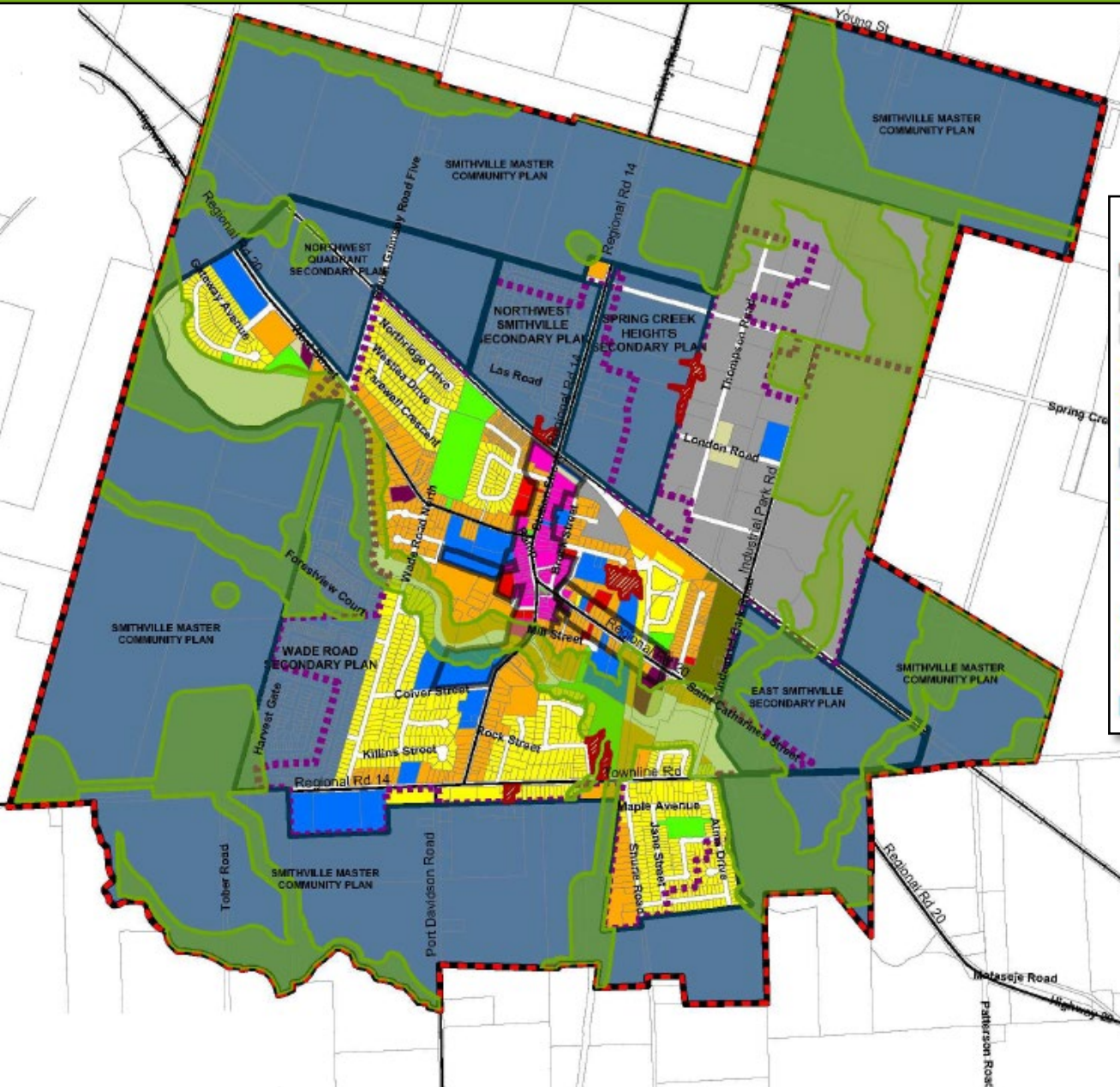
# Schedule E-14 Smithville MCP Development Staging Plan



### Legend

- Smithville Urban Boundary
- Mixed Use Corridor
- Urban Boundary Expansion - Employment
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Secondary Plan
- Commercial Core
- Commercial Plaza
- Service Commercial
- Employment Area
- Institutional
- Public Parks
- Public Use
- Floodline (NPCA)

# Thank you





1547 Bloor Street West  
Toronto, Ontario M6P 1A5  
☎ (416) 923-6630  
✉ info@sglplanning.ca

June 24, 2022

Project: UE.WL

**VIA EMAIL**

Mayor and Members of Council  
Township of West Lincoln  
318 Canborough St. Box 400  
Smithville, ON  
L0R 2A0

**Re: Draft OPA 63**

SGL Planning & Design Inc. represents the Smithville Landowners Group. The Landowners Group are also being assisted by GEI Consultants Ltd., A.J. Clark and Associates Ltd., Colville Consulting, Terra-Dynamics and BA Group. Individual landowners have also retained other consultants to assist on the review of OPA 63. Our team of consultants has been actively involved in the Smithville Master Plan and have attended the Technical Advisory Committee meetings, the Steering Committee meetings and public open houses. This letter represents the combined input from all of these consultants.

We would like to thank Township staff and their consultants for the work to date to advance the Smithville urban expansion. The Smithville Landowners Group continues to be fully supportive of the settlement expansion as set out in OPA 62. However, the landowners have significant concerns with some of the policies and schedules of OPA 63 as discussed in this letter and the attachments. We have summarized the key concerns in this letter with specific concerns and recommended changes set out in **Attachment A** with more detailed comments from Terra-Dynamics on Karst features and policies contained in **Attachment B**.

**Densities**

The Residential and Medium Density designations provide an appropriate range of housing types to addressing the housing needs in Smithville over the next 30 years. However, we are concerned that the density ranges are too low to accommodate the full range of housing permitted in those two designations as further explained in Attachment A.

**Mixed Use**

The Mixed Use policies set out various targets to ensure that the Mixed Use Nodes become mixed use areas. This objective is laudable. However, we are concerned that the percentage targets for Commercial Mixed Use Nodes is overly prescriptive and will

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not achieve truly mixed use buildings. We have recommended an alternative approach in Attachment A.

For the Medium Density Mixed Use Nodes, we understand what the consultants are trying to achieve, but we are concerned that the targets would result in a significant amount of commercial development being required in the interior of neighbourhoods. This amount of commercial development is neither feasible nor appropriate. We have proposed an alternative policy approach in Attachment A.

### **Restoration Areas**

We understand the need for restoration in a Natural Heritage System, but we have significant concerns with the approach being taken in OPA 63. OPA 63 establishes two classes of restoration areas. Potential Restoration Areas and Recommended Restoration Areas. These two classifications provide for the same restoration function, but Recommended Restoration areas are specifically mapped without any analysis demonstrating the necessity of those specific lands to be restored while Potential Restoration Areas are identified schematically. In our opinion, all restoration areas should be identified schematically as Potential Restoration Areas to be evaluated further through an EIS at the block plan and/or draft plan of subdivision stage.

### **Coverage Target**

OPA 63 sets out a process for refinements to natural areas, linkages, restoration areas and conceptual buffers. We are supportive of that process. However, OPA 63 further states that refinements to these features should ensure that the overall land area occupied by the NHS is maintained or increased. This policy is based on the flawed principle that the Secondary Plan must meet an arbitrary coverage target of 30%. This 30% target comes from the Official Plan. It is an aspiration policy target that applies to the entire watershed and is to be **encouraged** through **voluntary** landowner stewardship and restoration. However, your consultants have recommended it be applied specially within an urban area not just an average across the watershed, and it is no longer either encourage nor voluntary. In our collective opinions, that is not appropriate. This policy requires that even if an area of the NHS is found not to contain any significant natural features an equally sized piece of farmland elsewhere will need to be included in the NHS. Not only is this approach not found anywhere in the Provincial Policy Statement, Growth Plan or Niagara Region Official Plan, but it is punitive to the last farmer who develops his or her lands, will make development and housing more expensive; could hinder the ability to reach the growth targets and potentially require further settlement expansion.

### **Karst Features**

We recognize the importance of identifying karst features as a potential hazard. However, we are concerned that the consultants have not undertaken a sufficient level of analysis to identify certain karst features as a High or Medium Constraint features. We recommend that OPA 63 be revised to remove reference to the categorization of karst features and rather require that no development or site alteration be permitted



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within 50 metres of a karst feature identified on the Schedules E-8, E-11 and E-12 unless a Karst Hazard Assessment has been completed.

### **Servicing and Transportation**

We are concerned that a number of policies in the servicing and transportation section are overly prescriptive and do not provide the flexibility needed to prepare block plans and subsequent draft plans of subdivision. Nor do the policies recognize that the alignment and right of way widths of arterial and collector roads will be established through the Environmental Assessment process and the secondary plan should not restrict the alternatives that are required to be considered through that process.

### **Block Plans**

We support the proposed block plan process, some policies set an overly restrictive process for implementing the Block Plans. Draft Plans of subdivision will refine the Draft Plans with greater specificity, but some of the policies in this section are too rigid and do not provide the flexibility for the creation of draft plans or recognize that the greater specificity required in a draft plan will necessitate revisions and refinements to the block plan.

### **Study Requirements at the Block Plan and Draft Plan stage.**

OPA 63 sets out a requirement for a Master Environmental Servicing Plan (MESP) for each block plan. This is an extensive exercise that requires servicing, transportation, noise, stormwater and environmental studies. It will be applied to fairly small geographic areas. Due to this extensive work required for such small areas, it is not necessary to repeat such studies at the Draft Plan stage. As such, we request that OPA 63 clarify that studies at the draft plan stage be scoped in recognition of the work undertaken in the MESP.

Thank you for the opportunity to comment on OPA 63. The Smithville Landowners Group looks forward to working with the Township to implement OPA 63 over the coming decades, but we want to ensure that we get OPA 63 right. The landowners and their consultants have significant concerns, and we request that Council directs staff and their consultants to work with the Smithville Landowners Group in an effort to resolve these concerns.

Yours very truly,

**SGL PLANNING & DESIGN INC.**



Paul Lowes, MES, MCIP, RPP



c.c. Brian Treble  
Richard Vandezande  
Steve Wever, GSP  
Diana Morreale, Region of Niagara  
Tony Miele, Smithville Landowners Group

## Attachment A

### Formatting and Technical Comments

Below are formatting and technical comments related to our review of OPA 63 and the supporting schedules:

- Section 1.3 Purpose, sub-point two, should be updated to reference the “natural heritage system” not the “natural related system”;
- 6.11.7.1, Section 2 Vision and Section 3 Goals should include language regarding the accommodation of a growing population and employment sector, as well as providing for a diverse mix of housing;
- Section 3 Goals r.), we recommended that “timely” be added to “logical and orderly”, so it reads “logical, timely and orderly” as the timing of development and infrastructure provision as well as timing according to market needs is critical;
- Starting in Policy 6.11.7.2 d), OPA 63 changes from referring to the entirety of the policy number (i.e., 6.11.7.2.1c) to just “No. 1. c)”. This is confusing and an introductory interpretation policy would be appropriate to explain what the number is and where it applies;
- Policy 6.11.7.2.1, third paragraph refers to Subsections “6.11.7.25 and 6.11.7.2.9”, it should be policy “6.11.7.2.5”;
- Policy 6.11.7.2.5 f) ii. A) includes a faulty hyperlink, please review as there are multiple faulty hyperlinks;
- In Policy 6.11.7.2.5 Mixed Use Node, there are two sub policy “j)”. The second reference should be l) and l) should be m); and
- Sub Areas Schedules E-8 to E-12, consider removing the block plan area numbers for legibility.

### Land Use Designations

#### **Residential**

Height policy 6.11.7.2.1 e) states that “a single storey should be understood as generally being between 3 metres and 4 metres”. We are concerned that this policy may confuse the public, and for instance, lead them to believe that a 2-storey building could be as low as 6 metres in height when in fact that fails to recognize that height will

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include the portion of a basement that is above ground and typically half the height of a roof. Details such as this should be contained in the Zoning By-law and not in the Official Plan.

Policy 6.11.7.2.2 f) sets out a density of between 15 and 20 units per hectare. This density should be higher to accommodate townhouses which are a permitted use, unless this gross density is to be interpreted as applying across a plan of subdivision. If the latter is the intent, please provide that clarification in the policies.

### **Medium Density**

The permitted Medium Density uses includes a range of multiple unit building types, however Policy 6.11.7.2.3 a) iv) limits a multi-residential development to six units. This limitation is overly restrictive. This type of detail should be included in the Zoning By-law, as it would be onerous to require an Official Plan Amendment to permit a 7<sup>th</sup> unit if it was appropriate.

Policy 6.11.7.2.3 g) states that the Medium Density designation shall be planned to achieve an overall density of between 20 and 40 dwelling units per hectare. Although this density is sufficient to permit street townhouse dwellings, it is not high enough to permit back-to-back or stacked townhouses either on their own or combined with street townhouses in a larger development. The Medium Density designation should contain a higher overall density to encourage denser forms of townhouses. Moreover, we reiterate our previous comment that the land on the south side of Street A should be designated Medium Density to provide higher density along the arterial road and transition to the lower density Residential designation in the interior of the neighbourhoods.

### **Mixed Use**

Policy 6.11.7.2.5 d) sets out the permitted non-residential uses in a Medium-Density Mixed Use Node including small-scale retail commercial uses. Sub-policy e) explains that the meaning of “small-scale” shall be determined as part of the Block Plan process and the implementing Zoning By-law. Although the block plan will delineate the land area to which the Medium-Density Mixed Use Node will apply, it will not be identifying what specific uses or tenants will occupy those lands and as such will not be able to determine the meaning of ‘small-scale’. That determination should properly be the role of the Zoning By-law. In view of the above, the text “the Block Plan process and” should be deleted.

In the Mixed Use Node, Policy 6.11.7.2.5 provides differing policies for Commercial Mixed Use Nodes and Medium-Density Mixed Use Nodes. The Commercial Mixed Use Nodes policy g) states that generally commercial uses should comprise 75% to 85% of gross floor area while residential uses should comprise 15% to 25% of the gross floor area of development.

We are concerned that the requirement for 75-85% / 15-25% is still overly prescriptive. Further, if the Township wants a truly mixed use building with residential over ground floor retail, 15-25% of the floor area will not be anywhere sufficient. Two to three floors of residential above retail will require the residential floor area to be 2 to 3 times the amount of retail floor area. We recommend that the policy be changed to require an uncapped amount of residential gross floor area above the ground floor where it is in a mixed-use building. The policies should indicate that residential units are not permitted on the ground floor of a mixed use building to ensure the buildings are mixed use. Where residential units are not to be provided in a mixed use building but rather as stand-alone building on the same lot, we agree that a cap on residential development is appropriate, but we recommend it be capped based on 15-25% of the land area.

Though sub policy j) permits deviation, the policy language stating “will support the planned function” is problematic as it does not provide any flexibility. This policy is not required if the previous policies are amended as suggested above.

We have similar concerns for the residential and commercial targets in the Medium-Density Mixed Use Nodes. The Medium-Density Mixed Use Node requirement for 15-25% of the development’s gross floor area to comprise of commercial uses is too great. Residential uses will be multiple storeys. Any commercial development will be one storey. As such, 25% of the residential gross floor area means that one-storey commercial development will need to occupy over 50% of the lands covered by residential development, not only due to the difference in storeys but also because commercial development has much lower coverage than residential development. By our calculations, this policy would lead to up to 17,000 sq. m. of commercial development. We have not seen any market study that justifies this quantum of commercial space in addition to the actual Commercial designated areas particularly in an interior location. We recommend the policy be changed to require up to 15% of the net developable land area in the Medium-Density Mixed Use Nodes to be comprised of commercial uses.

We also recommended that Policy 6.11.7.2.5 direct the implementing zoning by-law to include provisions for shared parking.

### **Natural Heritage System**

#### **Restoration Areas**

Section 6.11.7.2.10 set out the policies for the Potential Restoration Areas designation. It is still unclear why OPA 63 treats Recommended Restoration Areas in Policy 6.11.7.3.16 differently from Potential Restoration Areas in 6.11.7.2.1. In the opinion of our consulting team, these two classifications provide for the same restoration function, but some areas are specifically mapped without any analysis demonstrating the necessity of those specific lands to be restored while others are identified schematically. In our opinion, all restoration areas should be identified schematically as Potential Restoration Areas to be evaluated further through an EIS at the block plan or draft plan

of subdivision stage. Sections 6.11.7.2.10 and 6.11.7.3.16 should be combined and the policies revised to provide criteria and direction for the identification of restoration areas through the block plan process.

Section 6.11.7.2.10 c) allows Potential Restoration Areas to be accepted for parkland dedication, but the same policy does not apply to Recommended Restoration Areas. As indicated above, it is not clear why Recommended and Potential Restoration Areas are treated differently.

### **Coverage Target**

The NHS General Policy 6.11.7.3.4 h) states that any refinements to boundaries of the Linkage Areas or Recommended Restoration Areas should be made in a manner that ensures the overall land area occupied by the NHS is maintained or increased. This policy is based on the flawed principle that the Secondary Plan must meet an arbitrary coverage target of 30%. The policy should simply state that the refinements to boundary of Linkage Areas and the rational for and delineation of Restoration Areas should occur through an MESP or EIS.

The rigid approach to the coverage target hinders the available land for development, potentially making development more expensive, and hindering the ability to reach the growth targets.

Policy 6.11.7.3.4 k) ii) states that crossings of the NHS should “maximize the span of crossings over watercourses”. This policy should be caveated with “where feasible and appropriate”.

### **Permitted Uses in Natural Features**

The Core Area Designation policies (6.11.7.3.5) states that no development or site alteration is permitted in significant wetlands or significant woodlands. Sub policy 6.11.7.3.5 e) allows for forest management, wildlife management, conversation, infrastructure, and small-scale structures but not in significant woodlands or wetlands. It is overly restrictive to not permit forest management, wildlife management, conservation, and small-scale structures in these features. We recommend that 6.11.7.3.5 e) be revised to apply to significant wetlands and woodlands.

### **Refinements to Natural Features**

Policy 6.11.7.3.5 c), d), e), f), and g) when read together are confusing. Sub-policy c) permits no development unless there are no negative impacts on the feature or its ecological functions. This policy follows through from the PPS and is appropriate and if no negative impacts are anticipated development can occur. However, sub-policy e) states that the only development that can occur after the EIS is limited to the activities and structures listed in that policy. Many of these activities are not development as defined by the PPS and in our opinion policy e) should not be linked to policy c). Similarly with policy d), if the federal or provincial agencies provide for a permit for development, it should not be limited by the activities in policy e).



Policy f) is also confusing as it references where development is permitted in a feature that is located outside of the Smithville NHS. This policy would seem to suggest that a natural feature located outside of the NHS can be developed for urban uses subject to demonstration of no impact on the feature or function, but an identical feature within the NHS cannot be developed for urban uses. This differentiation is inappropriate.

### **Conceptual Buffers**

Policy 6.11.7.2.1 b) states any land located in a Conceptual Buffer shall be considered part of the Natural Heritage System and subject to Section 6.11.7.3.14. Policy 6.11.7.3.14 regarding Conceptual Buffers states that buffers are meant to protect Core Area features and that the actual width required for a given Buffer will be determined at the Block Plan stage. We are supportive of that approach as it will determine the appropriate buffer depending on the sensitivity of the feature and the type of adjacent land use. That approach is reiterated in sub-policy b), which states the ecologically appropriate width of each Buffer shall be established through an EIS. However, the policy then goes on to say “and shall generally be 30 metres”. There is nothing in OPA 63 or in the supporting subwatershed study that states why 30 metres is ecologically appropriate. We recommend that the text “and shall generally be 30 metres” be deleted or revised to say, “up to 30 metres”.

Policy 6.11.7.3.14 c) then says the appropriate width shall take into consideration the overall coverage target of 30%. As indicated previously, this policy is an arbitrary target that is driving the extent of all features even if determined not to be needed through an EIS and should be struck.

In addition, sub-policy e) further conflicts with the early parts of this policy which stated the actual width will be specified and the ecological appropriate width shall be established by now stating that minor alterations may be made to the boundaries of the Buffer without requiring an amendment to this Plan. It further states that the refinement of Conceptual Buffers should maintain the same general shape and configuration. In our consulting team’s opinion, this policy is entirely inappropriate and should be struck.

These conceptual buffer policies in combination are conflicting, overly restrictive and provide very little opportunity for refinement of an arbitrary pre-determined buffer width.

### **Linkages**

OPA 63 introduces Primary (200 metres wide), Secondary Linkages (50 metres) and high constraint watercourses have a buffer of at least 30 metres on each side of the stream (policy 6.11.7.3.15). It is not clear on the schedules which width applies to which linkage. This should be shown on the Schedules or additional text should indicate where these widths apply.

Moreover, despite the Subwatershed Study indicating that stormwater management facilities are permitted in linkages, the Linkage Area designation does not permit

stormwater ponds and parks (policy 6.11.7.3.15c)). We also find the policy for permitting a linkage of any width between Twenty Mile Creek and the U-shaped woodland to be very concerning (policy 6.11.7.3.15j). This was brought up at the TAC meeting and Steve Wever mentioned this could be an open space connection, but the open-endedness of “any width” in the OPA is not appropriate. It should be revised to state based on the findings of an EIS, consistent with the approach for other linkages.

OPA 63 contains no policies requiring the confirmation of the ecological need for the linkage and the appropriate width and location of the linkage at the block plan stage. A policy approach such as this is necessary, as in our consulting team’s opinion, the identification of some linkages are unnecessary and have not been sufficiently justified.

### **Karst Features**

Karst features are identified as other features not part of the NHS on Schedule E-12. We support that karst features are not shown as part of the NHS. However, it is Terra-Dynamics’ opinion that the Subwatershed Studies Phase 1 and 2 have not met the NPCA’s criteria to deem an exclusion zone or identify a High or Medium Constraint feature (refer to **Attachment B** for Terra-Dynamics’ memo). The NPCA’s Hazard policies require a site-specific Karst Hazard Risk Assessment be prepared by a karst specialist and a geotechnical engineer. In addition, the Subwatershed Studies did not complete any substantive assessment of flow monitoring into a karst; dye trace studies of the water sinking into a karst feature, geophysical mapping; drilling programs adjacent to a karst features; or the excavation of overburden materials. In other words, the Subwatershed Studies completed the first 3 of 5 requirements of the Ministry of the Natural Resources Technical Guide for Hazardous Site (1996), which are listed below:

- Information Study;
- Initial Site Inspection;
- Reporting of Visual Inspection;
- Subsurface Investigation; and
- Analyses and Reporting.

The Subwatershed Studies can be described as “Phase 1: Preliminary Work – Desktop Study and Initial Site Visit” as referenced by F.R. Brunton of the Ontario Geological Survey (2013) within the proposed guidelines for a geotechnical investigation related to karst features in Ontario. To deem lands as High Constraint for development or development exclusion zone, per Brunton, a Phase 2 Investigation is required which Brunton describes as Field-Based Karst Investigations which can include: passive geophysical mapping, soil probing or excavation, rock drilling and well studies, and tracer studies. More information is necessary for a site-specific Karst Hazard Risk Assessment by a karst specialist and geotechnical engineering before these are included in the Official Plan Amendment.

Moreover, there is no scientific or engineering support for the classification of low, medium and high karst constraint areas; specifically the subwatershed work to date includes:

- No dimension of sinkholes with respect to width, length, and depth;
- No calculations of the surface area of the catchment area of stormwater that drains towards each sinkhole/sink point;
- No quantification of the hazard risk; and
- No scientific or engineering studies in which to assess risk.

There is also conflicting information on the Subwatershed Studies karst features SW-1 and the Draft OPA 63 No Development within 50 m of Karst feature shown on Schedule “E-11”. The Subwatershed Studies stated SW-1 “does not have significant hydrological/hydrogeological function and has likely formed since deforestation of the area”, whereas the Powerpoint on March 3, 2022, recommended, “excavate, evaluate and grout can be considered”. As noted earlier, the work is too preliminary, and features should be evaluated by karst specialists and geotechnical engineering per NPCA’s Karst Hazard Policy. Similarly, there is not enough information to warrant Karst feature NW-2 shown on Karst Features Schedule E-8, Northeast “K” located in the open space north of spring creek road. It is Terra-Dynamics’ opinion this sink point is likely, not hazardous. The area warrants excavation and study by a karst specialist and geotechnical engineering before it can be classified as hazardous (refer to **Attachment A** for Terra-Dynamics’ memo)

Therefore, we recommend that 6.11.7.2.17 remove the third paragraph describing the categorization of Karst Features as it is unsubstantiated. We also suggest that sub-policy e) be revised to “No development or site alteration shall be permitted within 50 metres of a karst feature identified on Schedules “E-8”, “E-11”, and “E-12” using the letter “K”, unless a Karst Hazard Assessment has been completed and has demonstrated that:..”. As well, in sub policy g), the words “low constraint” should be removed.

Sub-policies d), e) and g) state that no development or site alteration shall be permitted within 50 metres of a karst. This policy should be changed to rely on the NPCA approval as certain uses can be permitted within 50 metres. As such, sub-policies 6.11.7.3.17 d), e) and g) are not necessary as sub-policy f) states any development within 50 metres of karst will be subject to the NPCA approval. We also recommend that sub-policy f) be revised to state “any development within 50m is subject to NPCA approval, studies & mitigation strategies”, to improve clarity. Moreover, sub-policy h) should be revised to state the post development flows should reflect the recommendations of a water balance study. Lastly, it is unclear how sub policy i) is relevant to Karst features.

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## **Infrastructure and Transportation**

Section 6.11.7.4.2 reads more like an introduction to Water & Wastewater. It is unclear if these are in fact policies or meant as information. Since this background information is included in the Official Plan, it now implies an Official Plan Amendment would be required if there are any refinements or changes to the servicing strategy. This is not appropriate, and there should be flexibility to allow for alternative servicing strategies that may be more efficient or cost effective. We recommend this section be removed or text added to say that it is background information for context and not a policy.

### **Water and Wastewater**

Policy 6.11.7.4.2 b) references new developments may be required to provide future connections to adjacent existing uses; this policy should include a caveat of “where appropriate and financially feasible”.

### **Stormwater Management**

Policy 6.11.7.4.3 states that the land use schedules identify the general locations for stormwater management facilities and these locations are conceptual but represent the “preferred locations” for such features. Further sub-policy b) i. states that stormwater management facilities shall generally be located to conform with the conceptual locations shown on Schedules E-8. The policies then go on to state that the location and configuration will be further refined through the MESP and Stormwater management plans and that stormwater management facilities can be relocated or consolidated. These later policies conflict with early statements of preferred locations and conform, and we request that those terms be removed from the text.

### **Transportation Network**

Policy 6.11.7.4.4 d) states that Block Plans shall be required to include a network of roads that adheres to the conceptual alignment shown on Schedule “E-13”. Local roads shown on Schedule E-13 are quite conceptual and only represent a fraction of the local roads that will be developed. Collector and Arterial roads will need to proceed through an EA process to confirm alignments. As such, this policy is too prescriptive. We recommend that it be revised to state, “All Block Plans shall establish a network of roads based on the conceptual collector and arterial road alignments shown on Schedule E-13 of this Plan and the policy direction of Policy 4 e) and f)”.

Further, in sub-policy e), it is unnecessary to include the word “Minor”, as long as sub-policies i, ii, and iii are met; qualifying minor or major is not necessary. Moreover, the actual alignments of Arterial and Collector Roads will be established through the EA process and not the Block Plan unless it is an integrated EA process.

Moreover, in sub policy f), the words “and may be changed without requiring an amendment to the Official Plan” should be struck. As the policy indicates the local roads shown on Schedule E-13 are conceptual and not intended to represent the entire local street network as such the roads will be changed not may be changed. We

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recommend the policy be revised to state, "...the location, number and alignments of Local Roads will be determined and defined through the Block Plan process based on the following parameters:"

Sub policy h) is too limiting on the ability to reduce the widths of local roads to address more compact development objectives, one side roads or other situations that may merit reduction. We recommend the policy be replaced with the following, "Notwithstanding No. 4 g) above, the Township may reduce the minimum right-of-way width of any road under its jurisdiction without requiring an amendment to the Official Plan, subject to the satisfaction of the Township and Director of Engineering".

Sub-policy i) should be expanded to stipulate that access to Arterial "A" Road via a local road is permitted where it can demonstrate there are no adverse impacts to the transportation network capacity through a transportation impact study.

We generally support the intent for local roads to have sidewalks on both sides in sub-policy o); however, some exceptions may be appropriate for window roads, constrained locations, and context-specific circumstances where there may already be an adjacent pedestrian connection.

It should also be noted that sub policy r), and throughout the document, references the Transportation Master Plan, but the Draft Transportation Master Plan is not yet available for review.

Sub-policy p) states that development adjacent to Street "A" should be oriented so that the side lot lines abut Street "A" and the design incorporates appropriate noise mitigation measures. There are two issues with this policy. First, orienting side lot lines to abut Street A requires local roads to access Street A, which we understand are to be limited. Second side yards abutting an arterial road are the more difficult arrangement to mitigate noise into rear yards. We recommend that the policy be revised to say that "Future development adjacent to Street "A" should be oriented to avoid rear lotting and to incorporate appropriate noise mitigation measures such as having houses face Street A along a window street".

### **Smithville Bypass Road Corridor**

Policy 6.11.7.4.5 c) provides a minimum right-of-way width of 31.5 metres which presumes 4 lanes. The number of lanes is not in the scope or recommendation of the Smithville Traffic Assessment and will be determined through a subsequent EA. This policy should be revised to state that the right of way width and design of the roadway will be finalized through a future EA and detailed design process, and that the ultimate right-of-way width should be minimized where possible.

### **Road Improvements for Block Plan Areas**

Policy 6.11.7.4.6 states in each sub-policy that No development in a specific Block Plan Area shall proceed unless or until certain roads are improved or upgraded. In the



consulting team's opinion, these policies are overly prescriptive and unrealistic to stage development and infrastructure this way. As many of these roads are existing municipal roads, the landowners have little control over the timing of these upgrades; nor is it clear if the upgrades are necessitated by existing development or the growth of the greenfield components of the neighbourhood. It is also unclear how the road improvements will be financed and whether there be Development Charge credits.

We recommend that the policy be revised as follows:

“Block Plans undertaken in accordance with Policy 6.11.7.6.1 shall identify through the MESP the timing of the following transportation improvements in relation to the phasing of development within the respective Block Plans:

- a) Block Plan Area 2
  - i) The segment of South Grimsby Road 5 adjacent to Block Plan Area 2 upgraded to an appropriate urban standard;
  - ii) the portion of the road allowance for South Grimsby Road 6 between the CPR rail corridor and the corridor for Street “A” opened and developed to an appropriate urban standard;
- b) Block Plan Area 3
  - i. The segment of South Grimsby Road 5 adjacent to Block Plan Area 3 upgraded to an appropriate urban standard;
  - ii. The segment of Thirty Road adjacent to Block Plan Area 3 has been upgraded to an appropriate urban standard;
- c) Block Plan Area 4
  - i) The segment of Thirty Road adjacent to that Block Plan Area upgraded to an appropriate urban standard;
- d) Block Plan Area 5 or Block Plan Area 6
  - i) The segment of Industrial Park Road adjacent to those Blocks upgraded to an appropriate urban standard;
- e) Block Plan Area 9, Block Plan Area 10, or Block Plan Area 11
  - i) The segment of Smithville Road (Regional Road 14) between South Grimsby Road 6 and Canborough Street upgraded to an appropriate urban standard;
  - ii) The segment of Townline Road between Canborough Street and St. Catharines Street (Regional Road 20) upgraded to an appropriate urban standard;
- f) Plan Area 12, Block Plan Area 13, or Block Plan Area 14
  - i) The segment of Smithville Road (Regional Road 14) between South Grimsby Road 6 and Canborough Street upgraded to an appropriate urban standard; and

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- ii) The segment of South Grimsby Road 6 between Smithville Road (Regional Road 14) and West Street (Regional Road 20) upgraded to an appropriate urban standard.

### **Active Transportation and Trail System**

In policy 6.11.7.4.7, we recommend adding a new sub-policy that states “The Township may reduce the minimum right-of-way width of any road under its jurisdiction without requiring an amendment to the Official Plan, subject to the satisfaction of the Township and Director of Engineering”.

### **Community Design and Sustainability**

In Policy 6.11.7.5.3 sub policy b) iv), there may be situations where multiple commercial building are located on a lot and not all can abut the street; some may be situated at the rear of the site. As such, the policy should be revised to add “located near the front lot line” after “buildings”.

### **Block Plans**

Although we support the proposed block plan process, some policies set an overly restrictive process for implementing the Block Plans. Draft Plans of subdivision will refine the Draft Plans with greater specificity. However, policies such as 6.11.7.6.1 k) that states “development shall conform” and policy l) i. that requires “dimensions of each land use” are too rigid and do not provide flexibility for the creation of draft plans. If these policies are not changed, developers will be forced to prepare draft plans of subdivision concurrently with any block plan. We recommend that policy k) be revised to say, “generally conform with and implement the approved Block Plan” and policy l) i. be revised to delete “dimensions”.

### **Master Environmental Servicing Plans**

With block plans providing a high level of detail for a relatively small area and being accompanied by an MESP, OPA 63 should clarify that studies required at the draft plan of subdivision stage can be scoped or not required at all including studies such as a transportation study, noise study and stormwater management study all of which are required as part of the MESP.

The preparation of a MESP is a fairly extensive exercise that may not be cost effective at the scale of the block plans. The secondary Plan should be revised to permit a MESP to be prepared for multiple block plan areas.

### **Development Staging Plan**

The policies allow for a change to the order of development without amendment to the policies provided the requirements are addressed through the Block Plan and MESP process. We support the approach of allowing changes to the order to ensure

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development is not held up and allow for multiple areas to proceed in tandem where the market permits. Policy d) i. should be revised to also recognize non-participating owners as a rationale for change in the order of development.

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## Attachment B



# Terra-Dynamics Consulting Inc.

432 Niagara Street, Unit 2 St. Catharines, ON L2M 4W3

June 20, 2022

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Re: Draft Amendment Number 63 to the Official Plan of the Township of West Lincoln,  
 Comments on Karst Feature Policy

Dear Sirs,

## 1.0 Executive Summary

The 2022 Draft Amendment Number 63 to the Official Plan of the Township of West Lincoln pertaining to karst hazards and constraint mapping is not consistent with existing policy. This is because it relies on preliminary karst work completed as part of the Smithville Subwatershed Study (SWS), Phases 1 and 2 (Wood PLC, 2021 and 2022). The karst work completed for the SWS can be described as preliminary in nature, comprising of a desktop study and a few site visits. Constraint mapping resulting in development exclusion zones around karst features is premature in nature, and is not compliant with policies outlined by the Niagara Peninsula Conservation Authority (NPCA) (NPCA, 2020) who regulate karst hazards in Niagara Region. Requisite scientific and engineering studies have not been completed that are required to assess karst hazard conditions as per the NPCA's (2020) Karst Hazard Policies for Planning and Regulating Hazardous Sites and to assess whether the karst hazards can be remediated and development can occur, or whether there are constraints to development. In addition to the studies listed by the NPCA, the protocols for such scientific and engineering studies are outlined by the Ministry of Natural Resources (1996) and the Ontario Geological Survey (2013).

## 2.0 Introduction and Background Information

On behalf of JTG Holdings Ltd., Timberlee Homes and Phelps Homes, Terra-Dynamics Consulting Inc. (Terra-Dynamics) respectfully provide the following comments on the designation of Karst Hazards described in the Draft OPA 63. Our comments are provided with specific reference to *Section 17* of Draft OPA 63 and *Section 4.2, Karst Subsection 4.2.2 Impact Assessment* of the Wood PLC (2002, March 29) Draft Smithville Subwatershed Study – Phase 2: Impact Assessment.

JTG Holdings Inc. owns the property where the karst feature referenced in Draft OPA 63 as Schedule “E-11” (*the medium-constraint karst feature shown on Schedule “E-11” to this Plan*) or karst feature SW-1 from the Wood PLC Subwatershed Studies (Phase 1 and 2).



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Timberlee Homes owns the property where the karst feature referenced in Draft OPA 63 as Schedule E-8, Northeast "K" (*the feature located in the area designated "Open Space" to the north of Spring Creek Road*) or karst feature NW-2 from the Wood PLC Subwatershed Studies (Phase 1 and 2).

Phelps Homes owns the property where the karst feature referenced in Draft OPA 63 as Schedule E-11 (*the more northerly of the two features shown on that schedule*) or Karst Feature SW-2 from the Wood PLC Subwatershed Study (Phase 1 and 2). This karst feature is not discussed herein as it is located in a White Elm Mineral Deciduous Swamp Type that is within a Fresh-Moist Shagbark Hickory Deciduous Forestry Type according to the Wood PLC (2022) Draft Phase 2 Subwatershed Study. This feature is protected from development because it is located within an ecologically sensitive area as described above. This karst feature is not discussed any further in this document.

Section 17 of Draft OPA 63 states the following:

*"17. Natural Hazards*

*Lands within the Smithville Master Community Plan (MCP) Area that are subject to flood and erosion hazards are generally included in the Natural Heritage System, either as part of a Core Area or as part of a Conceptual Buffer. Development within the Conservation Authority Regulation Limit will be subject to the approval of the NPCA.*

*Karst features, which the Provincial Policy Statement, 2020 includes in its definition of "hazardous sites" due to unstable bedrock conditions, are identified on Schedules "E-8", "E-11", and "E-12" using the letter "K". These features are not considered components of the Smithville Natural Heritage System (NHS) but are nonetheless subject to the policies of this section as Natural Hazard features.*

*Karst features are categorized as high-constraint, medium-constraint, or low-constraint. There are three high-constraint karst features in the Smithville MCP Area: two high-constraint features are shown on Schedule "E-8" (the feature located in the area designated "Open Space" to the north of Spring Creek Road and the feature located south of the railway) and another on Schedule "E-11" (the more northerly of the two features shown on that schedule). The other two karst features identified on the schedules are medium-constraint features. Low-constraint karst features are not identified on the schedules to this Plan.*

*a) The Natural Hazard policies set out in Section 10.6 of the Township of West Lincoln's Official Plan shall apply to all lands in the Smithville MCP Area.*

*b) Where an EIS has identified a flood or erosion hazard corridor that is not included as part of the NHS on Schedule "E-12", the corridor may be designated as a Buffer, Linkage Area, or Recommended Restoration Area, as determined by the Township in consultation with the Region and the NPCA and based on the recommendations made in the EIS.*

*c) Although karst features have not been included as components of the NHS, they may be added using an appropriate designation if an EIS has determined that the karst feature forms part of a key natural heritage feature or water resource feature, or that the karst feature is supportive of the ecological or hydrological functions of a key natural heritage feature or water resource feature.*

*d) No development or site alteration shall be permitted within 50 metres of:*

*i. a high-constraint karst feature; or*

*ii. the medium-constraint karst feature shown on Schedule "E-11" to this Plan.*

*e) No development or site alteration shall be permitted within 50 metres of a medium-constraint karst feature not identified in No. 17.d) ii above, unless a Karst Hazard Assessment has been completed and has demonstrated that:*

*i. the proposed development or site alteration will have no adverse impact on the hazard with respect to the control of flooding, erosion, or other hazard-related conditions;*

*ii. all applicable Provincial standards related to floodproofing, protection works, and access can be met and will be implemented;*

*iii. people and vehicles have a way to safely enter and exit the area during times of flooding, erosion, and other emergencies;*

*iv. the proposed development or site alteration will not aggravate an existing hazard or create a new hazard; and*

*v. there will be no negative impacts on the ecological or hydrological functions of the feature.*

*f) Any development or site alteration proposed within 50 metres of a karst feature shall be subject to the approval of the NPCA, in accordance with NPCA regulations and policies.*

*g) Where development or site alteration is proposed within 50 metres of a low-constraint karst feature, the proponent may be required to undertake a geotechnical study, EIS, or similar study, which may make recommendations regarding the removal or by-passing of the feature.*

*h) Where a karst feature is left to function in the landscape, any development or site alteration within the same drainage area of that feature shall be required to undertake a water balance study to ensure that post-development flows to the feature do not exceed pre-development flows, to the greatest extent possible.*

*i) All flood control and erosion control measures associated with future development in the Smithville MCP Area shall have regard to the unitary storage and discharge criteria set out in the SWS, unless such criteria have been refined based on the recommendations of an approved EIS or similar study."*

Appropriate Schedules showing the Karst Features in mapping format are attached in Appendix 1.

Section 4.2, Karst Subsection 4.2.2 Impact Assessment and Section 5.2 Summary – Karst of the Wood PLC (2002, March 29) Draft Smithville Subwatershed Study – Phase 2: Impact Assessment states the following:

*“Subsection 4.2.2 Impact Assessment*

*As noted in Section 2.1.2.4, karst sinkholes have the potential to impact development via bedrock instability and flooding. The PPS (Section 3.1.1[c]) defines “Karst Topography” as having the potential to be a “Karst Hazardous Site” which could impact development. The NPCA regulates karst features under Regulation 155/06 which requires an evaluation of each feature. The NPCA Policy Document (May 2020, Section 7.2.3.1) does not specify setbacks/buffers to all karst features, but those deemed to be a Karst Hazardous Site (KHS) require buffers of 50 m pending further studies.*

*Of the 7 features mapped within the study area, three have been evaluated as having a high constraint (NW 2, NW 3 and SW 2) based factors such as size, position in the landscape, and hydrological/hydrogeological role. These are all considered to be KHS's with a requirement to buffer by 50 m. Feature SW 1, although classed as a moderate constraint, should also be considered to be a KHS principally because, although relatively small, is very active having rapidly sloughing, vertical walls leading into the sinkhole's throat which could present a human hazard.*

*Subsection 5.2 Summary – Karst*

*Hazard constraints have been applied to each feature described in sections 2.1.2 and 4.2.1 as 'high', 'moderate' or 'low' based on qualitative factors associated with size, position in the landscape, and hydrological/hydrogeological function. Section 4.2.2 provides an impact assessment for each of the 6 karst features within the study area (as noted, SE 2 is not considered to be karst) and this informs management options.*

*Sinkholes NW 3 and SE 2, both defined as Karst Hazardous Sites (KHS), have significant hydrological and hydrogeological functions and should be buffered by 50 m and left to function within the post-development landscape.*

*NW 2 is also classified as a KHS due in large part to its position in the landscape, near the local height of land which suggests it could be associated with a paleokarst formed during an earlier period. It is the Study Team's opinion that Smithville Cave, for example, is a paleokarst feature so this is one possibility. Until recently, the sinkhole was located within an area of natural vegetation which could be restored.*

*SW 1 is also classed as a KHS. It does not have a significant hydrological/hydrogeological function and has likely formed since deforestation of the area. The primary hazard associated with this feature is its steep, sloughing banks which clearly create a human hazard, particularly to children. Its ecological role is likely minimal as it takes substantial sediment from the surrounding fields along with any herbicides or fertilizers that may be applied. Management options associated with SW 1 include removal (excavation and grouting) or incorporation within the NHS. In the former case, it should be left as some form of open space, as there would still be a potential for structural hazard; in the latter case, it should be vegetated to prevent/minimize further sediment movement.*

*Sinkhole NW 1 is likely the result of an undersized culvert beneath the rail line. Although not a KHS, it does have the potential to impact drainage on South Grimsby Road 6 and, thus the best management option is to re-size this culvert then the feature can be filled-in.*

*All of the culverts beneath the rail line are likely undersized – there appears to be significant spring flooding in each– and all should be right sized.*

*Sinkholes SE 1 and SE 3 do not pose significant structural or flooding hazards and could be left or by-passed.*

*As noted in Section 2.1.2.5, water balance studies are required for any sinkholes that are left to function in the landscape. Each has a set capacity which if/when exceeded will result in back flooding at the sinkhole. Hence, post-development flows should not exceed pre-development flow to the degree possible."*

It is Terra-Dynamics understanding that karst components of the Wood PLC (2002, March 29) Subwatershed Study Phase 2 were used to formulate *Section 17* of Draft OPA 63. As such, we have prepared the following summary table to directly compare the numbering systems between these two documents for clarity. The appropriate Schedules showing the Karst Features in mapping format from Draft OPA 63 are attached in Appendix 1. Figure 4.2.1 from the Wood PLC (2022, March 29) Subwatershed Study, Phase 2 is also presented herein in Appendix 1 and mapping from the Phase 1 Subwatershed Study showing karst features SW-1 and SW-2.

#### **Summary Table of Comparison Of Karst Feature Mapping Information, Subwatershed Study and Draft OPA 63**

Subwatershed Study Definition	Draft OPA 63 Definition
Karst Feature NW-2	Schedule E-8, Northeast "K" ( <i>the feature located in the area designated "Open Space" to the north of Spring Creek Road</i> )
Karst Feature NW-3	Schedule "E-8", Southern "K" ( <i>the feature located south of the railway</i> )
Karst Feature SW-2	Schedule "E-11", Northern "K" ( <i>the more northerly of the two features shown on that schedule</i> )
Karst Feature SW-1	Schedule "E-11", Southern "K" ( <i>the medium-constraint karst feature shown on Schedule "E-11" to this Plan</i> )

### **3.0 Terra-Dynamics Comments on Draft Amendment Number 63 to the Official Plan of the Township of West Lincoln and the Supporting Smithville Subwatershed Study, Phases 1 and 2**

#### **Terra-Dynamics Comment 1. The Use of Karst Constraint Mapping in the Subwatershed Studies and Draft OPA 63 Does Not Comply with the Niagara Peninsula Conservation Authority Conservation Authority Policy of Ontario Regulation 155/06, Karst Hazard Policy**

The Niagara Peninsula Conservation Authority (NPCA) regulates karst within their watershed which includes West Lincoln. The NPCA's Hazardous Sites Policy is presented herein in Appendix 2.

It is the undersigned professional opinion in reading the NPCA's Hazard Policy that a site-specific Karst Hazard Risk Assessment, prepared by a karst specialist and a geotechnical engineer, is required before land within the NPCA's watershed can be deemed a development exclusion zone or in terms of the Smithville Subwatershed, Phases 1 and 2 Studies – a High or Medium Constraint Feature. The subwatershed studies did not complete any substantive assessments of:

- Flow monitoring into a karst feature;
- Dye trace studies of the water sinking into a karst feature;
- Geophysical mapping;

- Drilling programs adjacent to a karst feature; or
- Excavation of overburden materials.

This is described in Section 7.0, Subsection 7.1.2 *Defining and Assessing Hazardous Site* of the NPCA Hazard Policy as follows:

*“Hazardous sites are considered to be part of the NPCA’s regulated areas. Due to the site specific nature of areas of unstable soil or unstable bedrock, it is difficult to identify these hazards without detailed mapping and studies. The potential for catastrophic failures in some areas of unstable soil and unstable bedrock warrant site-specific studies to determine the extent of these hazardous sites, and therefore the appropriate limits of the hazard and regulation limits. The regulated area will be based on the conclusions and recommendations of such studies, to the satisfaction of the NPCA. Accordingly, the limits for hazardous lands, such as leda clays, organic soils and karst formations, shall be determined on a site-specific basis according to the Ministry of Natural Resources Technical Guide for Hazardous Sites (1996) and Understanding Natural Hazards (2001). The policies of this provide additional context and guidance for two specific types of hazardous sites which are known to existing within the watershed:*

- a) *Karst formations; and,*
- b) *Back-dune areas.”*

In other words, the Subwatershed Studies completed the first 3 of 5 requirements of the *Ministry of Natural Resources Technical Guide for Hazardous Sites (1996)* which are listed below:

1. Information Study;
2. Initial Site Inspection;
3. Reporting of Visual Inspection;
4. Subsurface Investigation; and
5. Analyses and Reporting.

The Subwatershed Study, Phase 1 and Phase 2 reports can be described as a *Phase 1: Preliminary Work – Desktop Study and Initial Site Visit* evaluation as referenced by F. R. Brunton of the Ontario Geological Survey (2013) within the *Proposed Guidelines for Geotechnical Investigations Related to Karst Hazards in Ontario* Section in his paper titled *Karst and Hazards Lands Mitigation: Some Guidelines for Geological and Geotechnical Investigations in Ontario Karst Terrains*. To deem land as a High Constraint for development or a development exclusion zone, as per Brunton (2013), a Phase 2 Investigation is required which Brunton describes as *Field-Based Karst Investigations – Passive to Invasive Investigations* which can include:

- (i) Passive Geophysical Mapping;
- (ii) Soil Probing or Excavation;
- (iii) Rock Drilling and Well Studies; and
- (iv) Tracer Studies.

Additional information pertinent to the need for a site-specific Karst Hazard Risk Assessment, prepared by a karst specialist and a geotechnical engineer, in order to develop on, or near a hazardous site is



explicitly stated in Section 7.2 of the NPCA Policy titled Policies for Planning and Regulating Hazardous Sites (Appendix 2).

**Terra-Dynamics Comment 2. There is No Scientific or Engineering Support to the Classification of Low, Medium and High Karst Constraint Areas**

Similar to the above referenced Terra-Dynamics Comment No. 1, there is no scientific or engineering information on the constraint mapping classification. Specifically,

1. There are no dimensions of sinkholes with respect to width, length and depth;
2. There are no calculations of the surface area of the catchment area of stormwater that drains towards each sinkhole/sinkpoint;
3. There is no quantification of the hazard risk; and
4. As a repeat of Comment No. 1, there are no scientific or engineering studies in which to assess risk.

The types of studies required to assess risk are documented by the Ministry of Natural Resources Technical Guide for Hazardous Sites (1996) and the Ontario Geological Survey (Brunton, 2013). Further quantification of karst hazard risk is described by the BC Resources Inventory Committee (2001) or Zhou et al (2003).

**Terra-Dynamics Comment 3. Conflicting Information Pertaining to the Subwatershed Studies Karst Feature SW-1 and the Draft OPA 63 No Development Within 50 m of Karst Feature Shown on Schedule “E-11” (the medium-constraint karst feature shown on Schedule “E-11” to this Plan)**

Appendix 3 contains a series of PowerPoint presentation slides from the March 3, 2022 presentation by Wood PLC and its subconsultants pertaining to Karst. The Mitigation Alternatives/SW Karst Area the recommendation for Medium Constraint Feature SW-1 is to *“excavate, evaluate and grout can be considered.”*

Phase 2 of the Wood PLC (2022, March 29) Subwatershed Study describes this feature as follows:

*“SW 1 is also classed as a KHS (Karst Hazardous Site). It does not have a significant hydrological/hydrogeological function and has likely formed since deforestation of the area. The primary hazard associated with this feature is its steep, sloughing banks which clearly create a human hazard, particularly to children. Its ecological role is likely minimal as it takes substantial sediment from the surrounding fields along with any herbicides or fertilizers that may be applied. Management options associated with SW 1 include removal (excavation and grouting) or incorporation within the NHS (Natural Heitage System). In the former case, it should be left as some form of open space, as there would still be a potential for structural hazard; in the latter case, it should be vegetated to prevent/minimize further sediment movement.”*

With reference to Terra-Dynamics Comment 1, the “potential for structural hazard” cannot be determined from a Phase 1: Preliminary Work – Desktop Study and Initial Site Visit evaluation as described by the Ontario Geological Survey, Brunton (2013). It is the professional opinion of the undersigned that a more thorough investigation is required which should consist of dye tracing, excavation and an evaluation of the feature’s structure by a geotechnical engineer as per the NPCA’s Karst Hazard Policy. It is also the professional opinion of the undersigned that steep sloughing banks

WEBB Planning and IBI GROUP

June 20, 2022

Page 8

may create a human hazard to children (of note, this feature is presently fenced-off restricting access), however, sloughing banks on the edges of a sinkhole can easily be remedied by reducing the slopes of a sinkhole and more importantly does not preclude site development based on favourable results from additional karst and geotechnical studies.

***Terra-Dynamics Comment No. 4. Karst Feature Schedule E-8, Northeast “K” (the feature located in the area designated “Open Space” to the north of Spring Creek Road) Does Not Warrant High Karst Constraint Status or Development Exclusion Status Based on Information Presented in the Subwatershed Study Phase 1 and 2 Reports***

Further to Comments 1 and herein, there is not enough information to classify constraints for Karst Feature NW-2 or Schedule E-8, Northeast “K” (the feature located in the area designated “Open Space” to the north of Spring Creek Road). Timberlee Homes retained Terra-Dynamics in March, 2021 to complete a karst assessment of the NW-2 sinkpoint. The assessment is a work-in-progress but Sinkpoint NW-2 is an approximate 15 m depression in a farm field that receives less than 1.0 Litre/sec of flow (less than a garden hose flow rate) after significant rain events.

It is the professional opinion of the undersigned that this sinkpoint is likely not hazardous and may represent a pocket of buried tree stumps when the parcel of land was cleared for agricultural purposes in 2018 to 2020. This area warrants excavation and study by a karst specialist and a geotechnical engineer before it can be classified as a hazardous site.

A biographical sketch of the author of this letter is attached in Appendix 4. Please do not hesitate to contact the undersigned if there are any questions.

Respectfully submitted,

TERRA-DYNAMICS CONSULTING INC.



David D. Slaine, M.Sc., P. Geo.  
Principal Hydrogeologist & President



c.c. David Deluce, NPCA  
Sarah Mastroianni, NPCA  
John Georgakakis, JTG Holdings Inc.  
Don Manson, Timberlee Homes  
Fred VanderVelde, Royal LePage  
Suzanne Mammel, Stantec  
David Samis, Phelps Homes  
Jowett Lau, Phelps Homes  
Barry Myler, Myler Ecological Consulting  
Ian Shaw, Soil-Mat Engineers & Consultants

Attachments

Appendix 1 Schedules from the Town of West Lincoln Draft OPA 63 and Maps from the Wood PLC Subwatershed Study Showing the Karst Features

Appendix 2 NPCA Policies for Planning and Regulating Hazardous Sites, 2020

Appendix 3 March 3, 2022 Wood PLC PowerPoint Presentation Slides Pertinent to Karst Features

Appendix 4 Biographical Sketch of David Slaine, M.Sc., P. Geo.

**4.0 References**

British Columbia Resources Inventory Committee. 2001. Karst Inventory Standards and Vulnerability Assessment Procedures for British Columbia. The Karst Task Force, the Province of British Columbia Publisher, ISBN 0-7726-4488 8, 112 p.

Brunton, F.R. 2013. Karst and Hazard Lands Mitigation: Some Guidelines for Geological and Geotechnical Investigations in Ontario Karst Terrains. In Summary of Field Work and Other Activities 2013, Open File Report 6290, Project 37. Earth Resources and Geoscience Mapping Section. Ontario Geological Survey, Project Unit 08-004, p. 37-1 to 37-24.

Niagara Peninsula Conservation Authority. 2020, May 21. Niagara Peninsula Conservation Authority Policy Document: Policies for Administration of Ontario Regulation 155/06 and the Planning Act, 146 p.

Ministry of Natural Resources & Forestry (MNRF). 1996. Hazardous Sites Technical Guide.

Wood PLC. 2021. Subwatershed Study – Phase 1: Characterization and Integration. Smithville Subwatershed Study and Stormwater Management Plan, prepared for the Township of West Lincoln, 88 p and appendices.

Wood PLC. 2022, March 29. Subwatershed Study – Phase 2: Impact Assessment (Draft). Smithville Subwatershed Study and Stormwater Management Plan, prepared for the Township of West Lincoln, 88 p and appendices.

Zhou, W., Beck, B.F., and A. I. Adams (2003). Sinkhole Risk Assessment along Highway I-70 near Fredrick, Maryland. In Sinkholes and the Engineering and Environmental Impacts of Karst, Proceedings of the Ninth Multidisciplinary Conference, Geotechnical Special Publication No. 122, Editors: Barry Beck and P.E. LaMoreaux & Associates, Inc. p. 591 – 601.

## **Appendix 1**

### **Schedules from the Town of West Lincoln Draft OPA 63 and Maps from the Wood PLC Subwatershed Study Showing the Karst Features**

OPA NO. 63  
SCHEDULE "J" **DRAFT**

**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE "E-8"  
SMITHVILLE MCP  
NORTH COMMUNITY AREA  
LAND USE PLAN**

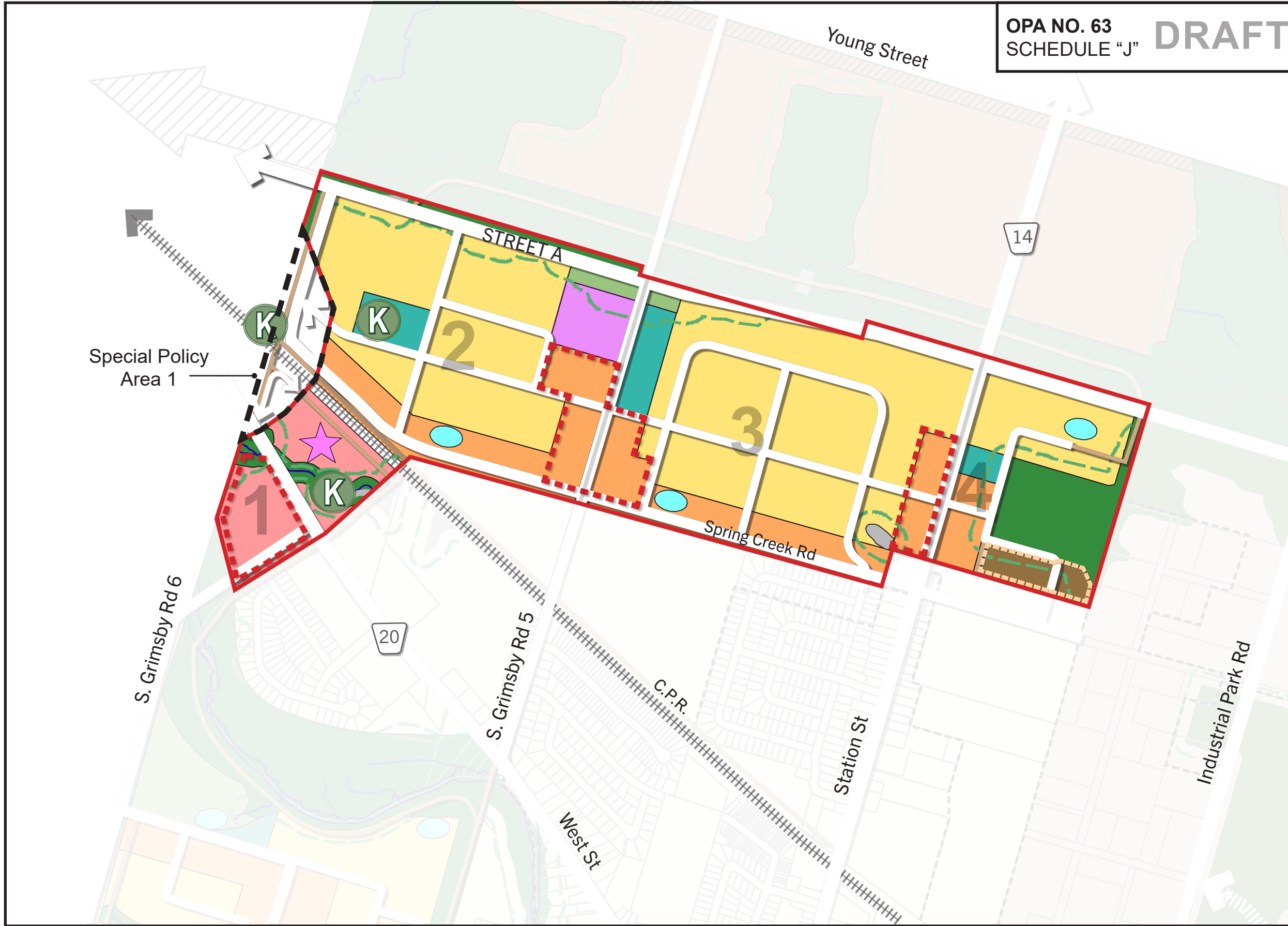
**Legend**

- Built-up Area
- Secondary Plan Sub-Area Boundary
- Urban Place-Types**
- Residential
- Medium Density
- Mixed Use Node
- Commercial
- Open Space
- Community Facility
- Employment
- Restricted Employment
- Natural Heritage System**
- Natural Heritage System (NHS)
- Conceptual Buffer
- Recommended Restoration Area
- Potential Restoration Area
- Other Features**
- Karst
- Wetlands for Further Review
- Infrastructure/ Corridors**
- Future Active Transportation/Trails
- Proposed SWM Facility
- Proposed Sanitary Pumping Station
- Gas Pipeline
- Hydro Corridor
- Existing Rail Corridor

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*Your Future Naturally*  
PLANNING DEPARTMENT

Note:  
This Schedule forms part of the Township's Official Plan and must be read in conjunction with the text.  
  
Detail on some features maybe lost at this scale.

Date: May 2022

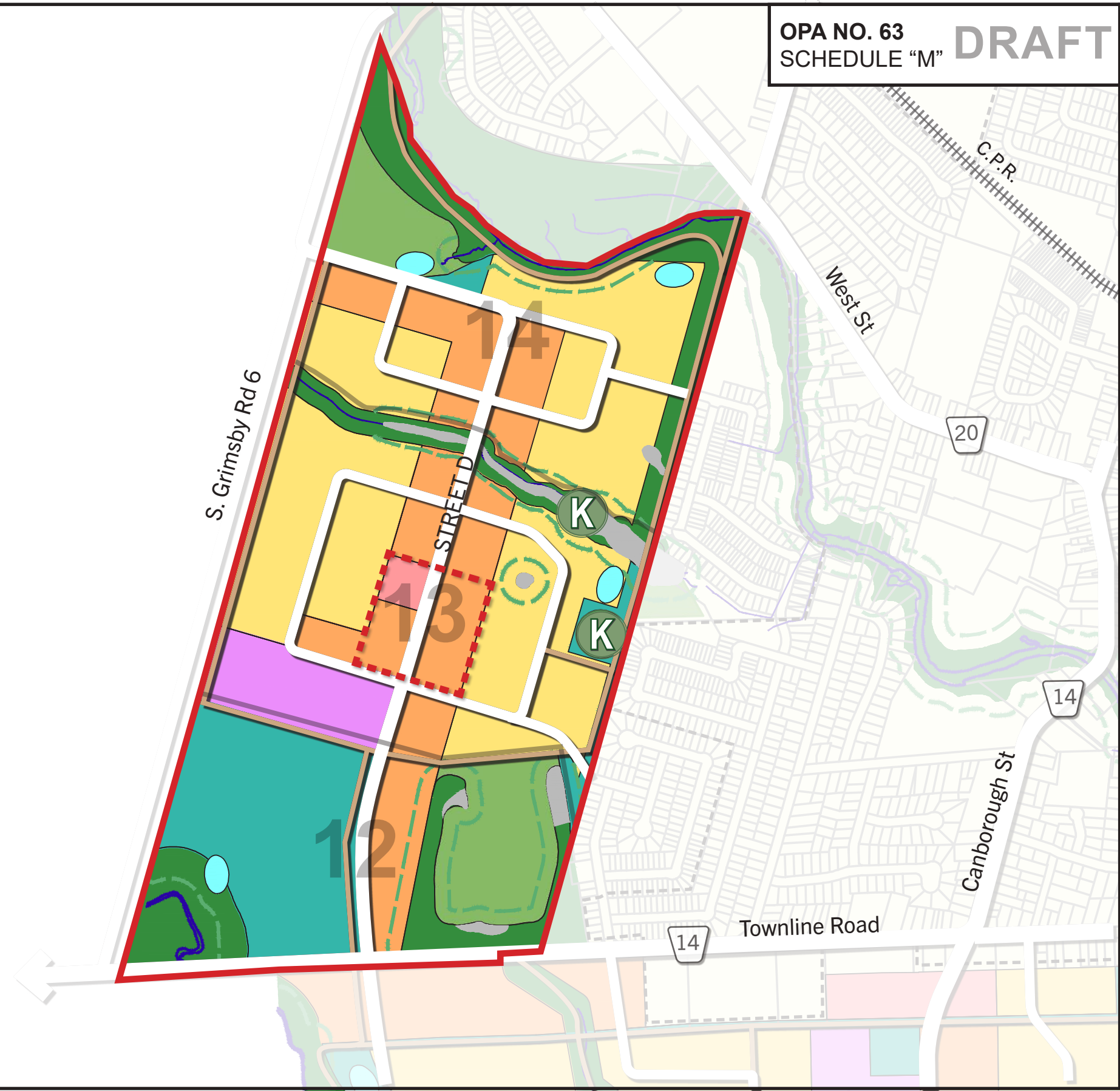




OPA NO. 63  
SCHEDULE "M" **DRAFT**

**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE "E-11"  
SMITHVILLE MCP  
WEST COMMUNITY AREA  
LAND USE PLAN**



**Legend**

- Built-up Area
- Secondary Plan Sub-Area Boundary
- Urban Place-Types**
- Residential
- Medium Density
- Mixed Use Node
- Commercial
- Open Space
- Community Facility
- Employment
- Restricted Employment
- Natural Heritage System**
- Natural Heritage System (NHS)
- Conceptual Buffer
- Recommended Restoration Area
- Potential Restoration Area
- Other Features**
- Karst
- Wetlands for Further Review
- Infrastructure/ Corridors**
- Future Active Transportation/Trails
- Proposed SWM Facility
- Proposed Sanitary Pumping Station
- Gas Pipeline
- Hydro Corridor
- Existing Rail Corridor



PLANNING DEPARTMENT

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conjunction with the text.

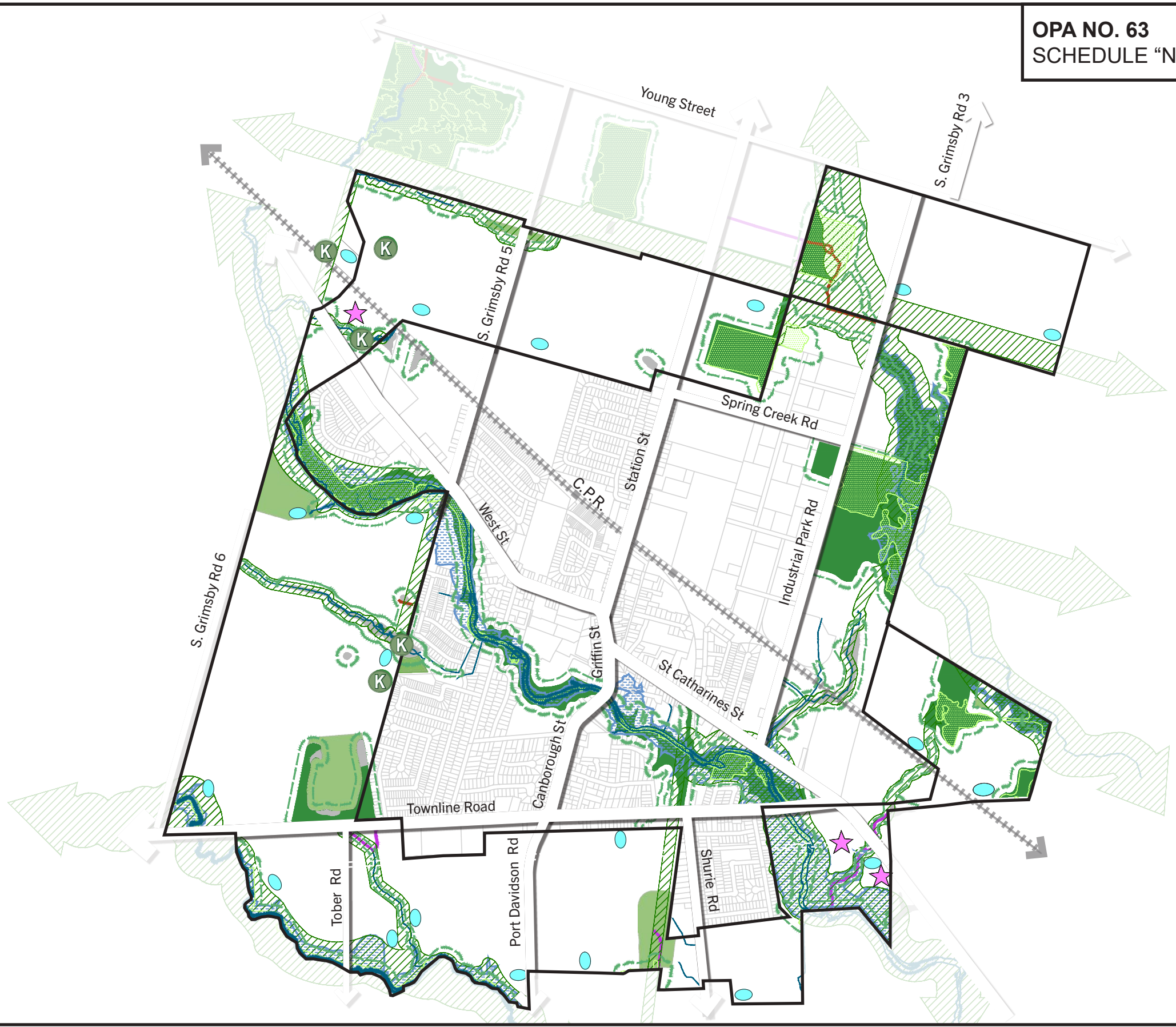
Detail on some features  
maybe lost at this scale.

Date: May 2022

OPA NO. 63  
SCHEDULE "N" **DRAFT**

**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE "E-12"  
SMITHVILLE  
NATURAL HERITAGE SYSTEM**



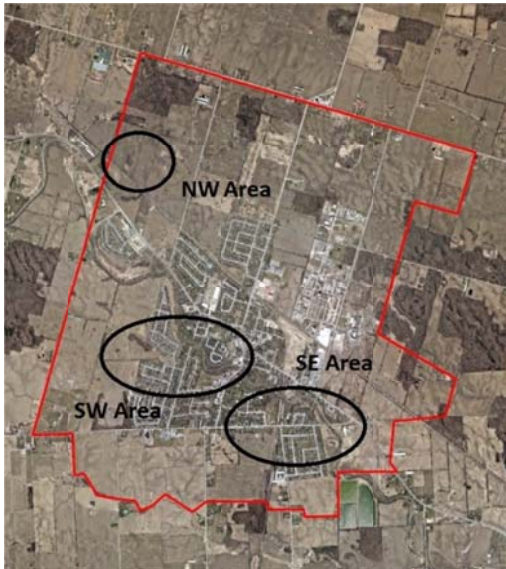
- Legend**
- Secondary Plan Sub-Area Boundary
  - Natural Heritage System**
    - Core Area
    - Conceptual Buffer
    - Recommended Restoration Area
    - Linkage
  - Other Features**
    - Karst
    - Potential Restoration Area
    - Provincially Significant Wetland (MNRF)
    - Wetlands for Further Review
    - Floodline (NPCA)
  - Waterbodies**
    - Watercourse
    - HDF Protection
    - HDF Conservation
    - Proposed SWM Facility

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Detail on some features maybe lost at this scale.

Date: May 2022

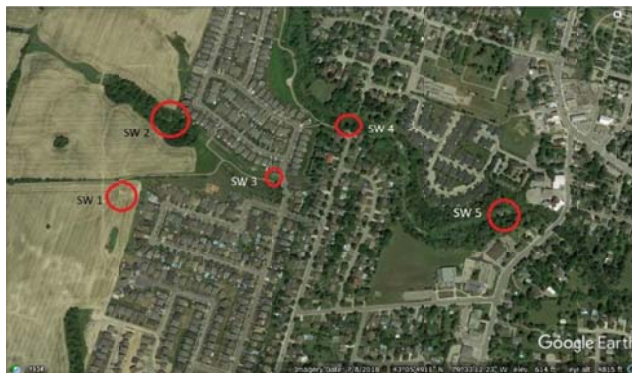




**Figure 3.4.1. Karst Areas**



**Figure 3.4.2. Northwest Karst Features**



**Figure 3.4.3. Southwest Karst Features**



**Figure 3.4.4. Southeast Karst Features**

Sinkholes range from a very small surface depression taking water from a culvert (SE 3) to a large, significant feature (SW 2) draining an unnamed tributary of Twenty Mile Creek west of Wade Road. This latter feature lies about 440 m due west of SW 4 which is known to drain into the Smithville Cave (Worthington 2002). Most streamsinks and the loosing stream (SE 2) are the result of opportunistic capture either naturally or due to human activities.

Smithville Cave was originally studied and mapped by Young (1981). Worthington (2002) further investigated the cave as part of the CWML site investigations. As part of this work he undertook dye trace investigation at two locations. Figure 3.4.5 shows the approximate location of the cave, 2 dye-traced flowpaths and an inferred flow path (this study). The major and minor joint orientations are also provided in an insert joint rose diagram prepared by Novakowski et al. (2000).

Smithville Cave is oriented approximately parallel to minor joint set "V" and each of the 3 flowpaths lie within the range of orientations of major joint set "I". These joint orientations are for the Eramosa Formation but are similar to those in the underlying Guelph Formation.

Sinkholes SW 2 and SW 3 and spring SW 5 (Figure 3.4.3) are all on the trend of the inferred flow pathway. As noted, known connections between the cave and the spring and sinkhole SW4 and the spring have been identified by dye tracing. It is important to note that the traced connections (and the inferred

Due to lack of access, the sinkhole could not be described or measured in detail but it's essential data are as follows:

- Description – a large closed depression in the order of 30 m or so diameter and a depth in the order of 7 to 8 m;
- Constraint level – high;
- UTM Coordinates (interpreted) – 617300/4474250;
- HDF stream reach – TM4(5)2; and
- Distance from Twenty Mile Creek – 349 m.



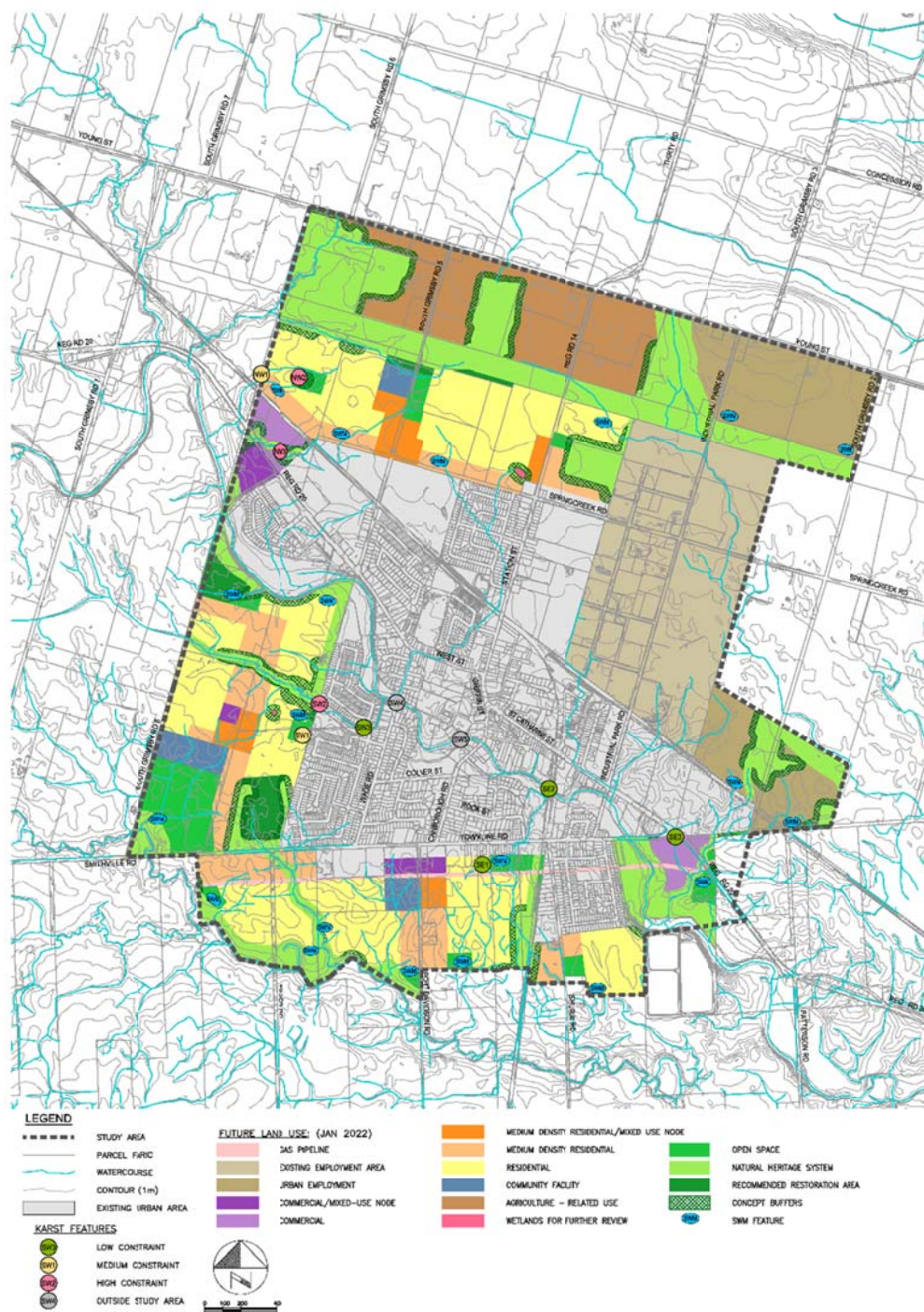
**Figure 4.2.1. Updated Map of NW Karst features with Addition of the Sinkhole located at NW 3**

## 4.2.2 Impact Assessment

As noted in Section 2.1.2.4, karst sinkholes have the potential to impact development via bedrock instability and flooding. The PPS (Section 3.1.1[c]) defines “Karst Topography” as having the potential to be a “Karst Hazardous Site” which could impact development. The NPCA regulates karst features under Regulation 155/06 which requires an evaluation of each feature. The NPCA Policy Document (May 2020, Section 7.2.3.1) does not specify setbacks/buffers to all karst features, but those deemed to be a Karst Hazardous Site (KHS) require buffers of 50 m pending further studies.

Of the 7 features mapped within the study area, three have been evaluated as having a high constraint (NW 2, NW 3 and SW 2) based factors such as size, position in the landscape, and hydrological/hydrogeological role. These are all considered to be KHS’s with a requirement to buffer by 50 m. Feature SW 1, although classed as a moderate constraint, should also be considered to be a KHS principally because, although relatively small, is very active having rapidly sloughing, vertical walls leading into the sinkhole’s throat which could present a human hazard.





**Figure 3.1.1. Revised Preliminary Preferred Concept Plan – Land Use**

The revised Preliminary Preferred Concept Plan was then used to test management alternatives and develop a recommended environmental and stormwater management plan for the future development area in the community of Smithville, and to complete the Phase 2 Impact Assessment for the Subwatershed Study.



## **Appendix 2**

### **NPCA Policies for Planning and Regulating Hazardous Sites, 2020**



NIAGARA PENINSULA  
**CONSERVATION**  
AUTHORITY

# NPCA POLICY DOCUMENT:

POLICIES FOR THE ADMINISTRATION OF  
ONTARIO REGULATION 155/06 AND

THE PLANNING ACT

May 21, 2020 Consolidation





## 7.0 HAZARDOUS SITES

### 7.1 WHAT ARE HAZARDOUS SITES?

#### 7.1.1 Hazardous Sites and Hazardous Lands

The Provincial Policy Statement defines hazardous sites as lands that could be unsafe for development due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography). The Conservation Authorities Act uses a similar term, referring to hazardous lands, which are lands that are unsafe to development due to naturally occurring processes. Naturally occurring processes includes flooding, erosion, dynamic beaches and unstable soils. In the context of the Conservation Authorities Act, the term hazardous lands is used as a general term, referring to a full range of natural hazards (i.e. flooding, erosion, unstable soils) . Earlier chapters in this document address hazardous lands associated with flooding (Chapter 4), dynamic beaches (Chapter 5), erosion and unstable slopes (Chapter 6). The following chapter provides guidance for hazardous lands associated with unstable soils, such as sensitive marine clays (leda clays), organic soils and unstable bedrock, such as karst formations (such as sinkholes and caves). The term hazardous

site is used in this chapter to refer to naturally occurring hazards associated with unstable soils and unstable bedrock (similar in definition to the term hazardous sites which is used in the PPS to describe a similar feature). This chapter also provides guidance for unstable soils associated with back-dunes areas.

### 7.1.2 Defining and Assessing Hazardous Site

Hazardous sites are considered to be part of the NPCA's regulated areas. Due to the site specific nature of areas of unstable soil or unstable bedrock, it is difficult to identify these hazards without detailed mapping and studies. The potential for catastrophic failures in some areas of unstable soil and unstable bedrock warrant site specific studies to determine the extent of these hazardous sites, and therefore the appropriate limits of the hazard and regulation limits. The regulated area will be based on the conclusions and recommendations of such studies, to the satisfaction of NPCA. Accordingly, the limits for hazardous lands, such as leda clays, organic soils and karst formations, shall be determined on a site-specific basis according to the Ministry of Natural Resources Technical Guide for Hazardous Sites (1996) and Understanding Natural Hazards (2001). The policies of this provide additional context and guidance for two specific types of hazardous sites which are known to existing within the watershed:

- a) Karst formations; and,
- b) Back-dune areas.

### 7.1.3 Karst Formations

Karst is a landform that develops on or in limestone, dolomite, or gypsum by dissolution and is characterized by the presence of features such as sinkholes, underground (or internal) drainage through solution-enlarged fractures (joints) and caves. Karst formations can be significant geologic hazards. Sudden collapse of an underground opening of a sinkhole can cause surface subsidence that can severely damage overlying structures such as buildings, bridges or highways. Improperly backfilled sinkholes are prone to both gradual and sudden subsidence and similarly threaten overlying structures. Sewage, animal wastes and agricultural, industrial and ice control chemicals entering sinkholes as surface drainage are conducted directly and quickly into the groundwater/surface water systems.

There are at least five known locations within the watershed with Karst formations:

- a) The Stoney Creek "Mountain" Area;
- b) The Smithville Area;
- c) The Gavora Drain and Balls Falls Area in Vineland,
- d) The Brow of the Niagara Escarpment Area; and
- e) The Onondaga Escarpment Area.

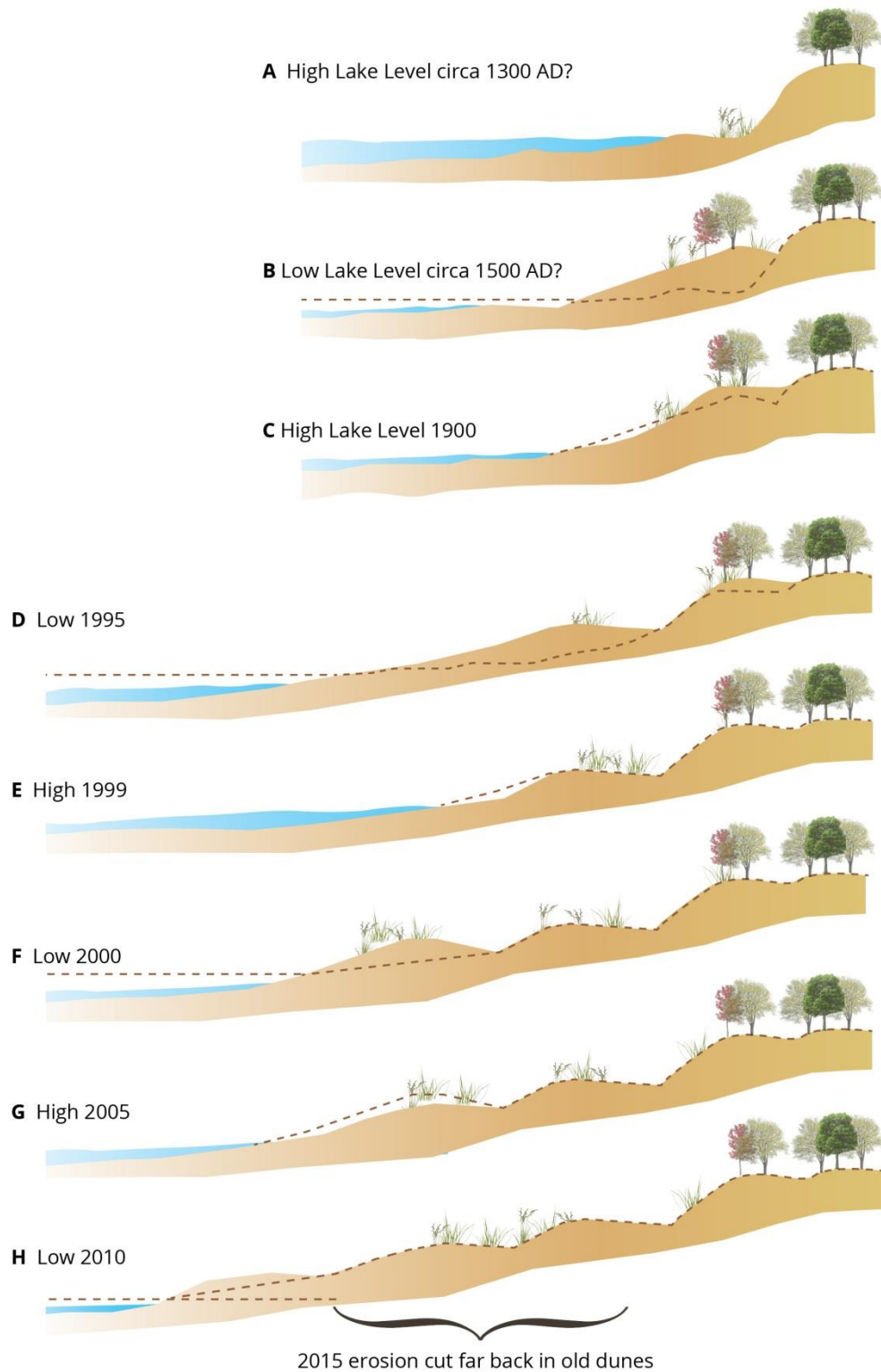
(Geologic Hazard Mapping Study, Karst Topography, Phase I, NPCA Watershed Area, Terra Dynamics, 2006)

#### 7.1.4 Back-Dune Areas

There are a number of back-dune areas located in-land from shorelines of Lake Erie and Lake Ontario. Back dune areas are considered to be a natural hazard, as these are locations which may be susceptible to slope failure and erosion, but may not be part of an apparent valleyland or part of the shoreline hazard area (as overtime they receded beyond the extent of the shoreline area). Back dunes form as a result of long term changes of lake levels and a gradual recession of dune areas from the shoreline area. **Figure 7.1** illustrates back-dune formation. The NPCA will evaluate the potential risks associated with development on back-dunes on a case by case basis.



**Figure 7.1: Back-Dune Formation**



*Adapted from Olson, J.S., 1958d. Dune development 3: lake-level, beach, and dune oscillations. J. Geol. 66, 473–483*

## 7.2 POLICIES FOR PLANNING AND REGULATING HAZARDOUS SITES

### 7.2.1 Objectives

The objectives of the hazardous sites policies are to:

- a) Prevent the loss of life;
- b) Minimize property damage;
- c) Reduce the potential for incurring public cost associated with the impacts of hazardous sites; and,
- d) Manage existing risks and reduce the potential for future risks.

### 7.2.2 Development Regulation on Hazardous Sites

Generally, development and/or site alteration shall not be permitted on or near hazardous sites, including but not limited to karst formations, back-dune areas and other areas where unstable soils/bedrock is known to exist. However, development may be permitted subject to the completion of a geotechnical study completed by a qualified engineer which demonstrates that all hazards and risks associated with the site have been addressed. An EIS may also be required to ensure that there are no negative impacts on the ecological function of natural features. In addition, development and/or site alternation may be permitted on or near hazardous sites where the effects and risk to public safety are minor and can be mitigated by addressing the following items:

- a) Applicable provincial standards related to floodproofing, protection works and access can be met and are implemented;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) Existing hazards are not aggravated;
- d) New hazards are not created;
- e) There are no negative impacts on ecological features or functions; and,
- f) All other relevant site development concerns are addressed to the satisfaction of the NPCA.

## 7.2.3 Development within 50 metres of a Hazardous Site

### 7.2.3.1 *Development within 50 metre of a Hazardous Site*

Development and/or site alteration shall not be permitted within 50 metres of a hazardous site unless it can be demonstrated that there are no adverse impacts to the hazard with respect to the control of flooding, erosion, dynamic beaches, pollution and conservation of land. The NPCA may require a geotechnical study. An EIS may also be required to demonstrate that there are no negative impacts on the natural features or their ecological function.

## 7.2.4 Prohibited Uses

Notwithstanding the policies of this section, the following uses are prohibited within hazardous lands:

- a) Sensitive uses, such as hospitals, nursing homes, day-cares/pre-schools and schools;
- b) Emergency services facilities;
- c) Uses associated with the disposal, treatment, manufacturing/processing or storage of hazardous substances;
- d) Any other use or development deemed to be inappropriate based on the objectives stated in policy 7.2.1.

## 7.2.5 Infrastructure

Notwithstanding the policies of this section, infrastructure approved through an environmental assessment may be permitted within hazardous lands associated with unstable soil or bedrock, where it has been demonstrated to the satisfaction of the NPCA that the five tests under the Conservation Authorities Act have been addressed. Infrastructure approved through an environmental assessment process shall require a work permit to develop from the NPCA.

## 7.2.6 Water Wells

No water wells shall be installed within 50 metres of a karst feature. The NPCA may require an assessment of the draw down impact of the well on the water table and may decline approval where the draw down has the potential to destabilize karst topography.

### 7.2.7 Policy Considerations for Developing on or Near Karst Areas

The following issues must be addressed when developing on karst:

- a) Storm water drainage: When the amount of paved surface is increased in developments, the rush of extra water gathered over the area can cause flooding.
- b) Utilities: Buried utility lines can serve as a focus for sinkhole development, as they provide a break in the bedrock for storm water to enter and slowly dissolve it.
- c) Groundwater contamination: Because water moves rapidly through karst, and undergoes little filtration, groundwater in karst areas is easily polluted. If contaminants are introduced into a karst system, they will spread quickly.
- d) Flooding: Sinkholes and conduits may become blocked with debris and litter, resulting in back-up and flooding. Sinkholes are often used as a convenient place to place trash.

### 7.2.8 Lot Creation in Hazardous Sites

Lot creation may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

**Appendix 3**

**March 3, 2022 Wood PLC PowerPoint Presentation Slides  
Pertinent to Karst Features**





# Smithville Subwatershed Study and Stormwater Management Plan for the Community of Smithville

TAC Meeting #7  
March 3, 2022

[woodplc.com](http://woodplc.com)



# Agenda

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1. Introductions
2. Process Overview and Update
3. Presentation of Impact Assessment (Phase 2)
  - Overview (Wood)
  - Groundwater (Blackport/Matrix)
  - Karst (Cowell)
  - Surface Water (Wood)
  - Stream Morphology (Matrix)
  - Aquatic and Terrestrial Ecology (NRSI)
  - Climate Change Considerations (Wood/NRSI)
4. Next Steps and Schedule
5. Discussion

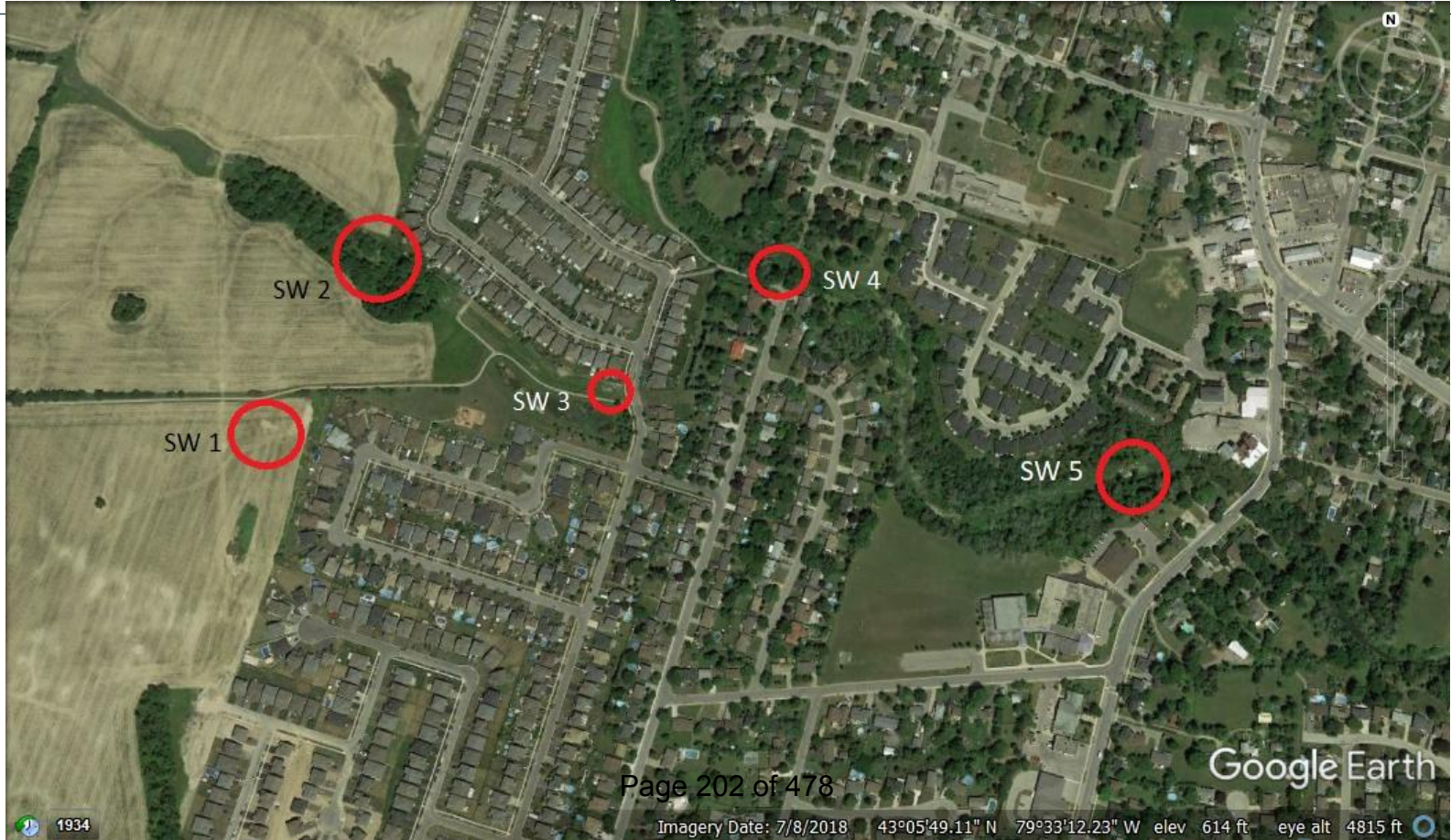
# 3. Presentation of Impact Assessment

## Karst: Key Input from Phase 1 Characterization





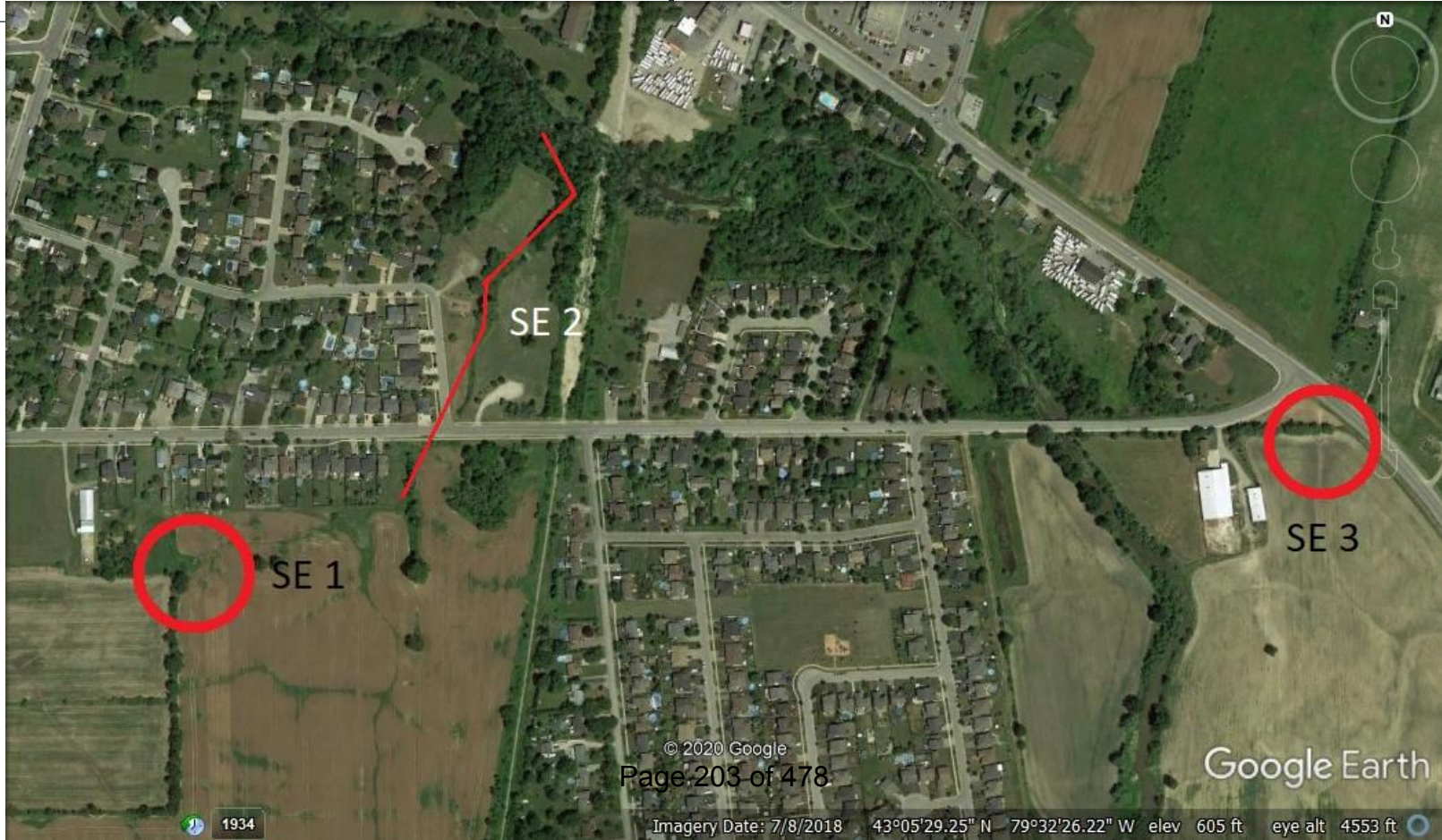
# 3. Presentation of Impact Assessment





# 3. Presentation of Impact Assessment

Schedule E





# 3. Presentation of Impact Assessment

## Karst

### Findings from Phase 2a Impact Assessment

#### A) General

- Development from agriculture to urban will result in increased run-off within subwatersheds.
- Sinkholes have a set capacity to drain surface water via bedrock conduits.
- All 7 sinkholes within the study area reach capacity and overflow at least during spring freshet.
- As a result, post-development surface flow should not exceed pre-development flow.



## Karst

### Findings from Phase 2a Impact Assessment

#### B) Sinkhole Specific

- Under Ontario Regulation 155/06, NPCA does not specify automatic setbacks/buffers to all sinkholes (Policy Doc. May 2020, Section 7.2.3.1) – rather each requires assessment.
- If the feature is defined as a *Karst Hazardous Site*, then a 50 m buffer is applied pending further study.
- Our assessment identified three 'high constraint' features as requiring 50 m buffers - NW 2, NW 3 and SW 2. These are formally KHS's under NPCA's policies.
- We also recommend that medium constraint sinkhole SW 1 be designated a KHS based on its active sloughing and near vertical walls.

# 3. Presentation of Impact Assessment

## Karst

### Findings from Phase 2a Impact Assessment

In the case of KHS's, NPCA's Development Regulation (Section 7.2.2) requires mitigation based on the following:

- a) Applicable provincial standards related to floodproofing, protection works and access can be met and are implemented;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) Existing hazards are not aggravated;
- d) New hazards are not created;
- e) There are no negative impacts on ecological features or functions; and
- f) All other relevant site development concerns are addressed to the satisfaction of the NPCA.



# 3. Presentation of Impact Assessment

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## Karst

### Mitigation Alternatives/NW Karst Area

- NW 1 (M): Re-size culvert beneath rail line;
- NW 2 (H): leave as is and buffer by 50 m;
- NW 3 (H): Leave as is and buffer by 50m.

# 3. Presentation of Impact Assessment

## Karst

### Mitigation Alternatives/SW Karst Area

- SW 1 (M): Excavate, evaluate and grout can be considered.
- SW 2 (H): Key hydrogeological component to Smithville Cave system - leave as, determine flow capacity and flooding limits then buffer accordingly.



# 3. Presentation of Impact Assessment

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## Karst

### Mitigation Alternatives/SE Karst Area

- SE 1 (M): Can be bypassed (no on-going flow).
- SE 3 (L): Can be bypassed (no on-going flow).



**Appendix 4**

**Biographical Sketch, David Slaine, M.Sc., P. Geo.**

Biographical Sketch of David Slaine, M.Sc., P. Geo.

David Slaine, M.Sc., P. Geo., Principal Hydrogeologist & President of Terra-Dynamics, is a native of Hamilton, ON and attended elementary and secondary school in Grimsby, ON. He graduated in 1978 with a B.Sc. (Hons) in Physical Geography (Geomorphology) from the University of Guelph followed by an M.Sc. in Hydrogeology from the University of Waterloo in 1983. He is a licensed Professional Geoscientist in Ontario (No. 365) and the States of Delaware (No. 1143), Florida (No. 1943), New York (No. 248) & Tennessee (No. 3641). He has worked as an environmental consultant his entire 39-year career. Mr. Slaine is a Federally and Provincially-recognized expert in hydrogeology. He has many years of experience in interacting with all levels of government regulators and officials.

His career started at Gartner Lee Limited of Markham, ON where he worked on numerous projects in Canada, the nuclear industry in Switzerland and Germany, and for the US NAVY and US ARMY geophysically mapping sites as part of Base remedial programs. Mr. Slaine spent a total of 14 years in the USA where during the time frame of 1994 to 2001 he was a Principal, and later a Vice President, of Geomatrix Consultants Inc. in San Francisco, CA which was ranked the 98<sup>th</sup> largest engineering consulting firm in the USA at that time. He started Terra-Dynamics Consulting Inc. in 2001 when he was one of the main contaminant hydrogeology consultants for Waste Management Inc. of Houston, TX. In this capacity he worked at landfill sites in 5 Provinces, 30 States and the US Territory of Guam. He worked on karst investigation and remediation projects at landfill sites in Florida and Tennessee and a large dye tracing project in Delaware.

Since returning to the Hamilton/Niagara area in 2001, he became the lead hydrogeological consultant for land developers in Hamilton in addition to nurseries, farms, Niagara wineries and two large chemical plants in Niagara. He was the hydrogeological peer reviewer for Bruce County of the potential contamination associated with the proposed Deep Geologic Repository for low and intermediate level radioactive waste at the Ontario Power Generation facility near Kincardine, ON. Mr. Slaine has completed over 30 karst assessments in the Hamilton area and in conjunction with geotechnical engineers, has successfully remediated over a dozen sinkholes that were permitted by the Hamilton Conservation Authority or Conservation Halton.



**Jennifer Meader**  
Turkstra Mazza Associates  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Office: 905.529.3476 x2740  
Cell: 416.605.0508  
[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)

**VIA EMAIL**

June 24, 2022

Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Attention: Mayor & Members of Council

Dear Messrs and Mesdames:

**Re: OFFICIAL PLAN AMENDMENT NO. 63 ("OPA 63")  
Phelps Homes Ltd. & JTG Holdings Incorporated**

We are counsel to Phelps Homes Ltd. and JTG Holdings Incorporated ("**clients**"). Our clients own land bordering the existing Smithville settlement area that are proposed to be added to the Smithville Urban Boundary through proposed OPA 62. Our clients support the inclusion of their lands within the urban boundary as proposed, subject to the comments outlined in our submission of April 27<sup>th</sup>, 2022.

The purpose of this letter is to provide our clients' comments on the draft OPA 63. Draft OPA 63 sets out the detailed Secondary Plan ("**SP**") policies and schedules that will apply to the lands being added to the Smithville Urban Area through OPA 62. Based on our review of the draft OPA, we have noted specific concerns that should be addressed prior to adoption. A discussion of these concerns is set out below.

Please note that our clients are also part of the Smithville Landowners Group who are represented by SGL Planning & Design Inc. Separate submissions on OPA 63 have been provided on behalf of the Landowners Group, however this letter is intended to reinforce those comments and highlight specific concerns that affect our clients' lands.

## Karst Features

Section 6.11.7.3.17 of Draft OPA 63 outlines policies for Natural Hazards and comments that Karst Features are included in the Provincial Policy Statement (“**PPS**”) definition of “hazardous site” and therefore are subject to the Natural Hazard policies of the Secondary Plan. These policies state that no development or site alteration shall be permitted within 50 metres of high and medium constraint karst features as shown on the accompanying Schedule E-11. This Schedule identifies two “Karst Features” on our clients’ lands: the more northerly feature, a high-constraint feature; and the second, a medium constraint feature.

The concern is that the background work that informed these policies is not consistent with the Hazardous Sites policies of the Niagara Peninsula Conservation Authority (“**NPCA**”). It is the opinion of the Karst expert retained by our clients that a site-specific Karst Hazard Risk Assessment is necessary before lands can be deemed a development exclusion zone or a High or Medium Constraint Feature in the context of the Secondary Plan.

It is the further opinion of our Karst expert that sufficient work has not been completed and it is therefore premature to so categorize the features. Instead, the Natural Hazard policies of the SP should be modified to direct the completion of the appropriate studies, consistent with NPCA policies, which will categorize the feature and determine if it is appropriate to permit development and site alteration on the adjoining lands.

It is the recommendation of our experts that the Karst policies in Section 17 of OPA 63 be revised to reflect and be consistent with the NPCA policy framework, essentially requiring further study prior to identifying if the feature should form part of the Natural Heritage System (“**NHS**”) and to establish the limits of development of lands adjoining a Karst feature. The third paragraph of section 17 should be deleted. Further specific modifications to Section 17 are provided as below:

*c) Although karst features have not been included as components of the NHS, they may be added using an appropriate designation if an EIS has determined that the karst feature forms part of a key natural heritage feature or water resource feature, or that the karst feature is supportive of the ecological or hydrological functions of a key natural heritage feature or water resource feature.*

*e) No development or site alteration shall be permitted within 50 metres of a karst feature identified on Schedules “E-8”, “E-11”, and “E-12” using the letter “K”, unless a Karst Hazard Assessment has been completed and has demonstrated that:*

- i. the proposed development or site alteration will have no adverse impact on the hazard with respect to the control of flooding, erosion, or other hazard-related conditions;*
- ii. all applicable Provincial standards related to floodproofing, protection works, and access can be met and will be implemented;*
- iii. people and vehicles have a way to safely enter and exit the area during times of flooding, erosion, and other emergencies;*



*iv. the proposed development or site alteration will not aggravate an existing hazard or create a new hazard; and*

*v. there will be no negative impacts on the ecological or hydrological functions of the feature.*

*f) Any development or site alteration proposed within 50 metres of a karst feature shall be subject to the approval of the NPCA, in accordance with NPCA regulations and policies.*

*g) Where development or site alteration is proposed within 50 metres of a karst feature, the proponent may be required to undertake a geotechnical study, EIS, or similar study, which may make recommendations regarding the removal or by-passing of the feature.*

*h) Where a karst feature is left to function in the landscape, any development or site alteration within the same drainage area of that feature shall be required to undertake a water balance study to ensure that post-development flows to the feature do not exceed pre-development flows, to the greatest extent possible.*

*i) All flood control and erosion control measures associated with future development in the Smithville MCP Area shall have regard to the unitary storage and discharge criteria set out in the SWS, unless such criteria have been refined based on the recommendations of an approved EIS or similar study.*

## **Natural Heritage Policies**

Natural Heritage policies in the draft OPA 63, section 6.11.7.3, includes specific policies that are of concern to our clients. The concern with these draft policies is not new, as the policies are based on contested elements of the draft Subwatershed Study Phase 1 and Phase 2 reports (“**Draft SWS**”). Our clients were unable to resolve these issues despite their ecologist consultant’s review and comment on those draft reports and participation and contributions of the ecologist consultant in numerous TAC meetings.

The concerns rest fundamentally with the Draft SWS’s inappropriate promotion of a 30% natural cover target within the expanded urban boundary. The Draft SWS Phase 2 report cites guidance contained in Environment Canada’s *How Much Habitat is Enough?* (3<sup>rd</sup> Edition, 2013) as the rationale for the 30% natural cover target. However, it does not acknowledge that the Environment Canada guidance is meant to be applied on a watershed or large planning area scale, and not to small expansions of existing urban areas. It is notable that the Draft SWS Phase 2 report includes an acknowledgment that the Draft Niagara Region Official Plan does not include a natural cover target. It is also notable that the Phase 2 report does not address the appropriateness of a 30% natural cover target in an urban/urbanizing context, intended to develop in a compact form that efficiently uses land and services. In *How Much Habitat is Enough?* the Environment Canada authors included a section entitled “*Urban areas*”, the first sentence of which states: “*How Much Habitat is Enough?* assumes a predominantly non-urban context.” The Environment Canada authors proceed in that section of the guidance document to describe a nuanced approach to implementing the natural cover guidelines within urban

and urbanizing areas, including acknowledgement of the limitations of habitat function in an urban context, including the statements:

*It may be far more appropriate to consider new baselines and targets for habitat in urban areas. There may also be discussions as to the need to compensate elsewhere in a region for habitat loss due to urbanization within that region, which would affect habitat targets outside urban areas.*

The Draft SWS Phase 1 and Phase 2 reports do not address that portion of Environment Canada's advice, do not contain a nuanced discussion of habitat objectives in an urbanizing context, and instead seek to simply impose a 30% natural cover objective arbitrarily.

The NHS policies seek not just to protect and enhance existing natural heritage features within the expanded urban boundary but, through imposition of poorly justified and inappropriate 30m "Conceptual Buffers", Linkages, and "Recommended Restoration Areas", to substantially expand natural cover on developable lands within the expanded urban boundary. There is no acknowledgement that the newly added urban lands are supposed to be the focus of new development within limited areas that is stipulated by the Province, and that the 30% natural cover objective unduly "dilutes" the potential for compact, efficient development. The Draft SWS Phase 1 and Phase 2 reports, and the resulting Draft OPA 63 policies, do not adequately justify the imposition of wide 30m buffers in an urban context, do not provide fulsome rationale for the various proposed Linkages, and offer only arbitrary and technically unsound justification for the "Recommended Restoration Areas" on our clients' lands.

Although the Draft OPA 63 appears to include policies for the confirmation, delineation and refinement of natural heritage features that make up NHS through the completion of Environmental Impact Studies (EIS), it also includes policies that "freeze" the total area of the NHS by restricting EIS results and conclusions to those that would support a 30% natural cover target. As a result, our clients are concerned with all the natural heritage policies within the Draft OPA 63 that are predicated upon the 30% natural cover target, upon unevaluated Linkages, unjustified Restoration Areas, and upon the imposition of inappropriately wide buffers.

The Schedules accompanying the Secondary Plan show a Natural Heritage Feature located at the south-east corner of the subject lands, abutting Regional Road 14 (Townline Road). Schedule E-12 – Smithville MCP West Community Area Land Use Plan identifies the feature as core area and the interior portion as a recommended restoration area.

For the information of Committee and Council, our April 27<sup>th</sup> submission on OPA 62 had commented on this specific matter and noted that all lands being added to the MCP should be treated consistently. Specific designations and overlays would be informed by the Sub-watershed study and established by the Secondary Plan, however, our view the work undertaken by the consultants retained by our clients do not support the Natural

heritage Designation. Be advised that we have initiated a Planning process based on the recommendation of our consultants that will confirm that lands do not meet the threshold as a Natural Heritage feature and the recommendation to restore the interior area is without merit.

The Draft SWS Phase 2 report introduces the 30m “Conceptual Buffers” as a means to pursue the 30% natural cover target. The report vaguely cites the Growth Plan for the Greater Golden Horseshoe (“**Growth Plan**”) as justification for the blanket application of a 30m buffer on all natural heritage features. However, it neglects to mention that the Growth Plan applies such buffers to features outside of settlement areas, and not within urban areas. Likewise, the new Niagara Region Official Plan does not impose 30m buffers within urban areas but leaves the determination and recommendation of appropriate buffer widths to the EIS process. As such, the proposed 30m Conceptual Buffers conform neither to provincial guidance nor to the new Niagara Region Official Plan.

### **Implementation Policies - Block Plans and Development Staging**

Schedule E-6 identifies the Block Plan Areas comprising the urban expansion area, our clients lands are located within Block Plan Areas 12 – 14. The Block Plan Policies, specifically Policies 6.11.6.7.6.1 (j) and (k) state that no development shall proceed unless a Block Plan has been prepared and approved for the area in question and all development shall conform and implement the approved Block Plans.

The Development Staging Policies are contained in Policy 6.11.6.7.3 and illustrated on Schedule “E-14”, our clients lands within areas 4A, 4B & 4C. Policy states that the order of development shall be based on the Staging Plan Schedule “E-14” and on the timing of the required infrastructure and transportation systems. Policies do however provide the Township the opportunity to consider and approve changes to the overall sequencing of the of the development stages without an amendment to the Plan provided specific requirements are addressed.

The ability to bring forward immediate development of our clients lands has been assessed by the consulting team retained by our clients and in their opinion a portion of the lands can develop immediately in a manner that represents a logical extension of existing development to accommodate the desired mix of housing forms and densities and efficiently utilize existing infrastructure without prejudicing orderly development of the MCP Area.

To facilitate the immediate development of our clients’ lands, it would be appropriate for the Development Staging Policies to recognize the various criteria set out in the attached ‘Land Attributes Letter’. These criteria clearly demonstrate the appropriateness of our clients’ lands for development immediately upon being included within the settlement boundary. Given the ongoing housing crises, there is no basis to delay the development of these lands. The Land Attributes Letter should be given clear status in the Development Staging Policies.

Thank you for the opportunity to put forward these concerns on behalf of our clients.

Yours truly,

A handwritten signature in black ink that reads "Jennifer Meader". The signature is written in a cursive style with a large, prominent initial "J".

Jennifer Meader

June 22, 2015

Via Email: [nsmith@tmalaw.ca](mailto:nsmith@tmalaw.ca)

Ms. Nancy Smith  
Turkstra Mazza Associates  
15 Bold Street  
Hamilton, ON L8P 1T3

Dear Ms. Smith:

**Re: Township of West Lincoln and Regional Municipality of Niagara:  
OMB File No. PL140700 -- ROPA 3, Smithville/Wellandport Boundary  
OMB File No. PL140701 -- OPA 37, Swap/Exchange of Mapping West Lincoln  
OMB File No. PL140702 -- OPA 38, Entire Township of West Lincoln  
OMB Case No. PL140700**

This correspondence is further to our discussions regarding your client's appeal of OPA 37, 38, and ROPA 3, and a possible resolution of same. This submission is being made on behalf of both the Region and the Township in support of a resolution.

As you are aware, the Region is currently undertaking a Municipal Comprehensive Review ("MCR") to address its growth needs to 2041. As part of that process, the Region will be working with its local municipal partners to assess all opportunities for growth in the Region and how best to accommodate that anticipated growth. As you will appreciate, the MCR is an open public process, that will assess all information available at the time that it is prepared, to assist the Region in arriving at recommended growth strategies, and as such any information that may currently exist, while it may help and assist in that future process, such information cannot and will not, on its own, be considered determinative or given any priority consideration.

Understanding that the MCR is not yet completed and that the Region is seeking to ensure that the process and conclusions are not impacted in anyway, it is expected that the MCR in examining growth options for the Region to 2041, will examine a significant role for West Niagara in meeting projected growth needs and helping achieve economic competitiveness. To be clear, while the outcome of the MCR cannot be pre-determined, it is the view of Regional Staff that growth in West Lincoln presents a strong opportunity to meet those objectives and we would fully expect that the MCR will consider this option seriously.



When considering what lands may be included as part of any future urban expansion, the MCR will give consideration to a number of planning, engineering, transportation and other related matters at that time.

Your client's lands, which have been part of the process currently before the Board (OMB Case PL140700) (the "South West Lands"), possess many qualities that will be considered as part of any future MCR. However, the final determination as to whether or not these lands are appropriate for inclusion in any future urban area expansion must be left to the completion of the MCR.

In terms of the current process before the Board, both the Region and the Township acknowledge:

1. The South West Lands lie immediately to the west of the existing Smithville urban boundary;
2. (a) The Ministry of Transportation Ontario is currently undertaking the Niagara Greater Toronto Area Environmental Assessment and have released the Transportation Development Strategy, September 2013;  
  
(b) The Transportation Development Strategy Report noted that there are existing highway designations within the study areas that are not being considered for new corridors and therefore are no longer of provincial interest and should be revoked;  
  
(c) The corridor for the Smithville by-pass was established by Order in Council in 1971 as a controlled access highway; this is one of the affected highway designations that is no longer of provincial interest as noted above;
3. The Region and the Township have initiated a Transportation Strategy/Study to assess transportation options in Smithville, one of the terms of which is the review of the Smithville By-pass;
4. The existence of the By-pass does not prevent or prohibit the inclusion of the South West Lands in the Smithville Urban Area, as it should be possible to develop the South West Lands in a manner that recognizes the alignment of the Smithville By-pass, without encroaching within the area for the By-pass, and, in such a manner where any new roadway connections will not undermine the role and function of the By-pass;
5. The proposed layout for the South West Lands could be a logical extension of the existing road network;

6. That portion of the South West Lands owned your client are, capable of being serviced to accommodate future development;
7. As at the date of this correspondence, there are no agricultural buildings or agricultural infrastructure on the South West Lands;
8. The Township commissioned an agricultural screening report dated 2008 which was updated in 2015. That report determined from an agricultural screening perspective that the South West Lands are a reasonable location for a boundary adjustment;
9. The Township commissioned an environmental screening report dated 2008 which was updated in 2015. That report identified environmental features on the South West Lands, but not to a degree which would preclude development;
10. The South West Lands are in close proximity and convenient walking distance to a range of municipal services and amenities;
11. In the event the by-pass is not constructed, the South West Lands are capable of facilitating a direct connection to the Leisureplex lands to the south, thereby satisfying the Parks and Recreation Master Plan (January 2010) objective to address the relative isolation and limited pedestrian access to the Leisureplex;
12. The South West Lands provide the opportunity to complete trail connections to the Leisureplex, Leisureplex Trail and the South Creek Trail (both of which bisect the Subject Lands) thereby implementing the Smithville Trails and Corridors Master Plan (2012) and encouraging an active lifestyle and alternative transportation.

Upon completion of the current MCR, your clients lands, as well as information that has been submitted as part of this appeal process and any updates or additional studies that may be submitted or requested by the Region or the Township, along with all other appropriate options for growth will be considered and evaluated at that time and a decision will be made based on all the information available that examines all options.

We would also note that with regards to the Province's initiative to update the Greenbelt Plan, the Region has already advised the Province of those areas where the Region and the local municipalities are prepared to consider an expansion of the Greenbelt. Those recommendations do not include any expansion of the Greenbelt into the Township of West Lincoln. It is the Region's position that such an expansion is not warranted or appropriate.

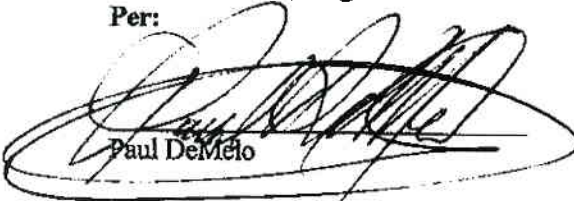
It is our sincere hope that this letter will assist your client in evaluating its position going forward in terms of the appeals before the Board. In our view, the relief which your client is seeking as part of the current appeals is more appropriately addressed and assessed within the context of the ongoing MCR.

Both the Region and the Township are committed to ensuring that the process is open and impartial and that it considers all appropriate planning matters for all lands in arriving at a determination that best meets the needs and objectives of the Region, the Township and its residents.

**The Corporation of the Township  
of West Lincoln  
By its solicitors, Sullivan Mahoney LLP  
Per:**

  
\_\_\_\_\_  
Thomas A. Richardson

**The Regional Municipality of  
Niagara  
By its solicitors, Kagan Shastri LLP  
Per:**

  
\_\_\_\_\_  
Paul DeMelo

## THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

### COUNCIL MINUTES

#### MEETING NO. EIGHT

June 27, 2022, 5:00 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

**Council:** Mayor Dave Bylsma  
Councillor Shelley Bradaric\* (refer to page 2)  
Councillor Cheryl Ganann  
Councillor Harold Jonker\* (refer to page 14)  
Councillor Mike Rehner\* (refer to page 6)  
Councillor William Reilly  
Councillor Jason Trombetta

**Staff:** Joanne Scime, Director of Legislative Services/Clerk  
Bev Hendry, CAO  
Brian Treble, Director of Planning and Building

**Others:**

Regional Councillor Albert Witteveen*	Jennifer Meader*
Bruce Harris, WeeStream*	Chris Frere*
Steve Wever*	Lou DiLeonardo*
Richard Vandezande*	Franco Abbaglivo*
Aaron Farrell*	Henry Pupek*
Karl Grueneis*	Katharine Richter*
John Ariens*	Kathy Pupek*
Paul Lowes*	Linda Sivyer*
Ellen Irving, Community Responsible for Growth*	Lois Saunders*
Rick Sivyer, Community Responsible for Growth*	Mike Pettigrew*
Scott Antonides, Community Responsible for Growth*	Patricia Wirth*
	Ron Budenas*
	Sylvie Budenas*
	Sue Langdon*
	Toni Mills*
	Joann Chechalk*

\* =IN ATTENDANCE PART-TIME

**1. PUBLIC MEETING - OFFICIAL PLAN AMENDMENT NO. 63 - SMITHVILLE MASTER COMMUNITY PLAN (SECONDARY PLAN)**

Chair - Councillor William Reilly

The Chair, Councillor William Reilly, called the Public Meeting under the Planning Act to order at approximately 5 p.m.

Prior to commencing with the Public Meeting under the Planning Act, the Councillor Reilly provided the following announcements:

a) 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.

b) The public may submit comments for matters that are on the agenda to [jscime@westlincoln.ca](mailto:jscime@westlincoln.ca) before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record.

c) The meeting will be recorded and available on the Township's website within 48 hours of the meeting, unless otherwise noted.

The Public Meeting adjourned at the hour of 7:48 p.m. and Councillor Reilly called a 5-minute recess before moving forward with the Council Agenda.

Councillor Shelley Bradaric joined the meeting at approximately 5:12 pm.

**2. SINGING OF "O CANADA"**

Mayor Bylsma called the Council meeting to order at approximately 7:52 p.m.

**3. LAND ACKNOWLEDGEMENT STATEMENT**

Mayor Bylsma read the following 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.



Following the reading of the Land Acknowledgement Statement and prior to commencing with the Council meeting, Mayor Bylsma made the following announcements:

1. Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chamber will not be open to the public to attend Standing Committee and Council meetings until further notice.
2. The public may submit comments for matters that are on the agenda to [jscime@westlincoln.ca](mailto:jscime@westlincoln.ca) before 4:30 pm. on the day of the meeting. Comments submitted will be considered as public information and read into public record.
3. Any Members of the Public can watch this evening's Council meeting by using the livestream link found on the Township's website as this meeting is being livestreamed and is also being audio/video recorded and will be posted on the Township's website and can be viewed anytime following the meeting.

**4. OPENING PETITION - Councillor Jason Trombetta**

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

There were no changes in order of items on the agenda.

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

There were no Members of Council that declared a pecuniary interest and/or conflict of interest.

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

The Mayor inquired if the IT Help Desk Analyst was aware if there were any members of the public in attendance virtually on the Zoom meeting call that wished to address a specific item on tonight's agenda as permitted under Section 6.7 of the Procedural By-law, for which the IT Help Desk Analyst confirmed there were not.

Additionally, the Mayor asked the Clerk if she had received any emails or correspondence from a member of the public prior to 4:30 p.m. today to read into the record, for which the Clerk confirmed she had not.

**8. APPOINTMENTS/PRESENTATIONS**

- 8.1 CAO (Bev Hendry)  
Re: Strategic Plan Accomplishments Update 5 - PowerPoint Presentation

The CAO advised that there was a technical issue with her presentation that she planned to present this evening with respect to the Strategic Plan

Accomplishments and requested that her presentation be deferred to the July 18th, 2022 Council Meeting.

Members of Council concurred with the CAO's request.

## 9. REGIONAL COUNCILLOR'S REMARKS

Regional Councillor Witteveen read from a prepared statement which is attached as **Schedule "A"** to the minutes. Regional Councillor Witteveen provided an update on various matters, meeting highlights, and events that were addressed by Niagara Region over the past month.

Councillor Ganann questioned Regional Councillor Witteveen if he had any updates with respect to the streetscape upgrades and rehabilitation of Regional Road 63 in the Hamlet of Wellandport and when the project was expected to be completed.

In response to Councillor Ganann's inquiry, Regional Councillor Witteveen stated that the project was still within the five-year plan, and that it had been pushed, last year, to 2023. Regional Councillor Witteveen advised that he and Mayor Bylsma will continue to watch the status of Regional road projects to ensure that this project remains on track and as part of the Region's road rehabilitation schedule. Regional Councillor Witteveen stated that Regional Road 69, which was also to be resurfaced, has also pushed back as the Region had advised that there were other roads which had a much greater need for rehabilitation.

Councillor Reilly stated that he was glad to hear about the progress being made with respect to the pedestrian crosswalk along St. Catharines Street at Dennis Drive and questioned whether a pedestrian crosswalk would also be constructed at St. Catharines Street and Industrial Park Road. Councillor Reilly stated that he also appreciated the Niagara Region Police's focus on policing matters and the greater presence of law enforcement in the West Lincoln area, especially in light of growing traffic violations.

In response to Councillor Reilly's inquiry, Regional Councillor Witteveen stated that the Region had only addressed one crosswalk along St. Catharines Street, which would be located at the best location for visibility and safety which maybe at Dennis Drive or Dufferin Street. Regional Councillor Witteveen pointed out that the pedestrian crossover at West Street and Wade Road had been repainted as requested, which he felt provided better visibility of the crosswalk, as compared to before.

Councillor Reilly inquired whether the Region could put light indicators that would flash when the pedestrian crossover (PXO) had been activated at Wade Road

and West Street in order to give motorists advance notice, which was a suggestion that had been made by residents on social media.

In response to Councillor Reilly's inquiry, Regional Councillor Witteveen stated that the Director of Public Works & Recreation has been working to get West Street, between Wade Road and South Grimsby Road 5, into the Region's road program which may resolve some of the issues once this section of road has been urbanized. Regional Councillor Witteveen stated that, in his opinion the issues with the pedestrian crossover was a speed problem and that motorists need to slow down as well as having increased police presence to enforce the speeding along this section of road.

Councillor Reilly inquired whether there has been any discussion of an advance left turn at the intersection of West Street and Griffin Street to deal with traffic congestion in the downtown core.

In response to Councillor Reilly's inquiry, Regional Councillor Witteveen stated that this has been discussed at length and was still being debated on how best to solve this matter.

Mayor Bylsma thanked Councillor Reilly for his inquiry and concerns regarding the congestion in the downtown core as it relates to the stop lights, and agreed this issue needs to be resolved which Regional staff are investigating.

Councillor Bradaric inquired regarding the report that had been provided to Regional Council with respect to the childcare/early years' initiative and that Regional Councillor Witteveen had mentioned as part of his comments regarding workforce capacity issues within West Lincoln and asked to address the Region's approach to capacity building and how this will work as part of the six-year plan.

In response to Councillor Bradaric's inquiry, Regional Councillor Witteveen stated that he understood that West Lincoln needed more capacity for childcare services and that this would most likely be left up to the service provider to approach Niagara Region respect to the childcare program.

Councillor Bradaric thanked Regional Councillor Witteveen for his comments, and further stressed that there was a deficit in West Lincoln of childcare centres and she wanted to let the community know that this will be something that will be rolled out in future years and will not be part of the initial rollout.

Councillor Trombetta stated that he was glad to see that people were adapting to the new garbage pick-up system (bi-weekly garbage pickup) and questioned if there have been any updates provided with respect to the effectiveness of the

new garbage collection program and whether there had been any discussion of going back to every other week garbage collection system.

In response to Councillor Trombetta's inquiry, Regional Councillor Witteveen stated that there was an update and it was noted that garbage diversion has increased throughout the Region and that many residents had downloaded the Region's waste management app, as a means for residents to be reminded about their waste collection schedule each week. Regional Councillor Witteveen advised that the commodity prices have increased which has resulted in a surplus, which was being put into a reserve.

Councillor Mike Rehner joined the meeting at approximately 8:12 pm.

## 10. CONFIRMATION OF MINUTES

10.1 Council Minutes – Regular  
Re: May 24, 2022

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Cheryl Ganann

1. That, the minutes of the open session portion of the May 24, 2022 regular Council meeting be accepted; and,
2. That, the confidential minutes relating to the closed session portion of the May 24, 2022 regular Council meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with exemptions provided Section 239 of the Municipal Act.

**Carried**

10.2 Public Meeting Under the Planning Act  
Re: Minutes of June 13, 2022

**Moved By** Councillor Cheryl Ganann

**Seconded By** Councillor William Reilly

That, the minutes of the public meetings held on June 13, 2022 under Section 34 of the Planning Act, with respect to:

- a. Zoning By-Law Amendment - Township of West Lincoln Housekeeping Amendments No. 6 (File No. 1601-003-22)
- b. Zoning By-Law Amendment - 3976 Regional Road 20 - B & A Heaslip Farms Ltd. (File No(s). 1601-006-22 & 1601-007-22)

- c. Zoning By-Law Amendment - 7330 Concession 3 Road - J & C Sikkens (File No. 1601-008-22); be accepted.

**Carried**

## 11. COMMUNICATIONS

### 11.1 Chaundra Perkins

Re: Request for Fireworks Display at 2433 Port Davidson Road - August 20, 2022

**Moved By** Councillor Harold Jonker

**Seconded By** Councillor Mike Rehner

That, the request received from Chaundra Perkins, for Rocket Fireworks to host a fireworks display on August 20, 2022 at 2433 Port Davidson Road, Smithville, be approved.

**Carried**

### 11.2 Town of East Gwillimbury

Re: Summary and Implications of Provincial Bill 109: More Homes for Everyone Act, 2022

Councillor Reilly stressed that he felt it was important to support the Town of East Gwillimbury's resolution as Bill 109 has put staff into a difficult and unfair situation, potentially creating a liability for the Township, as stated in the call for action states that some of the timelines which may be suitable for larger municipalities with more resources; however, small municipalities will likely suffer resulting in unnecessary and significant costs for the municipality which will ultimately have an effect on our taxpayers due to the municipality having to refund fees when the very short and strict timelines are not met. Councillor Reilly requested a friendly amendment to the resolution and asked that the Township's MPP, Sam Oosterhoff be added to the motion and circulated copy of this resolution.

Councillor Jonker agreed with the friendly amendment to add Sam Oosterhoff, MPP - Niagara West and the Clerk provided the change to the resolution prior to Council's consideration.

**Moved By** Councillor William Reilly

**Seconded By** Councillor Harold Jonker

That, the correspondence from the Town of East Gwillimbury, dated June 15, 2022, requesting the Government of Ontario to revisit the provisions of Bill 109 and work with all stakeholders, including municipalities



represented by the Association of Municipalities of Ontario to deliver legislation that allows municipalities to plan, grow and deliver communities that adhere to local, provincially-approved Official Plans, rather than strict statutory timelines; be received and supported; and,

That, a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, MPP Caroline Mulroney, the Minister of Municipal Affairs and Housing, Niagara West MPP, Sam Oosterhoff, Regional Chairs in Ontario, the Association of Municipalities of Ontario (AMO) and all Ontario municipalities.

**Carried**

## **12. MAYOR'S REMARKS**

Mayor Bylsma stated that last Friday was the ground breaking ceremony for Station #2 Fire Hall, and that he was excited that this project was moving forward. Mayor Bylsma stated that on July 15th, 2022, West Lincoln will be hosting the Niagara 2022 Canada Summer Games Torch Relay. Mayor Bylsma advised that details of the event could be found on the Township's as well as on the Niagara 2022 Canada Summer Games' websites. Mayor Bylsma reviewed the route that will be taken on July 15<sup>th</sup> and stated that he was pleased to be running in the torch relay and that the Township's CAO will also be participating in this event. Mayor Bylsma stated that he was looking forward to the Niagara 2022 Canada Summer Games which will be commencing at the beginning of August.

## **13. REPORT OF COMMITTEE**

13.1 Planning/Building/Environmental Committee  
Re: Minutes of June 13, 2022

**Moved By** Councillor William Reilly

**Seconded By** Councillor Cheryl Ganann

1. That, the minutes of the open session portion of the June 13, 2022 Planning/ Building/ Environmental Committee meeting, be accepted, and the recommendations contained therein, be approved; and,
2. That, the confidential minutes relating to the closed session portion of the June 13, 2022 Planning/ Building/ Environmental Committee meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with Section 239 of the Municipal Act.

**Carried**

13.2 Administration/Finance/Fire Committee

Re: Minutes of June 20, 2022

Councillor Reilly stated that the June 20, 2022 Administration/Finance/Fire Committee agenda contained an error with respect to Item A48-22 and that the amount of \$4,160 as provided on page 12 of the minutes should have read \$3,160. Councillor Reilly stated that he had pulled this item from the minutes in order that the correction could be made to the minutes.

The Clerk stated that she would correct the error contained in the June 20<sup>th</sup>, 2022 Administration/Finance/Fire Committee minutes, as provided by Councillor Reilly.

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor William Reilly

1. That, the minutes of the June 20, 2022 Administration/ Finance/ Fire Committee meeting, be accepted, and that the recommendations contained therein, be approved with the exception of Item # A48-22.

**Carried**

**ITEM A48-22 – Recommendation Report No. T-16-2022:**

**Moved By** Councillor William Reilly

**Seconded By** Councillor Shelley Bradaric

That, June 20, 2022 Administration/Finance/Fire Committee minutes be corrected, specifically with respect to the comments provided under Item A48-22 (Recommendation Report T-16-2022), by deleting the amount of \$4,160 and replacing it with \$3,160, as noted at the top of page 12.

**Carried**

13.3 Public Works/Recreation/Arena Committee

Re: Minutes of June 20, 2022

**Moved By** Councillor Harold Jonker

**Seconded By** Councillor Jason Trombetta

1. That, the minutes of the June 20, 2022 Public Works/ Recreation/ Arena Committee meeting, be accepted, and the recommendations contained therein, be approved; and,

2. That, the confidential minutes relating to the closed session portion of the June 20, 2022 Public Works/ Recreation/ Arena Committee

meeting be accepted; and that the minutes remain confidential and restricted from public disclosure in accordance with section 239 of the Municipal Act.

**Carried**

**14. RECONSIDERATION**

There were no items put forward for reconsideration.

**15. NOTICE OF MOTION TO RESCIND**

There were no motions to rescind put forward by any Member of Council.

**16. OTHER BUSINESS**

16.1 TABLED ITEM (March 28, 2022 Council Meeting)

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-36-2022 - Smithville Landowners Group request for support of Minister's Zoning Order (MZO)

16.2 Director of Planning & Building (Brian Treble)

Re: Technical Report PD-065-22 – Official Plan Amendment No. 63 - Policy and Land Use Mapping of Urban Boundary Expansion Lands and Policy Adjustment to Existing Smithville Urban Area

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Harold Jonker

1. That, Report PD-65-2022, regarding “”, dated June 27<sup>th</sup>, 2022, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee meeting following the receipt of any additional public or agency comments now that the new Regional Official Plan has been adopted by Regional Council.

**Carried**

16.3 CAO (Bev Hendry)

Re: Report No. CAO-03-2022 - West Lincoln Corporate Strategic Plan 2022 Mid-Year Status Update

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor William Reilly

1. That Information Report CAO-03-2021 regarding “West Lincoln Corporate Strategic Plan 2022 Mid-Year Status Update” dated June

27, 2022, be received for information.

**Carried**

- 16.4 Director of Planning & Building (Brian Treble) & Planner II (Madyson Etzl)  
Re: Memorandum - 7005 Concession 4 Road - JCT Services By-Law No:  
2022-62

**RECEIVED FOR INFORMATION**

- 16.5 Members of Council  
Re: Council Remarks

(1) Councillor Cheryl Ganann

Re: Canada Day Celebrations, West Lincoln Chamber of Commerce  
Barbeque & Niagara 2022 Canada Summer Games Torch Relay

Councillor Ganann stated that this coming Friday was Canada Day and she reminded residents that there have been a lot of festivities planned at Leisureplex Sports Park and encourage everyone to join in on the celebrations.

Councillor Ganann stated that on Saturday, July 23, 2022, the West Lincoln Chamber of Commerce will be hosting their Community Barbeque from 10 am to 3 pm at the West Lincoln Community Centre.

Councillor Ganann that the route of the Niagara 2022 Canada Summer Games Torch Relay will be finishing at the West Lincoln Community Centre, where the Farmers' Market will be going on as well as the first Music in the Park event which will be held at the new band shell at the Community Centre.

(2) Councillor William Reilly

Re: Station #2 Fire Station Ground breaking, Santa Claus Parade  
Committee, Niagara Transit Committee

Councillor Reilly stated he was excited to be a part of the ground breaking ceremony for the Station 2 Fire Station. Councillor Reilly stated that this past month the Santa Claus Parade Committee had met and were forming plans for the return of a parade. Councillor Reilly stated that he will be attending the first Niagara Transit Committee meeting this week and that he will providing updates accordingly to keep all Members of Council informed with respect to the Niagara Transit project.

(3) Councillor Harold Jonker

Re: West Lincoln Chamber of Commerce Community Barbeque - July 23,  
2022 - Touch a Truck Event

Councillor Jonker stated that the West Lincoln Chamber of Commerce's upcoming Community Barbeque will also include a Touch a Truck event and encouraged the community to attend.

(4) Councillor Mike Rehner

Re: Fire Station 2 Ground breaking Ceremony

Councillor Rehner thanked everyone that participated in the ground breaking ceremony for Fire Station #2 and expressed his gratitude to Council for supporting this initiative.

Councillor Jonker stated his appreciation to the volunteer firefighters of Station #2, and that he was grateful they were getting a new fire station.

(5) Councillor Jason Trombetta

Re: New Station 2 Fire Station and Canada Day

Councillor Trombetta echoed what others Members of Council had stated with respect to Station 2 Fire Station and wished Council and residents a Happy 155th Canada Day.

## **17. NEW ITEMS OF BUSINESS**

There were no new items of business brought forward by any Member of Council.

## **18. BY-LAWS**

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor Harold Jonker

1. That, leave be granted to introduce By-laws # 2022-48, 2022-49, 2022-50, 2022-51, 2022-52, 2022-53, 2022-54, 2022-55, 2022-56, and 2022-57, 2022-58, 2022-59, 2022-60, and 2022-61 and that the same shall be considered to have been read a first, second, and third time with one reading, and are hereby adopted; and,
2. That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

**Carried**

### **18.1 BY-LAW 2022-48**

A By-law to confirm the proceeding of the Council of the Corporation of the Township of West Lincoln at its regular meeting held on the 24<sup>th</sup> day of May, 2022.



**18.2 BY-LAW 2022-49**

A By-law to provide for paying Remuneration and Expense Allowances to the Members of Council.

**18.3 BY-LAW 2022-50**

A By-law to amend By-law 2002-115 which By-law Confirms Fees and Charges for the Corporation of the Township of West Lincoln.

**18.4 BY-LAW 2022-51**

Being a By-law to amend By-law 2013-58 which adopted rules for Procedures of Council and Committees thereof.

**18.5 BY-LAW 2022-52**

A By-law to authorize an agreement between the Corporation of the Township of West Lincoln and J. L. Richards & Associates Limited for the Detailed Condition Survey Work for the Campbell Bridge.

**18.6 BY-LAW 2022-53**

A By-law to amend By-law 2002-115 which By-law confirms Fees and Charges for the Corporation of the Township of West Lincoln.

**18.7 BY-LAW 2022-54**

Being a By-law to amend By-law 2004-42, as amended, which regulated the Supply of Water and provides for the Imposition and Collection of Water and Wastewater rates.

**18.8 BY-LAW 2022-55**

A By-law to authorize a Development Agreement between the Corporation of the Township of West Lincoln, JCT Services, Joe Diliuio, and any mortgagees for the lands described as Concession 5, Part Lot 39, Formerly in the Township of Gainsborough, Now in the Township of West Lincoln, Regionally Municipally known as 7005 Concession 4 Road.

**18.9 BY-LAW 2022-56**

A By-law to authorize an amending site plan agreement with DeHaan Homes Inc., and Meridian Credit Union on lands described as PT LTS 20 & 57 PL M88.

**18.10 BY-LAW 2022-57**

A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln

**18.11 BY-LAW 2022-58**

A By-law to authorize a site plan agreement between the Corporation of the Township of West Lincoln, Joan Miller Trustee, Silverdale Sports

Centre Ltd., and any mortgagees for lands described as Concession 4, Part Lot 16, in the former Township of Gainsborough, now in the Township of West Lincoln.

**18.12 BY-LAW 2002-59**

A By-law to authorize a development agreement between the Corporation of the Township of West Lincoln, Albino Giro, Marcus Bruno Giro, Stephan Lino Giro, Nathan Joseph Giro-Norton, Palmira Giro-Norton, Anthony Daniel Giro-Norton, and any mortgagees for lands described as Concession 6, Part Lot 6, Part 1 of 30R3739 in the former Township of Gainsborough, now in the Township of West Lincoln.

**18.13 BY-LAW 2022-60**

A By-law to amend By-law 89-2000 which regulates Traffic and Parking on Township Roads.

**18.14 BY-LAW 2022-61**

A By-law to amend Zoning By-law No. 2017-70, as amended, of the Township of West Lincoln.

**19. CONFIDENTIAL MATTERS**

All Members of Committee noted as present, with the exception of Council Jonker, as well as the CAO, Director of Planning & Building and the Clerk were in attendance for closed session.

Councillor Jonker left the meeting at approximately 8:51 p.m. and did not return.

**NOTE:** Before proceeding into closed session deliberations, all members in attendance and the CAO stated their name and confirmed that they understood and affirmed to the following statement:

"You understand and will ensure that all matters discussed in the confidential portion of this meeting will be and will remain confidential; there is no one else present with you; and, that there is no one else who can hear the closed session discussion. Also, please confirm that you are not using any electronic devices other than your tablet or computer and that it is being used for the purpose of the video conferencing only and not to record any portion of this meeting. As well you have not shared or forwarded the link to the confidential ZOOM invitation to anyone."

**Moved By** Councillor Jason Trombetta

**Seconded By** Councillor Mike Rehner

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

19.1. Director of Planning & Building (Brian Treble)

Re: Personal Matters - Confidential Report No. PD-64-22 - Four Year Contract Renewal for Delivery of Services under Part 8 of the Ontario Building Code

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

- personal matters about an identifiable individual, including municipal or local board employees (8:51 p.m.)

**Carried**

**Moved By** Councillor Shelley Bradaric

**Seconded By** Councillor Cheryl Ganann

That, this Council meeting does now resume in open session at the hour of 9:01 p.m.

**Carried**

19.1 Director of Planning & Building (Brian Treble)

Re: Personal Matter - CONFIDENTIAL - Recommendation Report PD-64-2022 - Four Year Contract Renewal for Delivery of Services under Part 8 of the Ontario Building Code

**Moved By** Councillor Harold Jonker

**Seconded By** Councillor William Reilly

1. That, Report PD-64-22, regarding “Four Year Contract Renewal for Delivery of Services under Part 8 of the Ontario Building Code”, dated June 27, 2022, be RECEIVED; and,
2. That, the recommendation contained therein be and is hereby approved.

**Carried**

**20. BY-LAWS (CONTINUED)**

**Moved By** Councillor Mike Rehner

**Seconded By** Councillor William Reilly

1. That, leave be granted to introduce By-law 2022-62 and that the same shall be considered to have been read a first, second, and third time with one reading, and is hereby adopted; and,
2. That, the Mayor and Clerk be and are hereby authorized to sign and affix the Corporate Seal thereto, any rule of this Council to the contrary notwithstanding.

**Carried**

**20.1 BY-LAW 2022-62**

A By-law to Authorize an agreement between the Corporation of the Township of West Lincoln and Lyle Killins for the provision of Sewage System Inspection Services in accordance with the Ontario Building Code.

**21. ADJOURNMENT**

The Mayor declared the meeting adjourned at the hour of 9:03 p.m.

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**JOANNE SCIME, DIRECTOR OF  
LEGISLATIVE SERVICES/CLERK**

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**MAYOR DAVE BYLSMA**

**Multi Municipal Wind Turbine Working Group  
MINUTES**

**Meeting No. MMWTWG-02-2022  
Thursday, April 14, 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  
Scott Mackey - Township of Chatsworth  
Tom Allwood - Municipality of Grey Highlands  
Dane Nielsen - Municipality of Grey Highlands  
Stewart Halliday - Citizen - Municipality of Grey Highlands  
Bob Purcell - Municipality of Dutton Dunwich  
Stephen Miles - Town of Grand Valley  
Bonnie Rowe - Dutton Dunwich Opponents of Wind Turbines (DDOWT) on behalf of Jamie Littlejohn

Others Present: Julie Reid - Recording Secretary  
Warren Howard  
Margaret Mercer  
John Bryant

**1. Call to Order**

Chair Allwood called the meeting to order at 7:00pm. A quorum was present.

He welcomed new Member Municipality's, The Municipality of Dutton-Dunwich and the Town of Grand Valley, along with their appointed members.

**2. Adoption of Agenda**

**MMWTWG-2022-11**

**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 adopts the agenda of the April 14, 2022 meeting as circulated by the Recording Secretary.

**Carried**

**3. Disclosures of Pecuniary Interest and General Nature Thereof**

None.

**4. Minutes of Previous Meetings**

**4.1 February 10, 2022 Meeting Minutes**

**MMWTWG-2022-12**

**Moved by:** Mark Davis - Municipality of Arran-Elderslie

**Seconded by:** Stewart Halliday - Citizen - Municipality of Grey Highlands

Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby approves the minutes of the February 10, 2022 meeting as presented by the Recording Secretary.

**Carried**

**5. Business Arising from the Minutes**

**5.1 March 28, 2022 from the Ministry of Energy Re: Letter regarding Ontario's Energy Plan - Chair Allwood**

A letter was received from the Ministry of Energy in response to the letter sent to the Ministry on March 28, 2022 regarding Ontario's Energy Plan.

The letter appeared very generalized and appeared bureaucratic. It notes that the Independent Electricity System Operator (IESO) released its 2021 Annual Planning Outlook, which forecasted an emerging electricity need of at least 1,000 megawatts.

During discussion, it was noted that this appears to be discrepant against what grid watch currently shows 39,000 megawatts available. There is no argument that the Province needs to do some planning but grid watch shows around usages of between 14,000 - 20,000 MW in the afternoons during the highest peak. One noted problem is that wind does not

contributes little to no power during the summer months when it is needed most.

Further discussion noted that the 1,000 MW need is forecasted for 2025-2026 and is a part of the long-term proposal that the IESO is putting together following closure of Pickering Nuclear Generating Station and ongoing refurbishment of Ontario's other nuclear facilities. To meet the supply gap that cannot be met by existing resources, the Minister of Energy has directed the IESO to design a procurement called the Long-term Request for Proposals (LT RFP). The LT RFP will be designed to competitively procure new capacity by providing longer-term certainty to incent capital investment, while continuing to balance risk between ratepayers and electricity resource suppliers. The LT RFP will seek resources that can be in service between 2026 and 2028.

The Chair noted that it is positive that the Working Group has now been engaged with the Ministry and that some traction and response has been gained with the efforts. The members agreed that it is important to build on the traction that is being gained.

Reference was made to feedback made on the IESO website which are quite interesting.

Ms. Rowe is a member of the DDOWT as well as a Councillor in West Elgin. She attended the IESO presentation this week and provided a brief overview for the Working Group. They indicated that it was a combination of agricultural need as well as the new battery production industry. She added that West Elgin Council began the process of creating an interim control bylaw to put a hold on any wind developments until their Official Plan was completed.

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

**MMWTWG-2022-13**

**Moved by:** Bonnie Rowe - Dutton Dunwich Opponents of Wind Turbines (DDOWT)

**Seconded by:** Bob Purcell - Municipality of Dutton Dunwich

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby receives the letter received from the Minister of Energy for information purposes.

## 6. Delegations/Presentations

### 6.1 A General Update on Developments and WCO Activities - Warren Howard

Mr. Howard provided a brief overview of Wind Concerns Ontario activities.

Report on the well water in North Kent was released this week

- Families in the area of the North Kent 1 wind power project complained of contaminated, discoloured, grit-filled water when turbine construction began in 2017. The report of an Expert Panel reviewing water samples concluded that water quality was poor, and the change is definitely linked to turbine construction and operation. The Panel recommended that more samples be taken, and that the municipality work with residents to find a solution to the problem.

Setback bylaws in Ontario municipalities

- Wind Concerns Ontario sent a letter and our setback recommendation statement to more than 120 municipalities in March. This has been discussed by some Municipal Council's and the recommendation of the WCO is a 2 km minimum setback. Mr. Howard made a presentation to North Perth on this topic and will be presenting to the Perth County Council next week,

Noise Audits

- The operator of the Nation Rise project in Eastern Ontario, failed to submit a mandatory acoustics audit of its transformer substation. The audits are required to validate compliance with noise regulations. An extension was granted by the MECP until June. WCO was prepared to file an appeal to the extension however,

Indigenous Participation in Clean Energy

- The Federal Government announced that it will assist in the development of "clean fuel" projects where ownership is at least partially indigenous, by funding development costs up to 75%.

Communications with MPPs

- WCO has written MPP's in who have wind turbines who have operating wind turbines in their ridings. They have tired to contact Conservative MPP's who are retiring to highlight areas that need addressing before the election is called.

He spoke to a few other information items that were included in the agenda package.

Members of the Working Group noted that not all municipalities have seen the correspondence. They noted that it is important for the Working Group to stand behind all of the 2 km setback recommendations. Dutton Dunwich already has the 2000 metre setback in their official plan. They are happy to share their copies of their official plan and Zoning bylaws as they relate to this matter.

The Recording Secretary will circulate the WCO Setback Recommendation with the approved minutes for inclusion on Member Municipality for inclusion on agendas for Council consideration during their Official Plan and Zoning bylaw reviews.

The Working Group discussed the recommendation of the 2 km setback from Wind Concerns Ontario (WCO). It was noted that the mandate of the Working Group is to recommend best practices to ministries member municipalities and it was suggested that the recommended setbacks be sent to the ministries and the member municipalities immediately.

Mr. Palmer spoke briefly about his presentation to the Council of the Municipality of Kincardine and noted that the question that arose from that presentation was if WCO would make a recommendation to the Municipality.

It was decided that a further discussion on this topic and a formal motion would be made later in the agenda.

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

**MMWTWG-2022-14**

**Moved by:** Stewart Halliday - Citizen - Municipality of Grey Highlands

**Seconded by:** Mark Davis - Municipality of Arran-Elderslie

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby receives the Wind Concerns Ontario updates provided by Mr. Howard for information purposes.

**Carried**

## **7. Correspondence**

### **7.1 Requiring Action**

#### **7.1.1 Approval of Recording Secretary Invoice - February & March**

The Working Group passed the following resolution:

#### **MMWTWG-2022-15**

**Moved by:** Scott Mackey - Township of Chatsworth

**Seconded by:** Dane Nielsen - Municipality of Grey Highlands

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby approves for payment the invoice for February and March Recording Secretary services.

**Carried**

### **7.2 For Information**

#### **MMWTWG-2022-16**

**Moved by:** Steve Adams - Municipality of Brockton

**Seconded by:** Bob Purcell - Municipality of Dutton Dunwich

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby accepts the correspondence contained in 7.2.1 and 7.2.2 for information purposes.

**Carried**

#### **7.2.1 Briefing Note on Zoning Amendments**

#### **7.2.2 Presentation to North Perth on changing Zoning By-Laws**

#### **7.2.3 Resolutions of Support for MMWTWG Initiatives**

#### **MMWTWG-2022-17**



**Moved by:** Bonnie Rowe - Dutton Dunwich  
Opponents of Wind Turbines (DDOWT)

**Seconded by:** Mark Davis - Municipality of Arran-  
Elderslie

Be It resolved that the Multi Municipal Wind Turbine Working Group hereby accepts the correspondence contained in 7.2.3 for information purposes.

**Carried**

#### 7.2.4 WCO Setback Recommendation

The Working Group discussed the recommendation of the 2 km setback from Wind Concerns Ontario (WCO). It was noted that the mandate of the Working Group is to recommend best practices to ministries and member municipalities and it was suggested that the recommended setbacks be sent to the ministries and the member municipalities immediately.

Mr. Palmer spoke about his presentation to the Council of the Municipality of Kincardine, as a private individual, and noted that the question that arose from that presentation was if WCO would make a recommendation to the Municipality. Following the presentation, Kincardine's Deputy Mayor, as a member of the MMWTWG, indicated he would ask the MMWTWG to request that the Working Group make a recommendation to Council's on the adoption of the WCO recommendations. It was further noted that the problem with the current 550 metre setback, there could potentially be approximately 30 turbines within 3 kms. The idea of a general 2 km setback is a good way to ensure that protection is in place.

Mr. Palmer propose a motion to support that recommendation. Further discussion indicated that there were other setback concerns that needed to be addressed immediately.

The Working Group discussed the recommended verbiage of the motion. It was suggested that the MMWTWG provide the recommendation directly, instead of endorsing other recommendations with links to further background information. Also, that it be distributed to all municipalities in Ontario.

Members supported the presentation that Mr. Palmer made to the Council of the Municipality of Kincardine and Chair Allwood asked that the presentation that Mr. Palmer made be distributed with the minutes to Member Municipalities.

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

**MMWTWG-2022-17**

**Moved by:** Bill Palmer - Citizen - Municipality of Arran-Elderslie

**Seconded by:** Bob Purcell - 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**

**8. New Business**

**8.1 Grey Highlands Resolution Re: Wind Turbine Safety Protocol - Chair Allwood**

Chair Allwood presented the following resolution to Grey Highlands Council:

2022-128

Tom Allwood - Dane Nielsen

That Council direct staff to bring forward a protocol for investigation and reporting of wind turbine accidents in Grey Highlands based on the protocol provided by the Multi-Municipal Wind Turbine Working Group.

CARRIED

It was supported unanimously by Council. It is currently in staff hands and once it is returned and approved, it will be distributed to all municipalities in Ontario.

**MMWTWG-2022-18**

**Moved by:** Stewart Halliday - Citizen - Municipality of Grey Highlands

**Seconded by:** Steve Adams - Municipality of Brockton

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby received for information.

**Carried**

**8.2 Plateau Wind Farm Inquiry - Chair Allwood**

Chair Allwood received a phone call from Tom Humphrey's regarding the Plateau Wind Farms following an inquiry from a media outlet regarding the work that the MMWTWG is currently engaged in.

He did not engage in discussions without the expressed consent on the Working Group. He advised the group that he had not returned the call and when he did, he intended to speak about the protocol that the Working Group had endorsed. He was specifically looking for what the Working Group was looking for.

In 2010, Grey Highlands was working on an Official Plan Amendment regarding wind turbines however it was sidelined by the Green Energy Act. The sighting for new wind turbines is now back into Municipal hands so the zoning amendments work is becoming important.

The Working Group had no concerns with Chair Allwood returning the call. He will provide an update at the next meeting.

### **8.3 Recommendation from WCO regarding Wind Turbine Setbacks - Bill Palmer**

The discussion on this agenda item was integrating into agenda item 7.2.4.

## **9. Members Updates**

Guest Attendee, John Bryant, a Councillor from Tiny Township addressed the Working Group to gain some insight into how his Township can address the concerns raised with respect to wind turbine projects during their re-zoning process.

There are some original bylaws from some time ago. The Recording Secretary will attempt to locate these bylaws and send them to Mr. Bryant.

Other discussions items noted many local fire services would be unable to provide rescue services so the onus would be on the company to provide that safety aspect, to Council's satisfaction. Provisions under the Municipal Act to provide for health, safety and well-being can override the Planning Act and that is a direction to look in.

Members also directed Mr. Bryant to review policies and briefing notes that are included in the agenda package from various municipalities. Municipalities can also declare themselves an unwilling host. It was also noted that the Official Plan should back up the zoning bylaw and that fees can be built into a municipalities fee bylaw for things such as building permits.

Mr. Bryant thanks the group for their input.

## **10. Closed Session (if required)**

Not Required.

## **11. Confirmation of Next Meeting**

Thursday, June 9, 2022 - 7 p.m. via Zoom

## **12. Adjournment**

Prior to adjournment, Vice-Chair Steve Adams, on behalf of the MMWTWG, thanked Mr. Palmer and Mr. Howard for their continued contributions to the key issues that the Working Group addresses.

**MMWTWG-2022-19**

**Moved by:** Stewart Halliday - Citizen - Municipality of Grey Highlands

**Seconded by:** Bonnie Rowe - Dutton Dunwich Opponents of Wind Turbines (DDOWT)

Be It Resolved that the meeting of the Multi-Municipal Wind Turbine Working Group is hereby adjourned at 8:40 p.m.

**Carried**

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Tom Allwood, Chair

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Julie Reid, Recording Secretary



**DATE:** July 18, 2022  
**REPORT NO:** WLFD-09-2022  
**SUBJECT:** Monthly Update June 2022  
**CONTACT:** Dennis Fisher, Fire Chief

**OVERVIEW:**

- This report will address June 2022 fire responses and activities.

**RECOMMENDATION:**

That, Information Report WLFD-09-2022 regarding “Monthly Update – June 2022”, dated July 18, 2022, be received for information purposes.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #5**

- Community Health and Safety – Fostering a safe community where residents can thrive throughout their lives.

**Theme #6**

- Efficient, Fiscally Responsible Operations – maintaining a lean organization with innovative approaches and strong asset management.

**CURRENT SITUATION:**

**Emergency Response Calls – June 2022**

Station # 1 – 34    Station # 2 – 11    Pelham – 3

Incident	Call Date	Call Time	Nature	District
2022-008622	06/30/2022	21:56:38	1 - Structure Fire	GR – St # 1
2022-008581	06/30/2022	14:59:21	3 - Grass Fire	St # 1&2
2022-008516	06/29/2022	15:42:48	41 - Mvc Extrication	St # 1&2
2022-008486	06/28/2022	21:37:10	5 - Emergency Medical Assistance	St # 1
2022-008455	06/28/2022	11:38:31	2 - Vehicle Fire	St # 1

2022-008318	06/25/2022	21:15:56	4 - Mvc Unknown Extrication	St # 1& 2
2022-008295	06/25/2022	12:27:12	102 - Smoke In The Area	Pe 2- St # 1
2022-008285	06/25/2022	10:10:18	5 - Emergency Medical Assistance	St # 1
2022-008221	06/23/2022	20:00:49	1 - Structure Fire	St # 1&2
2022-008217	06/23/2022	19:36:29	41 - Mvc Extrication	St # 1&2
2022-008092	06/21/2022	21:58:52	8 - Non-Emergency Assistance	St # 1
2022-008084	06/21/2022	20:08:59	41 - Mvc Extrication	St # 1&2
2022-008081	06/21/2022	19:38:57	114 - Remote Alarm From Security	Pel # 2
2022-008079	06/21/2022	19:04:10	1 - Structure Fire	St # 1&2
2022-008069	06/21/2022	16:01:37	114 - Remote Alarm From Security	St # 1
2022-007911	06/18/2022	18:14:04	114 - Remote Alarm From Security	St # 1&2
2022-007799	06/16/2022	16:48:29	114 - Remote Alarm From Security	Pel # 2
2022-007789	06/16/2022	13:36:02	116 - Ruptured/Damaged Gas Line	St # 1&2
2022-007788	06/16/2022	13:24:36	104 - Electrical Fire	St # 1
2022-007744	06/15/2022	18:51:21	54 - Vsa/Unconscious	St # 1
2022-007658	06/14/2022	9:03:46	56 - Overdose	St # 1
2022-007616	06/13/2022	20:39:30	5 - Emergency Medical Assistance	St # 1
2022-007553	06/12/2022	22:24:47	2 - Vehicle Fire	St # 2
2022-007534	06/12/2022	15:45:48	41 - Mvc Extrication	St # 1
2022-007429	06/10/2022	15:58:08	4 - Mvc Unknown Extrication	St # 1&2
2022-007241	06/07/2022	11:36:05	6 - Hazardous Material - Single	St # 1
2022-007209	06/06/2022	19:46:38	114 - Remote Alarm From Security	St # 1
2022-007161	06/05/2022	22:04:13	115 - Alarm Bells Ringing	St # 1

2022-007150	06/05/2022	17:29:51	4 - Mvc Unknown Extrication	St # 1
2022-007054	06/03/2022	21:06:53	73 - Odour Investigation	St # 1
2022-007030	06/03/2022	11:29:34	4 - Mvc Unknown Extrication	St # 1
2022-007010	06/03/2022	1:25:01	5 - Emergency Medical Assistance	St # 1
2022-006974	06/02/2022	14:15:21	5 - Emergency Medical Assistance	St # 1
2022-006958	06/02/2022	11:27:50	3 - Grass Fire	St # 1
2022-006945	06/02/2022	9:25:55	5 - Emergency Medical Assistance	St # 1
2022-006940	06/02/2022	5:25:46	41 - Mvc Extrication	St # 1
2022-006889	06/01/2022	13:33:21	109 - Barn Fire	St # 1&2

## District Legend:

Grimsby = GR Pelham = Pel Haldimand = HD Lincoln = L

**New Retirees**

- Nothing to report

**New Recruits**

- New Recruit class training is moving towards Firefighter 1 certification

**Promotion**

- Nothing to report

**Training****June Training**

- June 1 – Ventilation – Water supply
- June 8 – Water supply – Ventilation
- June 15 – Officers meeting – Portable pumps – both stations
- June 22 – Business meeting / truck maintenance – both stations

**July Training**

- July 6 – Ladders / PPE – both stations
- July 13 – Live fire training – Grimsby training tower
- July 20 – Officers meeting – Hose / Nozzles – both stations
- July 27 – Business meeting / truck maintenance – both stations

**Fire Prevention**

- New Lieutenant Tamara Clark is working on new Fire Prevention programs
- Fire Department staff attended the Township's Canada Day Celebrations
- Fire Department staff will be attending the Canada Summer Games Celebration on August 8, 2022
- Fire Department staff will be attending then West Lincoln Chamber of Commerce Family BBQ – Touch a Truck on July 23, 2022

**Apparatus Fleet**

- New Fire Tanker – Construction is ongoing still looking at October 2022 delivery

**Fire Department Activities**

- Station # 2 New Fire Hall – Ground Breaking Ceremonies was held on Friday, June 24, 2022
- Niacon Construction has started construction site preparation work on the week of July 4<sup>th</sup>, all is going well, digging for building foundation footings the week of July 18<sup>th</sup>

**Mutual Aid**

- Assisted in Grimsby for a structure fire
- Requested tanker from Haldimand County for barn fire

**Prepared & Submitted by:**



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**Dennis Fisher**  
Fire Chief / CEMC

**Approved by:**



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**Bev Hendry**  
CAO

**DATE:** July 18, 2022  
**REPORT NO:** T-22-2022  
**SUBJECT:** **Financial Update as of June 30, 2022**  
**CONTACT:** Donna DeFilippis, Treasurer/Director of Finance

**OVERVIEW:**

- Presentation and analysis of operating and capital expenditures as of June 30, 2022
- The report discusses the current inflationary pressures impacting the Township budget, in particular Natural Gas, Vehicle Fuel and Corporate Insurance.

**RECOMMENDATION:**

That, Information Report T-22-2022, regarding the “Financial Update as of June 30, 2022”, dated July 18, 2022, be received for information.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #6**

- Efficient, Fiscally Responsible Operations - the Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

**BACKGROUND:**

The Finance Department has completed a review of operating results up to the end of June 30, 2022. **Appendix A** is a summary of the Operating Revenues and Expenditures up to June 30, 2022. The analysis has taken into account the timing and seasonality of certain budget lines. The column titled “Budget” under the “Operating YTD” heading on the attached analysis indicates the portion of the budget that would be expected to be expended as of June 30, 2022. This report summarizes the actual operating expenditures up to June 30, 2022 by service area. **Appendix B** to this report is a presentation of June 30, 2022 results by “object” code and includes Capital expenditures. **Appendix C** to this report is a listing of the Township Reserve Balances projected to December 31, 2022. **Appendix D** to this report provides a summary of costs incurred as a result of the Covid-19 pandemic as of June 30, 2022.



**CURRENT SITUATION:**

**Revenue Analysis:**

All revenue items are currently on track, with the exception of Facility Rentals, which have been impacted by COVID-19 related closures. Details regarding COVID-19 are provided further in the report. Council has approved the final 2022 tax rates and final property tax bills were issued in late June, with two instalment dates proposed for the end of July and the end of September.

The 2022 budget includes an amount of \$180,000 for revenue earned on cash and investments. Staff is confident that the actual revenue earned will exceed this amount given the current interest rate trend. This will be a very important mitigating factor to assist in addressing the expenditure concerns discussed below.

**Expenditure Analysis:**

Overall Township operating expenditures are currently within the approved budget. Staff are currently monitoring the impact that the current rate of inflation (7.7% as of May 2022) is having on Township operating costs. In particular, there is strong indication that natural gas and vehicle fuel costs will be exceeding 2022 approved budgets. In addition, the Township received their corporate insurance premium renewal, which has exceeded the 2022 budget. Further details are provided below. Staff will continue to monitor expenditures and will advise Council if a budget amendment is required to address the rising costs. Staff is hopeful that interest/investment revenue will help to offset these inflationary expenses.

**Natural Gas:** The Township paid a total of \$57,715 in 2021 for Natural Gas. In 2022, to date, the Township has paid \$55,465.77 in Natural Gas. Rates increased by 22% in March/April of 2022 and have increased 71% since the beginning of 2021. Staff budgeted \$70,600 in 2022, which represents a 22% increase over 2021 actual costs, however, it is evident that given the recent increases to rates the 2022 budget allocation will not be enough. Staff is projecting that Natural Gas will exceed budget by \$42,000.

**Fuel:** The Township paid a total of \$129,338 in 2021 for vehicle fuel. The 2022 budget has been set at \$158,700. As of the end of April, 2022, vehicle fuel costs total \$91,505. If this trend continues, staff is projecting that vehicle fuel could exceed the 2022 budget by \$115,000, or 72 percent.

**Corporate Insurance:** The Township's Corporate Insurance premiums will exceed the 2022 budget of \$301,900 by approximately \$13,000. The 2022 budget did include an 18% increase to this budget line, however, actual premium costs have increased 23% over 2021 budget. The Cyber premium, which is included in the above figure increased by 31%. The Township is actually quite fortunate that we were able to retain Cyber insurance as many municipalities have not been able to purchase a Cyber premium this year as this area has become uninsurable for some municipalities.

As part of premium negotiations, staff requested the submission of various premium scenarios that included larger deductibles. The proposed reduction in the premium was not worth the financial risk of increasing the current \$10,000 deductible. This area will

continue to be monitored by staff in future premium renewals. The municipal insurance market is faced with higher premiums for several reasons, as outlined below:

- Change in weather patterns that have produced catastrophic storms at a higher rate than in the past
- A rise in the frequency and value of Cyber attacks
- Joint and Several Liability- this is an item that the Township will be highlighting at one of the AMO delegation sessions in August 2022. Current legislation directs that a person injured by two or more wrongdoers may collect full damages from one of the wrongdoers regardless of the proportion of liability. For example, a municipality may be 5% at fault in a motor vehicle accident, but may be liable to pay out 100% of the claim.
- Damage awards are increasing in value
- Inflation- the cost of replacement values is rising

The above three items result in an over-budget projection of \$167,000 based on the current information available. Staff will continue to monitor expenditures and revenues and will keep Council regularly updated. At the present time, there is no requirement for a budget amendment.

#### **Financial Impact of COVID-19:**

The COVID-19 pandemic continues to impact the finances of the Township in 2022. **Appendix D** outlines the costs and lost revenue as a result of COVID-19 up to May 31, 2022. On January 3, 2022, the Provincial government announced that Ontario would move to a modified Step 2 of its Roadmap to Reopen, effective January 5, 2022 at 12:01a.m. This meant the closure of the Community Centre until January 30<sup>th</sup>, 2022, with a re-opening date of January 31, 2022. This closure impacted the Facility Rental Income that the Township collects. In addition, the Township was required to screen visitors to our facilities for proof of vaccination by QR (Quick Response) code and ID for all patrons 12 and over up to March 1, 2022.

We are fortunate that we have been in receipt of Provincial Funding to assist with the financial burden that the COVID-19 pandemic and response plan has had on the Township. In 2020, the Township received \$329,800 from the Province of Ontario through the Safe Restart Agreement, of which \$48,087 has been transferred into the Contingency Reserve to be used to fund 2021 COVID-19 costs. In December 2020, the Province announced that it would transfer an additional \$66,000 to the Township to assist with the COVID 19 impacts. Finally, on March 4<sup>th</sup>, 2021 funding of \$267,744 was announced from the Province through the 2021 COVID-19 Recovery Funding for Municipalities program. This last allocation was based on a formula that takes into account the proportion of COVID-19 cases in the local health unit between January 1 and February 18, 2021. In total, \$381,831 in funds were available in 2021 to assist with COVID-19 impacts to the Township Operating fund. At the end of 2021, staff were able to retain \$96,802.28 of this funding to use for 2022 COVID 19 costs.

In addition, Township staff made application through the Niagara Region for consideration for funding to assist with costs incurred and revenue lost in relation to the Township's role in hosting COVID-19 vaccination clinics.

Staff were informed by Niagara Region staff on March 31<sup>st</sup>, 2022 that the full amount applied for: \$50,063.99 was approved by the Province and would be forwarded to the Township. This funding, along with previous unallocated provincial grants provides the Township **\$146,866.27** to fund COVID-19 related costs and to off-set lost revenues.

**Appendix D** indicates that as of June 30, 2022, the Township has incurred a total of \$95,610 in lost revenues and additional costs related to COVID-19.

### Purchasing Activity:

The Township's purchasing policy grants the CAO purchasing authority up to \$100,000. The chart below summarizes the approvals from the CAO in June 2022.

Vendor	Amount	Project
Jonathan Morgan and Company Ltd.	\$ 19,827.88	Caistorville Library Furniture

### FINANCIAL IMPLICATIONS:

Amendments to the approved budget are requested by staff when they become aware of changes to the original Council approved budget. As part of the 2022 budget approval, Council approved the following recommendation:

*"7. That, Council delegate authority to the CAO to approve in year 2022 budget amendments up to \$20,000 per item and to report to Council on a monthly basis regarding such amendments; and, "*

Any amounts over \$20,000 would go directly to Council for approval

To date, the following budget amendments have been approved:

Number	Description	Amount	Funding Source
BA2022-01	Finance Department Digitalization	\$ 143,000.00	Provincial Grant
		\$ 17,676.00	Contingency- Modernization Grant - leftover budget project
		\$ 10,000.00	Technology - leftover Financial software project
		\$ 7,324.00	Operating Budget- Consulting
		<b>\$ 178,000.00</b>	<b>Total</b>
BA2022-02	Grader Purchase	\$ 63,000.00	Equipment Reserve
BA2022-03	Road Rehabilitation Project	reallocation	reallocation
BA2022-04	Replacement of Fire Station 2	\$ 200,000.00	Canada Community-Building Fund
		\$ 650,000.00	Debenture Issue
		\$ 400,000.00	Contingency Reserve
		<b>\$ 1,250,000.00</b>	<b>Total</b>
BA2022-05	Campbell Bridge Deck Condition Survey	\$ 1,050.00	Development Charges
		\$ 9,450.00	Bridge Reserve
		<b>\$ 10,500.00</b>	<b>Total</b>

**INTER-DEPARTMENTAL COMMENTS:**

This report has been reviewed by the CAO.

**CONCLUSION:**

Staff is recommending that Council receive this report as an item of information.

**Prepared & Submitted by:**



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**Donna DeFilippis**  
Director of Finance

**Approved by:**



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**Bev Hendry**  
CAO

TOWNSHIP OF WEST LINCOLN

For the Six Months Ending June 30, 2022

	Actuals	Operating YTD			Operating Total		
		Budget	Variance (\$)	Variance (%)	Budget	Variance (\$)	Variance (%)
<b>General</b>							
General	(\$8,984,874.84)	(\$4,959,720.00)	\$4,025,154.84	(81.%)	(\$9,919,570.00)	(\$934,695.16)	9.%
Equipment	-196,918.87	30.00	196,948.87	656496.%		196,918.87	0.%
<b>Total General</b>	<b>-9,181,793.71</b>	<b>-4,959,690.00</b>	<b>4,222,103.71</b>	<b>(85.%)</b>	<b>-9,919,570.00</b>	<b>-737,776.29</b>	<b>7.%</b>
<b>General Government</b>							
Governance	175,262.02	148,120.00	-27,142.02	(18.%)	297,400.00	122,137.98	41.%
Corporate Management	645,556.30	903,939.98	258,383.68	29.%	1,809,670.00	1,164,113.70	64.%
<b>Total General Government</b>	<b>820,818.32</b>	<b>1,052,059.98</b>	<b>231,241.66</b>	<b>22.%</b>	<b>2,107,070.00</b>	<b>1,286,251.68</b>	<b>61.%</b>
<b>Protection Services</b>							
Fire	756,672.25	702,720.00	-53,952.25	(8.%)	1,367,480.00	610,807.75	45.%
Building Permit & Inspection S	257,597.82	50,430.02	-207,167.80	(411.%)	102,510.00	-155,087.82	(151.%)
Provincial Offences Act	-5,985.74	-11,760.00	-5,774.26	49.%	-23,500.00	-17,514.26	75.%
Animal Control	9,852.76	10,740.00	887.24	8.%	21,500.00	11,647.24	54.%
<b>Total Protection Services</b>	<b>1,018,137.09</b>	<b>752,130.02</b>	<b>-266,007.07</b>	<b>(35.%)</b>	<b>1,467,990.00</b>	<b>449,852.91</b>	<b>31.%</b>
<b>Transportation Services</b>							
Roads Paved & Unpaved	1,487,303.50	1,143,690.00	-343,613.50	(30.%)	2,283,770.00	796,466.50	35.%
Traffic Operations & Roadside	67,861.30	123,100.00	55,238.70	45.%	248,430.00	180,568.70	73.%
Winter Control	544,514.22	320,780.00	-223,734.22	(70.%)	640,500.00	95,985.78	15.%
Crossing Guards	35,772.84	39,780.00	4,007.16	10.%	67,320.00	31,547.16	47.%
Streetlights	-12,623.00	14,080.00	26,703.00	190.%	28,300.00	40,923.00	145.%
Bridges & Culverts	170,862.00	118,320.00	-52,542.00	(44.%)	236,700.00	65,838.00	28.%
<b>Total Transportation Services</b>	<b>2,293,690.86</b>	<b>1,759,750.00</b>	<b>-533,940.86</b>	<b>(30.%)</b>	<b>3,505,020.00</b>	<b>1,211,329.14</b>	<b>35.%</b>
<b>Environmental Services</b>							
Wastewater	34,768.15	-68,970.00	-103,738.15	150.%		-34,768.15	0.%
Storm Sewer	3,393.78	57,780.00	54,386.22	94.%	115,500.00	112,106.22	97.%
Water	338,072.79	230.00	-337,842.79	(146888.%)		-338,072.79	0.%
<b>Total Environmental Services</b>	<b>376,234.72</b>	<b>-10,960.00</b>	<b>-387,194.72</b>	<b>3533.%</b>	<b>115,500.00</b>	<b>-260,734.72</b>	<b>(226.%)</b>
<b>Heath Services</b>							
Cemeteries	77,573.63	82,180.00	4,606.37	6.%	164,380.00	86,806.37	53.%
<b>Total Heath Services</b>	<b>77,573.63</b>	<b>82,180.00</b>	<b>4,606.37</b>	<b>6.%</b>	<b>164,380.00</b>	<b>86,806.37</b>	<b>53.%</b>
<b>Recreation &amp; Cultural Services</b>							
Parks	182,780.08	245,370.00	62,589.92	26.%	490,730.00	307,949.92	63.%
Recreation Programs	77,859.69	199,400.00	121,540.31	61.%	400,300.00	322,440.31	81.%
Recreational Facilities	385,670.34	241,910.00	-143,760.34	(59.%)	514,650.00	128,979.66	25.%
Libraries	326,332.46	359,600.00	33,267.54	9.%	720,100.00	393,767.54	55.%
<b>Total Recreation &amp; Cultural Services</b>	<b>972,642.57</b>	<b>1,046,280.00</b>	<b>73,637.43</b>	<b>7.%</b>	<b>2,125,780.00</b>	<b>1,153,137.43</b>	<b>54.%</b>
<b>Planning &amp; Development</b>							
Planning & Heritage	335,006.27	191,919.96	-143,086.31	(75.%)	384,560.00	49,553.73	13.%
Drainage	12,771.99	21,970.00	9,198.01	42.%	43,880.00	31,108.01	71.%
Farmers' Market	13,030.02	2,640.00	-10,390.02	(394.%)	5,390.00	-7,640.02	(142.%)
<b>Total Planning &amp; Development</b>	<b>360,808.28</b>	<b>216,529.96</b>	<b>-144,278.32</b>	<b>(67.%)</b>	<b>433,830.00</b>	<b>73,021.72</b>	<b>17.%</b>
	<b>-3,261,888.24</b>	<b>-61,720.04</b>	<b>3,200,168.20</b>	<b>(5185.%)</b>		<b>3,261,888.24</b>	<b>0.%</b>

**TOWNSHIP OF WEST LINCOLN**  
**Summary of All Units**  
For the Six Months Ending June 30, 2022

	YTD				Annual		
	Budget	Actual	Variance (\$)	Variance (%)	Budget	Remaining (\$)	Remaining (%)
<b>Operating Revenue</b>							
Tax Levy	\$4,238,760.00	\$8,479,551.07	(\$4,240,791.07)	(100.%)	\$8,477,470.00	(\$2,081.07)	(0.%)
Street Light Levy	36,840.00	73,611.76	-36,771.76	(100.%)	73,590.00	-21.76	(0.%)
Sidewalk Levy	55,620.00	111,217.33	-55,597.33	(100.%)	111,180.00	-37.33	(0.%)
Supplemental Levy	30,600.00	30,600.00	30,600.00	100.%	61,200.00	61,200.00	100.%
Payment In Lieu	358,620.00	725,353.90	-366,733.90	(102.%)	717,300.00	-8,053.90	(1.%)
User Fees	2,958,310.02	2,439,193.35	519,116.67	18.%	5,917,140.00	3,477,946.65	59.%
Government Transfers	538,920.00	610,777.84	-71,857.84	(13.%)	1,077,710.00	466,932.16	43.%
Other Revenue	473,640.00	283,681.78	189,958.22	40.%	947,360.00	663,678.22	70.%
Allocation of Program Support	772,500.00	1,544,940.00	-772,440.00	(100.%)	1,544,940.00		0.%
Funding From Reserves	774,350.00	45,000.00	729,350.00	94.%	1,380,640.00	1,335,640.00	97.%
<b>Total Operating Revenue</b>	<b>10,238,160.02</b>	<b>14,313,327.03</b>	<b>-4,075,167.01</b>	<b>(40.%)</b>	<b>20,308,530.00</b>	<b>5,995,202.97</b>	<b>30.%</b>
<b>Operating Expenses</b>							
Salaries and Wages	2,904,500.02	2,694,416.45	210,083.57	7.%	5,783,110.00	3,088,693.55	53.%
Benefits	833,770.00	731,775.67	101,994.33	12.%	1,643,740.00	911,964.33	55.%
Debenture Interest	298,080.00	302,707.96	-4,627.96	(2.%)	596,070.00	293,362.04	49.%
Administrative Expenses	166,380.00	97,445.02	68,934.98	41.%	333,790.00	236,344.98	71.%
Supplies and Equipment	214,130.00	165,690.39	48,439.61	23.%	429,330.00	263,639.61	61.%
Repairs and Maintenance (Materials Only)	864,840.00	730,186.72	134,653.28	16.%	1,730,340.00	1,000,153.28	58.%
Utilities	253,440.00	191,619.61	61,820.39	24.%	507,580.00	315,960.39	62.%
Insurance	160,380.00	321,300.85	-160,920.85	(100.%)	320,620.00	-680.85	(0.%)
Subscriptions and Periodicals	3,900.00	5,144.72	-1,244.72	(32.%)	7,860.00	2,715.28	35.%
Contracted Services	1,836,680.00	995,229.05	841,450.95	46.%	3,674,920.00	2,679,690.95	73.%
Special Projects	288,249.96	552,083.22	-263,833.26	(92.%)	576,500.00	24,416.78	4.%
Rents and Financial Expenses	22,560.00	9,580.06	12,979.94	58.%	45,100.00	35,519.94	79.%
External Transfers	19,140.00	35,290.00	-16,150.00	(84.%)	38,360.00	3,070.00	8.%
Internal Functional Adjustments	345,720.00	691,140.00	-345,420.00	(100.%)	691,140.00		0.%
Allocation of Program Support	426,910.00	853,800.00	-426,890.00	(100.%)	853,800.00		0.%
Tax Write Off	45,660.00	24,460.33	21,199.67	46.%	91,420.00	66,959.67	73.%
Debenture Principal	387,540.00	361,139.97	26,400.03	7.%	774,950.00	413,810.03	53.%
Contribution to Reserves	1,104,560.00	2,254,428.81	-1,149,868.81	(104.%)	2,209,900.00	-44,528.81	(2.%)
<b>Total Operating Expenses</b>	<b>10,176,439.98</b>	<b>11,017,438.83</b>	<b>-840,998.85</b>	<b>(8.%)</b>	<b>20,308,530.00</b>	<b>9,291,091.17</b>	<b>46.%</b>
<b>Operating Surplus/(Deficit)</b>	<b>61,720.04</b>	<b>3,295,888.20</b>	<b>-3,234,168.16</b>	<b>(5240.%)</b>		<b>-3,295,888.20</b>	<b>0.%</b>
<b>Capital Revenue</b>							
User Fees	158,454.00		158,454.00	100.%	316,900.00	316,900.00	100.%
Government Transfers	1,184,748.00	437,601.49	747,146.51	63.%	2,369,500.00	1,931,898.51	82.%
Other Revenue	1,500.00	133,750.00	-132,250.00	(8817.%)	3,000.00	-130,750.00	(4358.%)
TCA Sale Proceeds		-3,001.92	3,001.92	0.%		3,001.92	0.%
Funding From Reserves	817,176.00		817,176.00	100.%	1,634,350.00	1,634,350.00	100.%
<b>Total Capital Revenue</b>	<b>2,161,878.00</b>	<b>568,349.57</b>	<b>1,593,528.43</b>	<b>74.%</b>	<b>4,323,750.00</b>	<b>3,755,400.43</b>	<b>87.%</b>
<b>Capital Expenditures</b>							
Land Improvements	64,998.00		64,998.00	100.%	130,000.00	130,000.00	100.%
Facilities	460,002.00	80,498.52	379,503.48	83.%	920,000.00	839,501.48	91.%
Equipment	122,982.00	79,396.94	43,585.06	35.%	245,950.00	166,553.06	68.%
Rolling Stock	286,998.00	505,586.93	-218,588.93	(76.%)	574,000.00	68,413.07	12.%
Transportation Infrastructure	1,185,000.00	173,176.72	1,011,823.28	85.%	2,370,000.00	2,196,823.28	93.%
Environmental Infrastructure	41,904.00	22,307.64	19,596.36	47.%	83,800.00	61,492.36	73.%
<b>Total Capital Expenditures</b>	<b>2,161,884.00</b>	<b>860,966.75</b>	<b>1,300,917.25</b>	<b>60.%</b>	<b>4,323,750.00</b>	<b>3,462,783.25</b>	<b>80.%</b>
<b>Capital Surplus/(Deficit)</b>	<b>-6.00</b>	<b>-292,617.18</b>	<b>292,611.18</b>	<b>(4876853.%)</b>		<b>292,617.18</b>	<b>0.%</b>



RESERVE FUND AND RESERVE BALANCES PROJECTED TO DECEMBER 31, 2022

		CLOSING		COMMITMENTS		UNCOMMITTED
<b>RESERVE FUNDS:</b>						
BUILDING REVENUES RESERVE	\$	380,117	\$	276,337	\$	103,780
LIBRARY	\$	327,145	\$	128,721	\$	198,425
<b>TOTAL RESERVE FUNDS</b>	<b>\$</b>	<b>707,263</b>	<b>\$</b>	<b>405,058</b>	<b>\$</b>	<b>302,205</b>
<b>RESERVES:</b>						
HOSPITAL RESERVE	\$	1,452,167	\$	-	\$	1,452,167
SEWER PROJECTS	\$	1,934,224	\$	1,065,258	\$	868,967
WIND TURBINE COMMUNITY FUND RESERVE	\$	945,023	\$	623,656	\$	321,366
CAPITAL	\$	1,992,059	\$	1,105,202	\$	886,857
CONTINGENCIES	\$	1,403,440	\$	1,009,831	\$	393,609
WINTER CONTROL	\$	638,000	\$	-	\$	638,000
INDUSTRIAL PARK	\$	455,759	\$	-	\$	455,759
WATER DEPT. PROJECTS	\$	1,367,493	\$	513,800	\$	853,693
SETTLEMENT ROAD AGREEMENT RESERVE	\$	957,204	\$	582,443	\$	374,761
FIRE RESERVE	\$	1,898,991	\$	542,136	\$	1,356,855
FACILITY RESERVE	\$	453,116	\$	167,359	\$	285,757
BRIDGES	\$	585,090	\$	185,682	\$	399,408
INSURANCE	\$	187,655	\$	21,000	\$	166,655
SIDEWALKS	\$	187,402	\$	-	\$	187,402
ELECTION EXPENSE	\$	153,231	\$	130,130	\$	23,101
PLANNING RESERVE	\$	557,627	\$	529,275	\$	28,352
TECHNOLOGY	\$	194,363	\$	82,918	\$	111,446
STREET LIGHTS	\$	64,752	\$	-	\$	64,752
WORKING FUNDS	\$	45,159	\$	45,150	\$	9
WLCC (WEST LINCOLN COMMUNITY CENTER)	\$	183,167	\$	-	\$	183,167
CEMETARIES	\$	78,595	\$	40,000	\$	38,595
EQUIPMENT RESERVE	\$	1,569,254	\$	1,629,472	-\$	60,218
<b>TOTAL RESERVES</b>	<b>\$</b>	<b>17,303,771</b>	<b>\$</b>	<b>8,273,313</b>	<b>\$</b>	<b>9,030,458</b>
<b>TOTAL RESERVE FUNDS AND RESERVES</b>					<b>\$</b>	<b>9,332,663</b>

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**FINANCIAL IMPACT OF COVID-19 AS OF JUNE 30,2022**

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<b>REVENUE LOSS</b>		
<b>Closures</b>		
Facility Rental	\$	47,910.00
		<u>\$ 47,910.00</u>
<b>ADDITIONAL EXPENSES</b>		
Supplies and Contracted Services		\$44,950.00
Additional Staffing Costs		\$2,750.00
<b>TOTAL ADDITIONAL EXPENSES</b>	<b>\$</b>	<b><u>47,700.00</u></b>
<b>COVID COSTS AND LOST REVENUE</b>	<b>\$</b>	<b><u>95,610.00</u></b>
<b>Funds Available in Contingency Reserve</b>	<b>\$</b>	<b>146,866.27</b>
<b>Balance</b>	<b>\$</b>	<b>51,256.27</b>

**DATE:** July 18, 2022  
**REPORT NO:** PD-69-2022  
**SUBJECT:** **Building Department Annual Budget Report 2021**  
**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- The purpose of this report is to provide Planning / Building / Environmental Committee (the Committee) and Council with information regarding revenues and expenses associated with administering and enforcing the *Building Code Act* during 2021.
- This report is required annually as outlined in Section 7(4) of the *Building Code Act*.
- This report will also be posted on the Township website to ensure compliance with the public requirements of Section 7(4).

**RECOMMENDATION:**

1. That, Information Report PD-69-2022, regarding the “Building Department Annual Budget Report 2021”, dated July 18, 2022 be RECEIVED for information.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #6**

- **Efficient, Fiscally Responsible Operations** – The Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

**BACKGROUND:**

In accordance with Section 7(4) of the *Building Code Act*, the Building Department is required to report annually on the direct and indirect costs of operating the Building Department. This has historically been published with each year’s Township Budget document. Most municipalities however, prepare statements in a form such as the table found as Attachment 1 to the report and then the annual report is posted on the municipal website. West Lincoln has been posting the report on the Township website for many years.

**CURRENT SITUATION:**

Section 7(4) of the *Building Code Act* states that every twelve months, each municipality shall prepare a report that contains such information as may be prescribed, about any fees authorized under the *Act* and any costs that are incurred by the municipality to administer and enforce the *Act* in its area of jurisdiction.

The Building Department Annual Budget Report consists of three components: total fees collected, costs both direct and indirect and finally the balance of the building reserve fund.

**Total Fees Collected:**

This refers to revenues generated from building permit fees. This does not include revenues generated from other sources such as fines or fees or revenues from other municipal services.

**Direct and Indirect Costs:**

The second component of the annual report sets out the direct and indirect costs of administration and enforcement of the *Building Code Act*. Direct costs are the costs of the building department itself, while indirect costs are for services provided to the building department by other departments within the municipality.

**Reserve Funds:**

The final component of the report includes information on the reserve fund. Reserves are created when the total fees received exceed the total direct and indirect costs. Reserve funds are intended to be set aside to offset costs in years where building fee revenues are less than the cost of delivering the Building Department service.

For Council's information, there was a deficit in revenue of \$468,872.00 in 2021. As directed by legislation, a deficit cannot be carried forward to the next year; only a surplus can be carried forward. Therefore, a corresponding amount was drawn from the reserve account to balance the Building Department budget for 2021. Increases to building permit fees occurred May 1<sup>st</sup>, 2022 through report PD-28-22, which should ultimately help to offset the deficit from 2021. Another deficit is projected in 2022 due to the timing of subdivision approvals and delays in new housing starts.

This report is prepared to satisfy the requirements of Section 7(4) of the *Building Code Act*, and is provided to Committee and Council for their information.

**FINANCIAL IMPLICATIONS:**

The Building Department is self-sustaining and there is no impact to the Township's main operation budget.

**INTER-DEPARTMENTAL COMMENTS:**

In 2021 Township Building staff processed 293 building permits as compared to 303 total permits for 2020.

**CONCLUSION:**

Staff presents this report to Committee and Council in order to fulfil the obligation in accordance with Section 7(4) of the *Building Code Act*.

This report will be placed on the Township website in order to inform the public as required by the *Act*.

**ATTACHMENTS:**

1. Attachment No. 1 – 2021 Building Department Annual Budget Report as of December 31, 2021.

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building

**Approved by:**



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**Bev Hendry**  
CAO

**TOWNSHIP OF WEST LINCOLN**  
**BUILDING PERMIT FEE ANNUAL REPORT**  
**FOR THE 12 MONTHS ENDING DECEMBER 31st**

	<b>Actual 2021</b>
<b>TOTAL FEES</b>	\$323,367
<b>DIRECT COSTS</b>	
Staffing Costs	\$244,668
Office Expenses	\$88,503
Capital Expenditures	\$281,668
<b>TOTAL DIRECT COSTS</b>	\$614,839
<b>INDIRECT COSTS</b>	\$177,400
<b>TOTAL DIRECT &amp; INDIRECT COSTS</b>	\$792,239
<b>REVENUE (BELOW)OVER COSTS</b>	-\$468,872

**STATEMENT OF RESERVES**

Opening Balance, January 1	\$833,793
Transfer to (from) Reserves	-\$468,872
Interest Earned on the Reserve	\$4,196
Closing Balance, December 31	\$369,117

**Basis:** Section 7(4) of the Building Code Act requires an annual report be prepared setting out the total fees collected, the direct and indirect costs related to administration and enforcement, and the statement of reserve funds for the building department.



**DATE:** July 18, 2022

**REPORT NO:** PD-71-2022

**SUBJECT:** **Information Report – European Water Chestnut – Update**

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

**OVERVIEW:**

- On November 30, 2021 Township Planning Staff were contacted by Ms. Karen Alexander of the Invasive Species Centre, a not-for-profit organization in Ontario focused on reducing and eliminating the spread of invasive species on Canadian lands and in Canadian water.
- The Invasive Species Centre has informed staff that an invasive species known as European Water Chestnut has been found within portions of the Welland River bordering West Lincoln, Welland, Pelham, and Wainfleet.
- The Centre had reached out to the Township of West Lincoln and other affected municipalities and the NPCA for support of the project. A letter of support was provided on behalf of the Township in March of 2022.
- A presentation made by Ms. Karen Alexander was heard at the May 9<sup>th</sup>, 2022 Planning, Building, Environmental Committee Meeting.
- A letter was mailed on June 20, 2022 to approximately 150 riverfront landowners regarding the European Water Chestnut Rapid Removal Program in the Welland River, provided to the Township from Ms. Alexander for distribution to our residents. This letter can be found at attachment 2 to this report.
- On July 7<sup>th</sup> and July 16<sup>th</sup>, 2022 an event called “Paddle with a Purpose”, was held to inform local staff and residents about how to identify and report European Water Chestnut. This event was held at E.C. Brown Conservation Area and residents were encouraged to bring their own water transportation (boat, kayak, canoe etc.) to help remove and protect the Welland River from this invasive species.
- This report is written to provide an update on the steps that the Township of West has taken to support this initiative.

**RECOMMENDATION:**

1. That PD-71-2022, Regarding “Information Report - European Water Chestnut – Update” dated July 18, 2022, BE RECEIVED for information purposes; and,
2. That, Staff be authorized to provide the Invasive Species Centre with further support, if necessary, and provide an update to Committee and Council if such action is taken.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #5**

- Community Health and Safety – West Lincoln continues to be a safe community where all residents are supported to thrive throughout their lives.

**BACKGROUND:**

In late November 2021, Ms. Karen Alexander of the Invasive Species Centre reached out to Planning Staff with regards to a grant application which the Centre was applying for to address an invasive species recently identified within the Welland River. The invasive species is known as the European Water Chestnut.

The Centre for Invasive Species states that European water chestnut is an aquatic plant with a hard stem that can reach up to 3-5 m in height. In June, European water chestnut blooms small white flowers with four petals. The dense floating leaves shade out the water below, killing native vegetation and subsequently reducing water oxygen levels.

The plants can get tangled in boat motors and make swimming almost impossible. European water chestnut seeds are 3-4 cm wide and have sharp barbed spines which are very painful to step on, making swimming or walking in invaded areas dangerous. Water chestnut can thrive in lakes, rivers, streams, and ponds with soft substrate, full sun, and nutrient-rich waters.

European water chestnut has been found within portions of the Welland River, specifically along the municipal borders of the Township of West Lincoln, Township of Wainfleet, Town of Pelham, and the City of Welland.

The Invasive Species Centre reached out to Township Planning Staff looking for support for both a grant application and support with the project. Township Planning staff provided such support in a letter dated March 9, 2022.

Following receiving the letter of support from the Township of West Lincoln, Ms. Karen Alexander (on behalf of the Invasive Species Centre) made a very informative presentation on the harmful effects of the European Water Chestnuts and how we can protect our waterways at the May 9<sup>th</sup>, 2022 Planning, Building, Environmental Committee Meeting.

**CURRENT SITUATION:**

During the May 9<sup>th</sup>, 2022 presentation Ms. Alexander asked for assistance from the Township with the mailing of letters to riverfront owners in West Lincoln. These letters were provided to the Township in June of 2022 and subsequently printed and mailed on June 20, 2022 to approximately 150 riverfront land owners.

“Paddle with a Purpose”, a multi-community event to inform local municipality staff and residents about how to identify and report European Water Chestnut was held on July 7<sup>th</sup> and July 16<sup>th</sup>, 2022. This event was held at E.C. Brown Conservation Area and residents were encouraged to bring their own water transportation (boat, kayak, canoe etc) to help remove and protect the Welland River from this invasive species. Several members of Township staff, Committee and Council members were in attendance to these events.

The Township and the City of Welland, supported by Pelham and Wainfleet, have requested a delegation with the new Minister of Natural Resources and Forestry at the upcoming AMO conference to ensure that the province is aware of this invasive species and to ask for support and action.

**FINANCIAL IMPLICATIONS:**

The Centre has not requested any financial assistance with this project but the Township assisted with sending out information to residents and arranging disposal of plant material.

**INTER-DEPARTMENTAL COMMENTS:**

Planning staff previously connected the Centre with the Niagara Peninsula Conservation Authority and the Region of Niagara who were also asked to consider assisting with the project.

**CONCLUSION:**

The Township of West Lincoln has shown our continued support for the initiative to remove the invasive European Water Chestnut from portions of the Welland River.

Township staff will continue to provide help and support to the Invasive Species Centre if such request is given and will provide update to Committee and Council if such instance occurs.

**ATTACHMENTS:**

1. Letter of Support
2. Letter Mailed to riverfront land Owners
3. Paddle with a Purpose Flyer

**Prepared & Submitted by:**



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**Gerrit Boerema  
Planner II**

**Approved by:**



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**Bev Hendry  
CAO**



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**Brian Treble  
Director of Planning & Building**

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**PLANNING & DEVELOPMENT DEPARTMENT**

**To:** Ms. Karen Alexander, Invasive Species Centre  
**From:** Gerrit Boerema, Planner II  
**Date:** March 9, 2022  
**Subject:** Letter of Support for the Invasive Species Centre Welland River Project

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To whom it may concern,

The Township of West Lincoln is writing in support of the Invasive Species Centre's application to the Ministry of Environment, Conservation and Parks (MECP) Great Lakes Local Action Fund.

After learning about reports of European Water Chestnut in the Welland River, the Township is motivated to support efforts to remove it before this invasive species becomes established in the River and in the Niagara area. The Welland River forms the southern boundary of the Township of West Lincoln.

Council and staff are motivated to support the work to remove European Water Chestnut from the River and would be pleased to receive a presentation to learn about the project. Our staff will be able to help with Public Relations throughout the project using social media and our website. We are also happy to help with any outreach to riverfront landowners. The Township of West Lincoln can also send staff to participate on a Collaborative if this is helpful to the project.

The Niagara Region is a beautiful area of Ontario that offers residents and visitors plenty of outdoor recreation and the Welland River is a key destination for many nature-enthusiasts who enjoy paddling, boating, fishing, and birding, to name just a few. Invasive species that threatens the enjoyment of natural heritage is concerning to us.

Please consider supporting the Invasive Species Centre's funding application for this important initiative.



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Gerrit Boerema  
Planner II, MES

## Re: European Water Chestnut Rapid Removal Program in the Welland River

June 20, 2022

Dear Landowner,

Please review this information from the Invasive Species Centre ([www.invasivespeciescentre.ca/EWCWelland](http://www.invasivespeciescentre.ca/EWCWelland)) and the European Water Chestnut Rapid Removal Program.

### European Water Chestnut in the Welland River

European Water Chestnut (EWC) (*Trapas natans*) is an aggressive invasive aquatic plant that was detected in the Welland River by a recreational paddler in July 2020. Four observations were submitted to [EDDMapS](#), a digital invasive species reporting and tracking tool, which triggered a response by the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR). European Water Chestnut is regulated under the Ontario Invasive Species Act (2015) because of its invasive qualities and potential to cause harm to Ontario's environment, economy, and society.

### European Water Chestnut Harmful impacts

EWC is an annual plant that grows from seeds dropped the year before. The plant will grow stems from the seed to the surface of the water. Each stem may produce several branches, each terminating in a rosette that flowers and produces seed. Stems will produce linear leaves which drop early and are replaced by adventitious roots that intertwine with each other in the water column. The result, by July each year, is a dense, floating mat that shades out the water and plants below. This dense mat can become so thick it will alter the flow of water. Plant materials can get lodged in small boat motors, and paddle boats will stall on top of the mat. The seeds are jagged and can cause cuts or pain when stepped on, which makes wading or walking in the water dangerous. The dense mat will shade out native aquatic plants and alter aquatic ecosystems. The entire mat will decompose in the fall and create anoxic conditions in the river harming fish and other aquatic species.

### European Water Chestnut Rapid Response Program

With support from the Ontario Ministry of Northern Development, Mines, Natural Resources, and Forestry (NDMNR) and the Ontario Federation of Anglers and Hunters (OFAH) Hit Squad Program (via Canada Summer Jobs), the Invasive Species Centre (ISC) and the Niagara Peninsula Conservation Authority (NPCA) are launching a Rapid Response Program to contain EWC and work towards complete removal over the next four years. EWC seeds can survive and sprout for up to 10 years, therefore the initial control efforts will be followed by a monitoring and maintenance program.

Control efforts may look different each year; EWC can be managed using manual activities, heavy equipment, and herbicides. To minimize disturbance and initiate a first attempt at controlling EWC in the river, the 2022 program will employ four OFAH Hit Squad Field Technicians and one Team Lead to manually remove the plant from the river. The team will be using a small motorboat and canoes to carefully transport the biomass (removed plants) to either E.C. Brown Conservation Area or Chippawa Creek Conservation Area. The team will be working on the river between June 27 and September 2. Other control methods will not be considered until manual activities are deemed ineffective.

**Landowners with properties on the Welland River are encouraged to participate in the program. There are numerous opportunities to assist with removal of European Water Chestnut.**

## How to Help

1. **Learn to identify and report European Water Chestnut.** There will be two Bring-your-own-Boat (BYOB) Paddling Tours to provide residents with an opportunity to learn more about this invasive plant, how to identify it, how to help, and how to report any additional sightings in the Niagara Region. Both tours will be held at E.C. Brown Conservation Area. Thursday July 7, 9 a.m. – noon and Saturday July 16, 10 a.m. – 1 p.m.
2. **Support the OFAH Hit Squad Field Technicians.** Landowners can support the control program in any of the following ways:
  - a. **River Access.** Do you own and maintain a private boat ramp that can launch a truck with trailer and small boat, AND/OR canoe and kayaks?
  - b. **Emergency Exits.** Can you provide a place for temporary docking in case of an emergency due to inclement weather or another emergency?
  - c. **Biomass Disposal.** If you have a place where biomass might be placed, EWC plants will rapidly decompose once removed from the river. If we can save time transporting plants to Chippawa Creek or E.C. Brown Conservation Areas, this could greatly increase the amount of EWC we can remove from the river this year. Do you have a location far enough away from the river that it will not wash back where the team might pile EWC to decompose? Or do you have a place where they might pile EWC for the day, before loading into the truck to save the need for trips up and down the river to empty bins?
  - d. **Health Breaks.** Can you offer any place for the team to take short breaks (e.g., grassy area, dock, washrooms, drinking water, or business open during regular working hours)?

Your participation in the program is entirely voluntary. If you want to help, have questions, or would like more information, please contact me, the program coordinator, at your convenience.

Sincerely,

**Karen Alexander**

Karen Alexander  
Policy Coordinator  
Invasive Species Centre  
[kalexander@invasivespeciescentre.ca](mailto:kalexander@invasivespeciescentre.ca)



# European Water Chestnut Rapid Response Program

## Paddle with a Purpose

### We need your help!

Aggressive invasive European Water Chestnut (EWC) has been detected in the Welland River and a Rapid Response Program is underway to remove it. We do not know if EWC has arrived anywhere else in the region and we need your help to report observations in other waterways across Niagara.

Please join us for a paddling tour to:

- Learn how to identify EWC
- Learn how to report EWC using EDDMapS



### When and Where

Choose one of these events hosted at **E.C. Brown Conservation Area (544 River Rd., Fenwick, Pelham, L0S 1C0)**:

- **Thursday, July 7, 2022, 9 a.m. - noon**
- **Saturday, July 16, 2022, 10 a.m. - 1 p.m.**

The tour will launch from E.C. Brown Conservation Area and head west toward Wellandport. European Water Chestnut is observable in the river ~1.5 km from E.C. Brown Conservation Area.

### What You Should Bring

- Bring your own boat/recreational watercraft and associated personal protective equipment
- Drinking water
- Hat / Sunglasses
- Other items for personal comfort

For more information about European Water Chestnut and the Rapid Response Program, please visit the Invasive Species Centre website: **[www.invasivespeciescentre.ca/EWCWelland](http://www.invasivespeciescentre.ca/EWCWelland)**

Sign up to receive your waiver ahead of the event: [www.invasivespeciescentre.ca/EWCWelland](http://www.invasivespeciescentre.ca/EWCWelland)

Walk-ins are also welcome, please see the registration table upon arrival.

If you have any questions, please email [kalexander@invasivespeciescentre.ca](mailto:kalexander@invasivespeciescentre.ca)

**DATE:** July 18, 2022  
**REPORT NO:** T-21-2022  
**SUBJECT:** **2021 Accumulated Operating Surplus**  
**CONTACT:** Donna DeFilippis, Treasurer/Director of Finance

**OVERVIEW:**

- Closing Balance in the Accumulated Operating Surplus as of December 31, 2021 is \$886,979
- Council previously approved a \$150,000 transfer from the accumulated surplus to be used as revenue in the 2022 Budget
- \$736,979 of remaining surplus is recommended to be transferred to the 2023 Operating Budget and to the Contingency Reserve as outlined in the report below

**RECOMMENDATION:**

1. That, Recommendation Report T-21-2022, regarding “2021 Accumulated Operating Surplus” dated July 18, 2022, be received; and,
2. That, Council authorizes \$150,000 of the 2021 Accumulated Operating Surplus be used as revenue in the 2023 budget; and,
3. That, Council authorizes the transfer of \$586,979 of the 2021 Accumulated Surplus into the Contingency Reserve, which requires approval of Budget Amendment BA2022-06.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #6**

- Efficient, Fiscally Responsible Operations- the Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets

**BACKGROUND:**

The 2021 Financial Statements for the Township of West Lincoln have been audited and as such, the final surplus numbers are being communicated for Council’s review. Council approved a 2021 Operating budget of \$18.6 million.

The final 2021 financial results indicate a closing accumulated surplus of \$886,979, with various items contributing to this number. Council approved as part of the 2022 budget process that \$150,000 of the prior year closing surplus be treated as revenue in the 2022 budget. It is recommended that the remainder of the surplus of \$736,979 be utilized as discussed later in this report.

**CURRENT SITUATION:**

There are several factors that have contributed to the 2021 closing surplus of \$886,979. \$150,000 of that amount is from prior years and was allocated by Council in report T-20-2021 to be used as revenue in the 2022 budget. As part of the 2022 Budget approval, the recognition of \$150,000 of prior year surplus as 2022 revenue was formally adopted.

We had the following positive revenue outcomes that contributed to the 2021 surplus as follows:

1. Income from investments has exceeded budget by \$148,889. The Township was fortunate to have some longer term investments locked in at more favourable rates than were generally available in 2021, which contributed to a surplus in this budget area. In addition, the Township received a dividend of \$56,976 from Peninsula West Power Inc. that had not been included in the 2021 budget.
2. Supplementary Property Taxes exceeded budget by \$69,778. The budget for this line item is based on the five-year average. Supplemental Property Tax Revenue represents additional revenue collected on assessment changes that were not reflected in the MPAC assessment roll received in December 2020, for 2021. This includes, for example, new homes and property enhancements such as additions.

The COVID-19 pandemic continued to impact the Township in 2021. Given the continued likelihood of closures resulting in revenue loss and the uncertainty related to assistance from higher levels of government, staff continued to closely monitor expenditures, similar to the 2020 experience. Significant expenditure savings are highlighted below:

1. Governance and Corporate Services realized a combined savings of \$171,435 through decreased expenditures over various operating lines, including protocol, mileage, advertising, utilities, training, legal fees and consulting fees.
2. The Fire Department had savings in their operating budget, totalling approximately \$130,470. The main contributing factor was savings in the Volunteer Firefighter expenses as a result of lower calls compared to budget.
3. The Roads department realized a savings of \$164,259. Similar to Corporate Services, savings were over various budget lines, such as utilities, fuel, consulting fees and training.

All Township departments under-spent in 2021 as a conscious effort to mitigate costs as a result of the uncertainty that was experienced navigating another year of the COVID-19 pandemic.

**FINANCIAL IMPLICATIONS:**

The availability of surplus funds provides the Township the opportunity to once again review its financial needs and reflect on the best options in utilizing these funds. The recommendations below are based on two important principles: avoiding large fluctuations from one budget year to another, and ensuring our reserves have adequate balances.

**1) Utilize \$150,000 of this surplus as revenue in the 2023 budget.**

The current 2022 budget is using \$150,000 of prior year surplus as a revenue source. Using an additional portion of the accumulated surplus towards the 2023 budget will avoid a large fluctuation in revenue in the 2023 budget. This will assist with managing any tax levy increase in 2023.

**2) Transfer \$586,979 to the Contingency Reserve**

The Contingency Reserve is used to fund in year funding shortfalls that may occur as a result of one time expenditures. The target balance for this reserve, as outlined in the reserve policy, is 10% of the previous year tax levy, which for 2022 is a target balance of \$805,500. A 2022 transfer from the Contingency Reserve of \$400,000 was approved as part of BA2022-04 through report WLFD-07-2022. This transfer is part of the financing of the replacement of Fire Station #2. The recommended transfer to the Contingency Reserve of \$586,979 will ensure that the reserve will maintain an appropriate balance. With this transfer, the projected 2022 uncommitted year-end balance is \$980,588, which meets the requirements of the Township Reserve Policy. Staff is recommending that Council approve Budget Amendment BA2022-06, authorizing a transfer of \$586,979 to the Contingency Reserve.

**INTER-DEPARTMENTAL COMMENTS:**

This report was reviewed by the CAO.

**CONCLUSION:**

Staff is recommending that Council approve Report T-21-2022 and the recommended usage of the 2021 operating surplus.

**Prepared & Submitted by:**



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**Donna DeFilippis**  
Treasurer/Director of Finance

**Approved by:**



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**Bev Hendry**  
CAO

**DATE:** July 18, 2022  
**REPORT NO:** PD-70-2022  
**SUBJECT:** Recommendation Report - Amendment to Sign By-Law 2020-54  
**CONTACT:** John Schonewille, Chief Building Official  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- In 2020, the Township of West Lincoln passed By-law 2020-54 to implement a Sign By-law under the *Municipal Act* to regulate size, use, location and maintenance of signs.
- Enforcement of the by-law has come under review and Legal Counsel has recommended removal of Section 2.1.1(5)
- Section 2.1.1(5) might offend the Charter Right to Free Speech which possibly puts the by-law and interpretation in conflict with the Charter and Constitution.
- This report recommends that By-law 2020-54 be amended by the removal of Sentence 2.1.1(5) such that enforcement is clear in the future.

**RECOMMENDATION:**

1. That, Recommendation Report No. PD-70-2022, relating to the “Amendment to Sign By-Law 2020-54”, dated July 18th, 2022, be RECEIVED; and,
2. That, By-law 2020-54, as amended, be further amended by the passage of an Amending By-law similar to that found at Attachment 1 to this report.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #5**

- **Community Health and Safety** – West Lincoln continues to be a safe community where all residents are supported to thrive throughout their lives.

**BACKGROUND/CURRENT SITUATION:**

The Sign By-Law was first drafted and passed in June of 2020 for implementation in the Township of West Lincoln. Sign By-Laws are meant as a tool within the municipality to control and regulate sign size, structures, use of signs based the types, locations of signs to ensure safety through visibility and lastly the maintenance of signs. Due to the Charter of Free Speech sign by-laws were not meant to control the content of a sign which can be very subjective. Hate Speech is content that can be regulated through the Criminal Code, and not a Township Sign By-law.

As a result of the recent pandemic and freedom movements, By-Law Staff have received numerous complaints regarding signage, flags and banners that express individual's thoughts on government, lockdowns, lifestyle and religious views. Some of these signs, banners and flags have been seen to be offensive and distasteful by other members of the community and they have requested staff takes steps to have these signs removed from private properties.

During our review of the issues and steps needed for sign removal we requested review by legal counsel of the Sentence found at Section 2.1.1(5) which states that "No person shall affix, erect or display any sign that in the opinion of the Chief Building Official or designate is indecent or may tend to corrupt or demoralize."

The Township's solicitor responded with: *"I do recommend that the "offending" section of the by-law (section 2.1.1(5) be removed. As I have suggested, that section offends the Charter right to free speech. Moreover, it exposes the CBO to criticism or litigation:*

- 1. By some for not enforcing (something that is unenforceable); and*
- 2. By others for doing just that."*

In light of recent case law in which Niagara on the Lake was charged and convicted for offending its own noise by-law we could also face challenges for selective enforcement or neglect of duty of care if we are found to have the authority having jurisdiction.

**FINANCIAL IMPLICATIONS:**

Should a claim against the municipality be filed we could incur legal costs for defence of a by-law that in our solicitor's opinion is unconstitutional and therefore be subject to further costs associated with a conviction.

**INTER-DEPARTMENTAL COMMENTS:**

Not applicable to this report.

**CONCLUSION:**

It is recommended that Sign By-law 2020-54 be amended with the removal of Section 2.1.1(5) as the balance of the by-law is current and sufficient for enforcement. This report recommends that an Amending By-law be passed at the next Council meeting such as the draft by-law attached to this report.



**ATTACHMENTS:**

1. Attachment 1 - Draft Amending By-law

**Prepared by:**

John Schonewille

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**John Schonewille**  
Chief Building Official

**Approved by:**



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**Bev Hendry**  
CAO

**Submitted by:**



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**Brian Treble**  
Director of Planning and Building

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

**BY-LAW NO. 2022-XX**

**BEING A BY-LAW TO AMEND BY-LAW NO. 2020-54, AS AMENDED, A BY-LAW TO REGULATE SIZE, USE, LOCATION AND MAINTENANCE OF SIGNS IN THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS** the Township of West Lincoln has adopted By-law No. 2020-54, as amended, being a By-law to regulate size, use, location and maintenance of signs in the Township of West Lincoln;

**WHEREAS** the Township of West Lincoln considers it desirable and necessary to amend By-law No. 2020-54, as amended (by By-law 2021-72 and 2021-91), being a by-law to regulate size, use, location and maintenance of signs in the Township of West Lincoln, to remove the sentence/subsection 2.1.1(5) as to not conflict with the right to free speech;

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

1. That By-law No. 2020-54, as amended, being a By-law to Regulate Size, Use, Location and Maintenance of Signs in the Township of West Lincoln, be further amended by deleting the following section:

**2.1.1**

- (5) any sign which in the opinion of the Chief Building Official or designate is indecent or may tend to corrupt or demoralize;**

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup> DAY OF JULY 2022.**

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

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

**DATE:** July 18, 2022

**REPORT NO:** IT-01-2022

**SUBJECT:** **Voice Over IP Communications Replacement**

**CONTACT:** Roberta Keith, IT Manager  
Donna DeFilippis, Treasurer/Director of Finance

**OVERVIEW:**

- The Township’s existing telecommunication structure is end of life and does not provide the necessary functionality and features that are required to maintain adequate customer service levels. Council has approved a budget of \$100,000 for this project, with funding from the Capital Reserve.
- The new system will address pain points that were uncovered during the Pandemic, and additionally will nicely tie in all community buildings including the remote libraries and new Fire Hall Station #2.
- The Township issued RFP IT 2022-01 inviting all vendors to submit a solution that would fit current and future telecommunication needs.
- Staff is recommending Niagara Regional Broadband Networks Ltd. (NRBN) as the successful proponent.

**RECOMMENDATION:**

1. That, Report IT-01-2022, regarding the “Voice Over IP Communications Replacement”, be received; and,
2. That, Niagara Regional Broadband Network Ltd., be awarded the contract to install and maintain a new telecommunications system for the Township of West Lincoln to replace the existing end of life system; and,
3. That, a by-law be passed to authorize the Mayor and Clerk to enter into an agreement with Niagara Regional Broadband Network Ltd.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme # 6**

- Efficient, Fiscally Responsible Operations – the Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

**BACKGROUND:**

In early 2011, a new on-premise converged communication system was successfully implemented at the Township. At the time, it allowed new functionality and was able to bring the Arena and Public Works buildings onto the same phone system, making access to residents more streamlined. This was the Township's introduction to VoIP (Voice Over Internet Protocol) which is essentially providing voice communications over the internet.

Since that time, and as we approached the end of life of the current phone system, it was also identified there were some shortcomings and issues that were understood to be easily addressed by the technology of VoIP systems today. The telecom industry has seen great strides in technology over the past 10+ years.

Some examples of improvements available:

- Seamless integration with all sites, which will include our more remote buildings through cloud technology
- Conferencing and collaboration features
- Video Conferencing
- Mobility and presence awareness - Mobility features for mobile workers that will enable staff to communicate as effectively from the road as they would from their desks. It includes different "find me / follow me" twinning features that enable users to receive calls on their smart phone and transfer calls seamlessly with their desk phone and also place outgoing calls from their mobile devices.
- Softphones and teleworker presence - The proposed solution comes with "softphone", a software application that runs on a staff computer and functions as a virtual phone that appears graphically as a real phone on the users' computer screens. This will enable all staff to have access to their business phone system from any location on Township deployed laptop, tablet, or other portable computing devices. This provides an opportunity to reduce the number of fixed physical desk phones.
- Unified messaging - delivers voice mail and/or email notification to users' email mailboxes allowing staff to access their voicemail using Township provided smartphones, outlook client or outlook web access. This enables users to share and manage their communications in the most convenient and effective way, enhancing productivity and customer service
- All outgoing calls made from the new system will always display the Township's primary number and the Township of West Lincoln name, a more professional and secure approach that easily identifies the Township.
- Enhanced call reporting
- Call recording
- Cloud technology provides a lower life-cycle cost compared to an on-premise solution

As identified, the current system is now end-of-life, with system limitations. There is an impact to the Township as we see increased system downtime and maintenance. Over time, parts to repair the on-premise system and service technicians with knowledge on legacy systems are becoming less available. Considering the age and

unpredictable reliability of the current system, staff recommends replacement. Council has approved a budget for this project of \$100,000, with funding through the Capital Reserve.

During the pandemic, it was identified that our flexibility was limited in managing incoming calls and required staff to be physically present in the main administration offices, to answer incoming lines. As part of a good business continuity plan, the ability to manage calls should not rely on a physical presence, and we know with modernization we can address this.

**CURRENT SITUATION:**

RFP IT 2022-01 VoIP Communications Replacement was issued in April 2022, with a closing date of April 26, 2022. The Township received 14 completed proposals for a new hosted Voice Over IP telecommunications system. During the RFP process, the Township offered both the option to attend on-site visits, in addition to a virtual meeting allowing all interested proponents the ability to ask questions to understand the scope of work. Of the 14 proposals submitted and reviewed, 3 were selected to provide further demonstration of their software and allow for a question/answer period.

As a result of the scoring process, it was determined that Niagara Regional Broadband Networks Ltd.(NRBN) was the successful proponent, and has been recommended to Council that they be awarded the contract. Reference checks were completed with 5 other municipalities who have reported great success with their VoIP solutions through NRBN, noting among other things, reliability, reduction in costs year over year, ease of use for staff and excellent customer service when required. It was also noted the system was invaluable when it came to business continuity during the pandemic.

**FINANCIAL IMPLICATIONS:**

The Township is receiving a complete solution including installation and support to ensure a successful deployment and positive transition to the new solution. The proposed solution includes: full installation services with their core expertise in IP telephony and networking; a full reseller and manufacturer support model of the entire solution for five (5) years; local, dedicated sales and support teams; full preventative and proactive remote monitoring of the voice and data solution; an improved customer support solution and an increase in internet bandwidth to double our existing internet bandwidth.

The cost of award is comprised of 2 components: one-time costs for acquisition of hardware, software, licenses, training and implementation; and recurring operating costs for warranty, support and maintenance for 5 years.

The recommended vendor- NRBN has provided the following prices in their RFP and through subsequent discussions:

**One-Time Costs:**

\$59,206, which includes the cost of implementation and all required hardware. This is well within the approved budget of \$100,000, with funding from the Capital Reserve. Any savings will mean that funds can remain in the Capital Reserve and be used towards other projects.

**Annual Operating Costs:**

\$25,543.80. Currently, the Township pays Bell Telephone for their tele-communication services. In 2021, a total of \$34,100 was paid Township wide to Bell. We will have to retain some analog lines with Bell for redundancy purposes, however, we anticipate annual operating savings will be realized through this new recommended solution.

This contract is within the approval level granted to the CAO through the Purchasing Policy. However, staff felt it was important to highlight this project to Council due to the broad scope of this project, which will impact all Township departments.

**INTER-DEPARTMENTAL COMMENTS:**

As part of preparing the RFP (Request for Proposal) the Senior Management Team was consulted for input on any requirements or improvements from their respective teams. These comments were included in the RFP. During the evaluation stage the following staff were included in evaluating and attending demonstrations of the proposed solutions: IT Manager, IT Help Desk Analyst, Director of Finance, Manager of Finance and the Clerk's Secretary.

**CONCLUSION:**

Effective and reliable telephone service continues to be a critical tool both internally and to serve the public. As noted in this report, new technology offers the opportunity for the Township to make a significant change in the way telephone service is provided. With this solution, all areas of the Township will be connected, flexibility and capacity of the phone system is greatly increased and over time there is an expectation of reduced costs in eliminating hardware/software upgrades which are managed by the service provider. We are pleased to recommend this report and the opportunity it affords the Township in better serving our residents.

**Prepared by:**



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**Roberta Keith**  
IT Manager

**Approved by:**



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**Bev Hendry**  
Chief Administrative Officer

**Submitted by:**



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**Donna DeFilippis**  
Treasurer/Director of Finance



**DATE:** July 18, 2022

**REPORT NO:** T-18-2022

**SUBJECT:** **2021 Draft Audited Financial Statements and Audit Findings**

**CONTACT:** Katelyn Hall, CPA, CA, Deputy Treasurer/Manager of Finance  
Donna DeFilippis, CPA, CA Treasurer/Director of Finance

**OVERVIEW:**

- Presentation of the 2021 Draft Financial Statements
- Presentation of the 2021 Audit Findings Report to Council

**RECOMMENDATION:**

1. That, Recommendation Report T-18-2022 regarding the “2021 Draft Financial Statements and Audit Findings”, dated July 18, 2022, be received; and,
2. That, the 2021 Draft Audited Financial Statements, attached as Appendix A to this report, be approved; and,
3. That, the 2021 Audit Findings Report to Council, attached as Appendix B to this report, be received.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #6**

- Efficient, Fiscally Responsible Operations -the presentation of this report to Council is best aligned with the theme of Efficient, Fiscally Responsible Operations, under our Corporate Strategic Plan.

The 2021 financial statements provide residents and other interested parties a transparent summary of the Township’s financial position and operations, allowing the Township to remain accountable to its various stakeholders. In addition, our Township is demonstrating good governance in meeting the requirements of Sections 294 & 295 of the Municipal Act regarding the preparation and publication of annual financial statements.

**BACKGROUND:**

The 2021 draft consolidated financial statements, including the accompanying notes, attached as Appendix A, have been prepared by the Treasury Department in accordance with Canadian Public Sector Accounting Standards (PSAS). This is the first year that the Township has implemented Caseware software to automate a large portion of the financial statements.

This project is included in the scope of the Township's Finance Department Digital Modernization project, which is receiving funding under the Province's Municipal Modernization Program as previously described in report T-10-2022. Going forward, staff expect the Caseware software to greatly increase efficiency, reduce trivial tasks, and save valuable staff time.

The statements reflect the assets, liabilities, revenues and expenditures of the Township, including the Library Board. The statements were audited by MNP LLP in accordance with Canadian Generally Accepted Auditing Standards.

Appendix B to this report contains the Audit Findings Report to Council, which includes comments on audit results and other reportable matters. It is important to note that the Township Budget is prepared on a cash basis, not on a PSAS basis. This is common practice among municipalities.

The approval by Council of these 2021 draft financial statements is one of the final steps required before issuance of the finalized 2021 Audited Financial Statements. Canadian Auditing Standard 700, as issued by the Chartered Professional Accountants of Canada, requires that the date of the auditor's report can be no earlier than the date of approval of the financial statements in final form by the directors. We anticipate that the final 2021 Audited Financial Statements will be presented at the August 11, 2022 Council Meeting.

#### **FINANCIAL STATEMENT SYNOPSIS:**

Some areas of the financial statements to highlight are below:

- Tangible capital asset net additions in 2021 totalled approximately \$2.6 million, compared to \$5.7 million in 2020. Total net book value of tangible capital assets is approximately \$92.8 million. This represents the historical cost less accumulated depreciation and is not reflective of actual replacement costs.
- Long term debt experienced a net increase of approximately \$0.2 million in 2021, which reflects new debt issuance related to Elcho and Concession Road 5 roads, less scheduled debenture repayments.
- In the financial statements, Note 27 describes a prior period adjustment that took place, concerning the 2020 comparative figures. As Council is aware, Staff are working diligently towards the Township's asset management plan milestones in accordance with Ontario Regulation 588/17. As a result of this work, information became available that demonstrated an understatement of prior period capital assets, specifically environmental and road infrastructure. Therefore, the Township has restated the 2020 comparative figures to correctly reflect the capital asset and associated account balances. As Staff continue to work through the asset management plan project, it is likely that further prior period adjustments will be made; however, Council should not be alarmed as this means that the Township is presenting the most transparent/accurate capital asset information possible.
- The statements present a 2021 surplus of approximately \$1.3 million; it should be noted that this is based on PSAS accounting rules. However, the Township budget is prepared on a cash basis. Therefore, these two reporting approaches have significant differences and result in the reported surplus not being indicative of the

actual “cash basis” surplus. Staff presented report T-21-2022 at the July 2022 Council meeting to make recommendations regarding the 2021 actual accumulated surplus of approximately \$0.9 million.

- For example, the change in equity of the Township’s subsidiary, Peninsula West Power Inc, for which 2021 totalled \$0.1 million is considered revenue under PSAS accounting. However, for cash basis reporting, this does not contribute to an actual surplus.
- Another example is amortization expense of \$3.4 million in 2021 is not accounted for under the “cash basis” of accounting, but is included in PSAS accounting.

**CONCLUSION:**

It is concluded that Council approve the 2021 Draft Audited Financial Statements, attached as **Appendix A**, and acknowledge receipt of the Audit Findings Report to Council document, attached as **Appendix B**.

**Prepared by:**

**Approved by:**



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**Katelyn Hall, CPA, CA**  
**Deputy Treasurer/Manager of Finance**

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**Bev Hendry**  
**CAO**

**Reviewed & Submitted by:**



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**Donna DeFilippis, CPA, CA**  
**Treasurer/Director of Finance**

Consolidated Financial Statements of

**The Corporation of the  
Township of West Lincoln**

December 31, 2021

Draft - for Discussion Purposes Only

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## **Management's Responsibility for the Consolidated Financial Statements**

The accompanying consolidated financial statements of The Corporation of the Township of West Lincoln (the "Municipality") are the responsibility of the Municipality's management and have been prepared in compliance with legislation, and in accordance with Canadian public sector accounting standards. A summary of the significant accounting policies are described in Note 1 to the consolidated financial statements. The preparation of consolidated financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The Municipality's management maintains a system of internal controls designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded in compliance with legislative and regulatory requirements, and reliable financial information is available on a timely basis for preparation of the consolidated financial statements. These systems are monitored and evaluated by management.

Council meets with management and the external auditors to review the consolidated financial statements and discuss any significant financial reporting or internal control matters prior to their approval of the consolidated financial statements.

The consolidated financial statements have been audited by MNP LLP, independent external auditors appointed by the Municipality. The accompanying Independent Auditors' Report outlines their responsibilities, the scope of their examination and their opinion on the Municipality's consolidated financial statements.

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Chief Administrative Officer

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Treasurer



## Independent Auditor's Report

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To the Members of Council, Inhabitants, and Taxpayers of The Corporation of the Township of West Lincoln

### Opinion

We have audited the consolidated financial statements of The Corporation of the Township of West Lincoln (the "Municipality"), which comprise the consolidated statement of financial position as at December 31, 2021, and the consolidated statements of operations and accumulated surplus, changes in net financial assets and cash flows for the year ended then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying consolidated financial statements present fairly, in all material respects, the consolidated financial position of the Municipality as at December 31, 2021, and the results of its consolidated operations, changes in its net financial assets and its consolidated cash flows for then ended in accordance with Canadian public sector accounting standards.

### Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Consolidated Financial Statements section of our report. We are independent of the Municipality in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Emphasis of Matter - Comparative Information

As part of our audit of the consolidated financial statements of the Municipality for the year ended December 31, 2021, we also audited the adjustments described in Note 27 that were applied to restate the consolidated financial statements for the year ended December 31, 2020. In our opinion, such adjustments are appropriate and have been properly applied.

### Responsibilities of Management and Those Charged with Governance for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of the consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is responsible for assessing the Municipality's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Municipality or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Municipality's financial reporting process.

## Auditor's Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Municipality's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Municipality to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Burlington, Ontario

July 18, 2022

Chartered Professional Accountants

Licensed Public Accountants

# The Corporation of the Township of West Lincoln

## Consolidated Statement of Financial Position

As At December 31, 2021

	2021	2020
		(Restated - Note 27)
<b>Financial assets</b>		
Cash and cash equivalents (Note 2)	\$ 15,877,421	\$ 16,605,867
Portfolio investments (Note 3)	10,032,248	7,328,540
Taxes receivable	1,963,549	1,952,989
User charges receivable	894,035	820,385
Accounts receivable	1,377,028	1,593,301
Long term receivables	21,323	154
Investment in subsidiary (Note 4)	7,896,894	7,753,184
	<u>38,062,498</u>	<u>36,054,420</u>
<b>Liabilities</b>		
Accounts payable and accrued liabilities	3,830,121	3,875,531
Other liabilities	2,540,832	2,297,733
Due to trust funds (Note 18)	261,013	250,013
Deferred revenue (Note 5)	6,953,704	6,463,045
Long term debt (Note 7)	18,071,487	17,833,766
Liability for contaminated site (Note 8)	302,667	297,445
Employee benefit obligations (Note 9)	961,921	890,326
	<u>32,921,745</u>	<u>31,907,859</u>
<b>Net financial assets</b>	<u>5,140,753</u>	<u>4,146,561</u>
<b>Non-financial assets</b>		
Tangible capital assets (Pages 26 and 27)	92,809,831	92,509,797
Inventory	16,222	16,417
Prepaid expenses	164,389	127,882
	<u>92,990,442</u>	<u>92,654,096</u>
<b>Accumulated surplus (Note 10)</b>	<u>\$ 98,131,195</u>	<u>\$ 96,800,657</u>

Contingencies (Note 19)  
Commitments (Note 20)

Approved by

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Treasurer

See accompanying notes and schedules to the consolidated financial statements

# The Corporation of the Township of West Lincoln

## Consolidated Statement of Operations and Accumulated Surplus

For the Year Ended December 31, 2021

	Budget 2021 (Note 22)	Actual 2021	Actual 2020 (Restated - Note 27)
<b>Revenues</b>			
Taxation (Note 12)	\$ 9,097,970	\$ 9,181,012	\$ 8,552,705
User charges (Note 14)	5,495,340	5,191,666	5,022,238
Government transfers (Note 15)	1,509,750	1,585,487	1,457,124
Other (Note 16)	966,140	1,330,632	1,228,727
	<u>17,069,200</u>	<u>17,288,797</u>	<u>16,260,794</u>
<b>Expenses</b>			
General government	2,379,849	2,239,595	2,288,015
Protection to persons and property	2,008,929	1,814,293	1,585,922
Transportation services	4,633,016	4,433,877	4,117,828
Environmental services	4,609,277	4,307,691	4,471,321
Health services	135,514	113,919	97,930
Recreation and cultural services	3,780,387	3,424,250	3,091,193
Planning and development	952,992	658,179	760,619
	<u>18,499,964</u>	<u>16,991,804</u>	<u>16,412,828</u>
<b>Net (expense) revenue</b>	<u>(1,430,764)</u>	<u>296,993</u>	<u>(152,034)</u>
<b>Other</b>			
Revenue related to tangible capital assets			
User charges (Note 14)	605,300	335,995	698,584
Government transfers (Note 15)	732,570	513,549	1,579,250
Other (Note 16)	-	61,494	211,412
Contributed tangible capital assets	-	16,981	1,262,825
Loss on disposal of tangible capital assets	-	(38,184)	(182,333)
Change in equity of subsidiary (Note 4)	-	143,710	139,925
	<u>1,337,870</u>	<u>1,033,545</u>	<u>3,709,663</u>
<b>Annual (deficit) surplus</b>	<u>(92,894)</u>	<u>1,330,538</u>	<u>3,557,629</u>
<b>Accumulated surplus (Note 10)</b>			
Beginning of year	96,800,657	96,800,657	93,243,028
End of year	<u>\$ 96,707,763</u>	<u>\$ 98,131,195</u>	<u>\$ 96,800,657</u>

See accompanying notes and schedules to the consolidated financial statements

## The Corporation of the Township of West Lincoln

### Consolidated Statement of Changes in Net Financial Assets

For the Year Ended December 31, 2021

	Budget 2021	Actual 2021	Actual 2020
	(Note 22)		(Restated - Note 27)
Annual (deficit) surplus	\$ (92,894)	\$ 1,330,538	\$ 3,557,629
Amortization of tangible capital assets	3,449,674	3,449,674	3,215,836
Acquisition of tangible capital assets	(5,400,383)	(4,589,804)	(8,046,226)
Capitalization of prior year construction in progress	-	704,060	1,677,860
Loss on disposal of tangible capital assets	-	38,184	182,333
Proceeds from sale of tangible capital assets	-	97,852	-
	(2,043,603)	1,030,504	587,432
Use of inventory	-	195	1,449
(Acquisition) use of prepaid expenses	-	(36,507)	16,132
<b>Change in net financial assets</b>	(2,043,603)	994,192	605,013
<b>Net financial assets</b>			
Beginning of year	4,146,561	4,146,561	3,541,548
End of year	\$ 2,102,958	\$ 5,140,753	\$ 4,146,561

See accompanying notes and schedules to the consolidated financial statements

# The Corporation of the Township of West Lincoln

## Consolidated Statement of Cash Flows

For the Year Ended December 31, 2021

	2021	2020
		(Restated - Note 27)
<b>Operating activities</b>		
Annual surplus	\$ 1,330,538	\$ 3,557,629
Non-cash items		
Amortization of tangible capital assets	3,449,674	3,215,836
Loss on disposal of tangible capital assets	38,184	182,333
Increase in taxes receivable	(10,560)	(109,729)
Increase in user charges receivable	(73,650)	(40,944)
Decrease in accounts receivable	216,273	232,131
(Decrease) increase in accounts payable and accrued liabilities	(45,410)	250,772
Increase in other liabilities	243,099	229,668
Increase in due to trust funds	11,000	10,526
Increase (decrease) in deferred revenue	490,659	(195,378)
Increase in liability for contaminated site	5,222	9,830
Increase in employee benefit obligations	71,595	87,369
Decrease in inventory	195	1,449
(Increase) decrease in prepaid expenses	(36,507)	16,132
	<u>5,690,312</u>	<u>7,447,624</u>
<b>Capital activities</b>		
Proceeds from sale of tangible capital assets	97,852	-
Capitalization of prior year construction in progress	704,060	1,677,860
Acquisition of tangible capital assets	(4,589,804)	(8,046,226)
	<u>(3,787,892)</u>	<u>(6,368,366)</u>
<b>Investing activities</b>		
(Increase) decrease in portfolio investments	(2,703,708)	5,097,237
Increase in investment in subsidiary	(143,710)	(139,925)
(Increase) decrease in long term receivables	(21,169)	362
	<u>(2,868,587)</u>	<u>4,957,674</u>
<b>Financing activities</b>		
Issuance of long term debt	900,000	-
Payment of long term debt	(662,279)	(662,280)
	<u>237,721</u>	<u>(662,280)</u>
<b>Net change in cash and cash equivalents</b>	<u>(728,446)</u>	<u>5,374,652</u>
<b>Cash and cash equivalents</b>		
Beginning of year	<u>16,605,867</u>	<u>11,231,215</u>
End of year	<u>\$ 15,877,421</u>	<u>\$ 16,605,867</u>

See accompanying notes and schedules to the consolidated financial statements



# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

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The Corporation of the Township of West Lincoln (the "Municipality") was amalgamated/incorporated in 1970 as a municipality under the Province of Ontario and operates under the provision of the Municipal Act, 2001.

### 1. Significant accounting policies

The consolidated financial statements of the Municipality are the responsibility of and prepared by management in accordance with Canadian public sector accounting standards. The preparation of the consolidated financial statements necessarily involves the use of estimates based on management's judgment, particularly when transactions affecting the current accounting period cannot be finalized with certainty until future periods.

The significant accounting policies used are as follows:

#### (a) Reporting entity

The consolidated financial statements reflect the financial assets, liabilities, non-financial assets, revenues, expenses and changes in accumulated surplus of the reporting entity. The reporting entity is comprised of all organizations and enterprises accountable for the administration of their affairs and resources to the Municipality and which are owned or controlled by the Municipality. In addition to general government tax-supported operations, they include the following:

West Lincoln Public Library Board

Interdepartmental and organizational transactions and balances are eliminated.

Niagara Peninsula Energy Inc. is a subsidiary corporation of the Municipality and is accounted for on a modified equity basis, consistent with the generally accepted accounting treatment for government business enterprises (Note 4). Under the modified equity basis, the government business enterprise's accounting principles are not adjusted to conform with those of the Municipality, and inter-organizational transactions and balances are not eliminated.

The statements exclude trust assets that are administered for the benefit of external parties (Note 18).

#### (b) Basis of accounting

Sources of revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting records revenues in the period they are earned and measurable and expenses in the period the goods and services are acquired and a liability is incurred.

#### (c) Financial instruments

##### i) Measurement

The Municipality initially measures its financial assets and financial liabilities at fair value adjusted by, in the case of a financial instrument that will not be measured subsequently at fair value, the amount of transaction costs directly attributable to the instrument.

The Municipality subsequently measures its financial assets and financial liabilities at amortized cost.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

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### 1. Significant accounting policies (continued)

#### (c) Financial instruments (continued)

##### i) Measurement (continued)

Financial assets measured at amortized cost include cash and cash equivalents, accounts receivable, and long term receivables.

Financial liabilities measured at amortized cost include accounts payable and accrued liabilities, other liabilities, and long term debt.

##### ii) Impairment

Financial assets measured at amortized cost are tested for impairment when there are indicators of possible impairment. When a significant adverse change has occurred during the period in the expected timing or amount of future cash flows from the financial asset or group of assets, a write-down is recognized in the statement of operations. The write-down reflects the difference between the carrying amount and the higher of: the present value of the cash flows expected to be generated by the asset or group of assets; the amount that could be realized by selling the assets or group of assets; and the net realizable value of any collateral held to secure repayment of the assets or group of assets.

When the event occurring after the impairment confirms that a reversal is necessary, the reversal is recognized in the statement of operations up to the amount of the previously recognized impairment.

#### (d) Cash and cash equivalents

Cash and cash equivalents are represented by cash on hand, cash on deposit in chartered banks and investments that mature within three months.

#### (e) Portfolio investments

Portfolio investments are valued at the lower of cost and market value. Interest income is reported as revenue in the period earned.

#### (f) Deferred revenue

Receipts that are restricted by legislation of senior governments or by agreement with external parties are deferred and reported as restricted revenues. When qualifying expenses are incurred, restricted revenues are brought into revenue at equal amounts. Revenues received in advance of expenses that will be incurred in a later period are deferred until they are earned by being matched against those expenses.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

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### 1. Significant accounting policies (continued)

#### (g) Liability for contaminated sites

Contaminated sites are a result of contamination being introduced into air, soil, water or sediment of a chemical, organic or radioactive material or live organism that exceeds an environmental standard. The liability is recorded net of any expected recoveries. A liability for remediation of contaminated sites is recognized when a site is not in productive use and all the following criteria are met:

- an environmental standard exists;
- contamination exceeds the environmental standard;
- the municipality is directly responsible or accepts responsibility;
- it is expected that future economic benefits will be given up; and
- a reasonable estimate of the amount can be made.

The liability is recognized as management's estimate of the cost of post-remediation including operation, maintenance and monitoring that are an integral part of the remediation strategy for a contaminated site.

#### (h) Employee benefit obligations

The Municipality provides certain benefits which will require funding in future periods. These benefits include extended health and dental benefits for certain retirees. The costs of extended health and dental benefits are actuarially determined using management's best estimate of salary escalation, health care cost trends, long-term inflation rates and discount rates.

For self-insured retirement benefits that vest or accumulate over the periods of service provided by employees, the cost is actuarially determined using the projected accrued benefit cost method pro-rated on service. Under this method, the benefit costs are recognized over the expected average service life of the employee group. Any actuarial gain or loss related to the past service of employees are amortized over the expected average remaining service life to the expected retirement age of the employee group.

#### (i) Tangible capital assets

Tangible capital assets are recorded at cost. Cost includes all directly attributable expenses in the acquisition, construction, development and/or betterment of the asset required to install the asset at the location and in the condition necessary for its intended use. Contributed tangible capital assets are capitalized at their estimated fair value upon the date of acquisition and are also recorded as revenue. The Municipality does not capitalize interest as part of the costs of its capital assets.

Works of art for display in municipal property are not included as capital assets. The works of art are held for exhibition, educational and historical interest. Such assets are deemed worthy of preservation because of the social rather than financial benefits they provide to the community. The cost of art is not determinable or relevant to their significance. No valuation of the collection has been conducted or disclosed in the consolidated financial statements.

Leases are classified as capital or operating leases. Leases that transfer substantially all benefits incidental to ownership are accounted for as capital leases. All other leases are accounted for as operating leases and the related lease payments are charged to expenses as incurred.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

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### 1. Significant accounting policies (continued)

#### (i) Tangible capital assets (continued)

Amortization is calculated on a straight-line basis to write-off the net cost of each asset over its estimated useful life for all classes except land. Land is considered to have an infinite life without amortization. Residual values of assets are assumed to be zero with any net gain or loss arising from the disposal of assets recognized in the consolidated statement of operations.

<b>Classification</b>	<b>Useful Life</b>
Land improvements	15 to 40 years
Facilities	20 to 50 years
Rolling stock	5 to 20 years
Equipment	5 to 20 years
Infrastructure – transportation	10 to 75 years
Infrastructure – environmental	15 to 80 years

No amortization is charged in the year of acquisition and a full year amortization is taken in year of disposal. Assets under construction are not amortized until the asset is available for productive use.

#### (j) Subdivision infrastructure

Subdivision roads, lighting, sidewalks, drainage and other infrastructure are required to be provided by subdivision developers. Upon completion, they are turned over to the Municipality. The Municipality is not involved in the construction and does not budget for either the contribution from the developer or the capital expense.

#### (k) Reserves for future expenses

Certain amounts, as approved by Council, are set aside in reserves for future operating and capital expenses.

#### (l) Revenue recognition

##### i) Taxation

Property tax billings are prepared by the Municipality based on assessment rolls issued by the Municipal Property Assessment Corporation ("MPAC"). Tax rates are established annually by Council, incorporating amounts to be raised for local services and amounts the Municipality is required to collect on behalf of the Region of Niagara and the Province of Ontario in respect of education taxes. Realty taxes are billed based on the assessment rolls provided by MPAC. Taxation revenues are recorded at the time tax billings are issued.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

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### 1. Significant accounting policies (continued)

#### (l) Revenue recognition (continued)

##### i) Taxation (continued)

A normal part of the assessment process is the issue of supplementary assessment rolls which provide updated information with respect to changes in property assessment. Once a supplementary roll is received, the Municipality determines the taxes applicable and renders supplementary tax billings. Assessments of the related property taxes are subject to appeal. Any supplementary billing adjustments made necessary by the determination of such changes will be recognized in the fiscal year they are determined and the effect shared with the Region of Niagara and school boards, as appropriate.

##### ii) User charges

User charges are recognized when the services are performed or goods are delivered and there is reasonable assurance of collection.

##### iii) Government transfers

Government transfers are recognized in the consolidated financial statements as revenues in the period in which events giving rise to the transfer occur, providing the transfers are authorized, any eligibility criteria have been met and reasonable estimates of the amounts can be made.

##### iv) Other

Other revenue is recorded when it is earned and collection is reasonably assured.

##### v) Investment income

Investment income earned on operating surplus funds and reserves and reserve funds (other than obligatory reserve funds) are recorded as revenue in the period earned. Investment income earned on obligatory reserve funds are recorded directly to each respective fund balance and forms part of the deferred revenue – obligatory reserve funds balance.

#### (m) Local improvements

The Municipality records capital expenses funded by local improvement agreements as they are incurred. Revenues are recognized in the year they become payable.

#### (n) Region of Niagara and school board transactions

The taxation, other revenues, expenses, assets and liabilities with respect to the operations of the school boards and the Region of Niagara are not reflected in the accumulated surplus of these financial statements.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 1. Significant accounting policies (continued)

#### (o) Use of estimates and measurement uncertainty

The preparation of the financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the dates of the financial statements and the reported amounts of revenues and expenses during the reporting periods. Actual results could differ from those estimates. Estimates are used with accounting for items such as allowances for taxes receivable, accrued liabilities, liability for contaminated site, employee benefit obligations and tangible capital assets.

### 2. Cash and cash equivalents

Cash and temporary investments are comprised of:

	2021	2020
Cash on hand	\$ 528	\$ 1,953
Cash held in banks	15,792,524	15,887,199
Investments maturing within three months	84,369	716,715
	<b>\$ 15,877,421</b>	<b>\$ 16,605,867</b>

### 3. Portfolio investments

	2021	2020
Guaranteed investment certificates	\$ 7,973,165	\$ 5,668,355
Debentures and bonds	2,059,083	1,660,185
	<b>\$ 10,032,248</b>	<b>\$ 7,328,540</b>

Portfolio investments carry an effective interest rate ranging from 0.45% to 3.65% and maturity dates ranging from April 2022 to May 2033. Interest is receivable on an annual basis. Portfolio investments reported on the consolidated statement of financial position have a market value of \$10,122,994 (2020 - \$7,510,988).

### 4. Investment in subsidiary

Peninsula West Power Inc. (PWPI), established by Municipal Council under Municipal By-law 2004-45, is an amalgamation of hydro-electric commissions from the municipalities of Lincoln, West Lincoln and Pelham. PWPI wholly-owns Peninsula West Services Ltd. (PWSL), which provides water heater, sentinel lights and related services and owns a 25.5% share of Niagara Peninsula Energy Inc. (NPEI), which provides electric distribution services. The Corporation of the Township of West Lincoln has a 24% interest in PWPI.



## The Corporation of the Township of West Lincoln Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 4. Investment in subsidiary (continued)

The following table provides condensed supplementary financial information for Peninsula West Power Inc. (PWPI):

	2021	2020
<b>Financial position</b>		
Current assets	\$ 1,646,498	\$ 1,595,696
Capital assets	79,889	86,476
Investment	36,873,000	36,299,079
Total assets	38,599,387	37,981,251
Current liabilities	56,753	32,109
Deferred tax liabilities	5,638,911	5,644,211
Total liabilities	5,695,664	5,676,320
Net assets	\$ 32,903,723	\$ 32,304,931
Township of West Lincoln's interest – 24%	\$ 7,896,894	\$ 7,753,184
<b>Change in equity investment in subsidiary</b>		
Revenues	\$ 171,920	\$ 197,032
Expenses	(170,136)	(192,742)
Income from operating activities	1,784	4,290
Gain on investment – Niagara Peninsula Energy Inc.	828,921	565,626
Finance income – net	7,569	15,697
Income before income taxes	838,274	585,613
Future payment in lieu of income taxes	(2,081)	(2,594)
Net income and comprehensive income	836,193	583,019
Dividends	(237,400)	-
Net increase in equity of subsidiary	\$ 598,793	\$ 583,019
Change in equity of subsidiary – 24%	\$ 143,710	\$ 139,925

The financial position information is as reported by PWPI at December 31, 2021 and the results of operations are as reported for the year ended December 31, 2021. The comparative financial position and results of operations figures are as reported by PWPI at December 31, 2020.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 4. Investment in subsidiary (continued)

The below summarizes the Municipality's related party transactions with NPEI. All transactions are in the normal course of operations and are recorded at the exchange value based on normal commercial rates.

	2021	2020
Electricity purchased	\$ 246,825	\$ 252,051
Contracted services	5,798	7,519
	<b>\$ 252,623</b>	<b>\$ 259,570</b>

### 5. Deferred revenue

	2021	2020
Development Charges Act	\$ 4,215,049	\$ 4,309,542
Recreational land (Planning Act)	352,758	457,947
Canada Community - Building Fund revenue	1,375,635	706,502
Deferred property tax revenue	889,369	868,162
Other	120,893	120,892
	<b>\$ 6,953,704</b>	<b>\$ 6,463,045</b>

Deferred revenue is made up of the following:

	2021	2020
Balance, beginning of year	\$ 6,463,045	\$ 6,658,423
Contributions from		
Development Charges Act	522,440	1,197,669
Interest earned	51,707	61,185
Canada Community - Building Fund grants received	901,956	450,575
Deferred property tax revenue	889,369	868,162
Other	-	85,101
	<b>2,365,472</b>	<b>2,662,692</b>
Utilized for		
Operations	(879,995)	(1,013,122)
Tangible capital asset acquisitions	(994,818)	(1,844,948)
	<b>(1,874,813)</b>	<b>(2,858,070)</b>
Balance, end of year	<b>\$ 6,953,704</b>	<b>\$ 6,463,045</b>

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 6. Credit facility

The Municipality has available an authorized revolving line of credit of \$2,000,000 bearing interest at prime less 0.75% to assist with general operating requirements. The line of credit is unsecured and due on demand. As at year end, the line of credit has not been drawn upon (2020 - \$nil).

### 7. Long term debt

	2021	2020
The municipality has assumed responsibility for the payment of principal and interest charges on certain long term debt issued by the Region of Niagara. At year end, outstanding principal is:	<b>\$ 18,071,487</b>	\$ 17,833,766

The balance of long term debt reported on the consolidated statement of financial position is made up of the following:

By-Law Number	Purpose	Interest Rate	Maturity Date	2021	2020
2017-83	Recreation Centre	3.53%	2048	<b>\$ 13,250,000</b>	\$ 13,750,000
2017-83	Bridge 12	3.16%	2028	<b>188,153</b>	217,100
2019-101	Recreation Centre	2.80%	2049	<b>3,733,334</b>	3,866,666
2021-109	Elcho and Concession 5 Roads	2.63%	2036	<b>900,000</b>	-
				<b>\$ 18,071,487</b>	\$ 17,833,766

Principal repayments in each of the next five years and thereafter are due as follows:

2022	\$ 722,280
2023	722,280
2024	722,280
2025	722,280
2026	722,280
Thereafter	14,460,087
	<b>\$ 18,071,487</b>

The Municipality paid \$594,963 (2020 - \$618,942) interest on long term debt during the year.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 8. Liability for contaminated site

In 2002, a Consulting Geotechnical and Environmental Engineering firm was hired by the Township to complete an Environmental Site Assessment at 5490 Vaughn Road, the former public works yard owned by the Township of West Lincoln.

The assessment indicated that soil and groundwater quality exceedances of current Ministry of the Environment, Conservation and Parks industrial/commercial land use standards due to the long term effects of salt storage. The estimated remediation cost to employ a stratified depth clean-up approach would be in the range of \$150,000 to \$175,000.

A three-year average 2019-2021 Statistics Canada Construction Price index for the Toronto Census Metropolitan Area has been applied to \$175,000 to reflect the present value of this estimated remediation cost.

### 9. Employee benefit obligations

	2021	2020
Accrued vacation pay funded	\$ 386,921	\$ 312,126
Retirement benefits	575,000	578,200
	<b>961,921</b>	890,326
Less: Accrued vacation pay funded	<b>386,921</b>	312,126
Liabilities to be recovered in the future	<b>\$ 575,000</b>	\$ 578,200

#### Retirement benefits

	2021	2020
Accrued benefit obligation:		
Balance, beginning of year	\$ 574,100	\$ 569,600
Current benefit cost	40,700	39,600
Interest	16,400	16,300
Benefits paid	(59,800)	(51,400)
Balance, end of year	<b>571,400</b>	574,100
Unamortized actuarial gain	<b>3,600</b>	4,100
Accrued benefit liability, end of year	<b>\$ 575,000</b>	\$ 578,200

Included in expenses is \$500 (2020 - \$500) for amortization of the actuarial gain. The unamortized actuarial gain is amortized over the expected average remaining service life of 11 years.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 9. Employee benefit obligations (continued)

The Municipality provides employees with health and dental benefits between the time an employee retires under the OMERS retirement provisions to the age of sixty-five. The accrued benefit obligation was determined by actuarial valuation using a discount rate of 2.80% (2020 - 2.80%). Medical costs were assumed to increase in 2021 at 5.51%, decreasing by 0.076% per year until the rate of increase is 4.00%. Dental costs were assumed to increase 4.00% per year. In order to qualify for retirement benefits, CUPE employees must be employed by the Municipality for at least twenty-five years and be part of OMERS for at least twenty-five years, non-CUPE employees must be employed by the Municipality for at least fifteen years, and be part of OMERS for at least twenty years.

### 10. Accumulated surplus

	2021	2020
	(Restated - Note 27)	
Operating surplus	\$ 651,372	\$ 874,358
Investment in subsidiary	7,896,894	7,753,184
Unfunded:		
Liability for contaminated sites	(302,667)	(297,445)
Employee benefit obligations	(575,000)	(578,200)
Investment in tangible capital assets (net of long term debt)	74,738,343	74,676,031
Reserves and reserve funds (Note 11)	15,722,253	14,372,729
	<b>\$ 98,131,195</b>	<b>\$ 96,800,657</b>

### 11. Reserves and reserve funds

	2021	2020
Accessibility reserve	\$ -	\$ 29,491
Working funds	45,159	90,159
Contingencies	1,382,010	1,191,941
Technology	184,363	176,662
Hospital	1,326,367	1,250,000
Insurance	187,655	187,655
Rate stabilization	-	59,000
Election	117,231	83,076
Recreation	-	1,004
Library	290,045	262,515
Capital	1,740,959	1,648,527
Wind turbine community fund	945,023	943,508
Fire trucks and equipment	1,536,991	542,160

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 11. Reserves and reserve funds (continued)

	2021	2020
Road equipment	1,194,254	1,404,749
Industrial park	455,759	467,843
Bridges	435,090	236,308
Facilities	372,616	323,925
Sidewalks	177,102	151,582
Streetlights	64,752	64,752
Sewers	1,710,734	1,484,799
Water	985,673	994,939
Winter control	633,000	475,200
Cemeteries	38,595	18,823
West Lincoln Community Centre	169,927	21,943
Settlement road agreement	957,204	1,078,100
Planning	402,627	350,275
Building revenues	369,117	833,793
	<b>\$ 15,722,253</b>	<b>\$ 14,372,729</b>

### 12. Taxation

	Budget 2021	Actual 2021	Actual 2020
Real property	\$ 26,451,637	\$ 26,566,145	\$ 25,700,759
From other governments			
Payments in lieu of taxes	1,108,374	1,117,611	1,112,873
	<u>27,560,011</u>	<u>27,683,756</u>	<u>26,813,632</u>
Less: taxation collected on behalf of others (Note 13)	18,462,041	18,502,744	18,260,927
Net taxes available for municipal purposes	<u>\$ 9,097,970</u>	<u>\$ 9,181,012</u>	<u>\$ 8,552,705</u>
Residential and farm	\$ 7,475,080	\$ 7,335,116	\$ 6,796,866
Commercial	1,153,630	1,460,200	1,388,933
Industrial	469,260	385,696	366,906
Net taxes available for municipal purposes	<u>\$ 9,097,970</u>	<u>\$ 9,181,012</u>	<u>\$ 8,552,705</u>



## The Corporation of the Township of West Lincoln

### Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

#### 13. Collections for the Region of Niagara and school boards

Total taxation and development charges received or receivable on behalf of the Region of Niagara and the school boards were as follows:

	2021	2020
Region of Niagara	\$ 14,271,013	\$ 13,848,947
School boards	4,231,731	4,411,980
	<b>\$ 18,502,744</b>	<b>\$ 18,260,927</b>

The Municipality is required to levy and collect taxes on behalf of the Region of Niagara and the school boards. These taxes are recorded as revenue at the amounts levied. The taxes levied over (under) the amounts requisitioned are recorded as accounts payable (receivable).

The Municipality collects development charges on behalf of the Region of Niagara and the Niagara Catholic District School Board. Development charges collected in excess of those paid to the Region of Niagara and the Niagara Catholic District School Board are recorded as accounts payable.

#### 14. User charges

	Budget 2021	Actual 2021	Actual 2020
<b>Operating</b>			
Direct water and sewer billings	\$ 3,979,150	\$ 4,035,479	\$ 3,815,168
Licences and permits	446,160	400,847	427,845
Development charges	228,700	126,656	261,878
Recreation	391,140	190,669	208,335
Rents and concessions	54,210	56,265	49,698
Other	395,980	381,750	259,314
	<b>5,495,340</b>	<b>5,191,666</b>	<b>5,022,238</b>
<b>Capital</b>			
Development charges	605,300	335,995	698,584
	<b>\$ 6,100,640</b>	<b>\$ 5,527,661</b>	<b>\$ 5,720,822</b>

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 15. Government transfers

	Budget 2021	Actual 2021	Actual 2020
<b>Operating</b>			
Province of Ontario	\$ 1,509,750	\$ 1,427,700	\$ 1,280,133
Government of Canada	-	87,156	40,374
Municipal	-	70,631	136,617
	<u>1,509,750</u>	<u>1,585,487</u>	<u>1,457,124</u>
<b>Capital</b>			
Province of Ontario	272,700	273,152	492,629
Government of Canada	459,870	240,397	869,369
Municipal	-	-	217,252
	<u>732,570</u>	<u>513,549</u>	<u>1,579,250</u>
	<u>\$ 2,242,320</u>	<u>\$ 2,099,036</u>	<u>\$ 3,036,374</u>

### 16. Other revenue

	Budget 2021	Actual 2021	Actual 2020
<b>Operating</b>			
Penalties and interest on taxes	\$ 300,000	\$ 326,781	\$ 291,782
Other fines	27,820	29,981	21,594
Interest and dividend income	190,000	338,889	383,033
Interest income - reserves and reserve funds	-	7,911	12,322
Other	28,320	175,570	68,496
Community Fund	420,000	451,500	451,500
	<u>966,140</u>	<u>1,330,632</u>	<u>1,228,727</u>
<b>Capital</b>			
Developer contribution	-	-	48,299
Other	-	61,494	163,113
	<u>-</u>	<u>61,494</u>	<u>211,412</u>
	<u>\$ 966,140</u>	<u>\$ 1,392,126</u>	<u>\$ 1,440,139</u>

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

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### 17. Pension agreements

The Municipality makes contributions to the Ontario Municipal Employees Retirement System ("OMERS"), which is a multi-employer plan, on behalf of the members of its staff. The plan is a defined benefit plan that specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay. Employees and employers contribute jointly to the plan.

Since OMERS is a multi-employer pension plan, the Municipality does not recognize any share of the pension plan deficit of \$3.13 billion (2020 - \$3.21 billion) based on the fair market value of the Plan's assets, as this is a joint responsibility of all Ontario municipal entities and their employees. Contributions were made in the 2021 calendar year at rates ranging from 9.0% to 15.8% depending on the member's designated retirement age and level of earnings. Employer contributions for current and past service are included as an expense in the consolidated statement of operations. Employer contributions to OMERS for 2021 current and past service was \$401,437 (2020 - \$380,812) and were matched by employee contributions in a similar amount.

### 18. Corporation of the Township of West Lincoln - Trust Funds

Trust funds administered by the Municipality amounting to \$261,013 (2020 - \$250,013) have not been included in the consolidated statement of financial position nor have these operations been included in the consolidated statement of operations.

### 19. Contingencies

The Municipality is involved from time to time in litigation, which arises in the normal course of business. In respect to any outstanding claims, the Municipality believes that insurance coverage is adequate, and that no material exposure exists on the eventual settlement of such litigation, therefore no provision has been made in the financial statements.

### 20. Commitments

#### (a) YMCA Obligation

In 2010, Council received and supported a request for a capital contribution of \$420,000 to the West Niagara YMCA over a five year period in equal instalments commencing on a date to be established by the Municipality. In 2015, as part of the budget process, a payment schedule over an eight year period was approved. At year end, the remaining amount under the payment schedule is \$52,500 (2020 - \$105,000).

#### (b) West Lincoln Memorial Hospital

The Township is committed to funding a portion of the local share amount of \$50 million towards the reconstruction of the West Lincoln Memorial Hospital located in Grimsby. The Township approved a plan to contribute \$4,524,850 towards this project. It is anticipated that the Township contribution of \$4,524,850 will be due and payable sometime in 2025. The Township introduced a new hospital levy in 2021 in order to provide funding towards this commitment. The approved plan includes the issuance of a debenture in 2025 in order to provide the required payment that will be due and payable. The funds from the annual hospital levy will be used to fund the principal and interest payments on the debenture.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 21. Measurement uncertainty

Property tax billings are prepared by the Municipality based on an assessment roll prepared by the Municipal Property Assessment Corporation ("MPAC"), an agency of the Ontario government. All assessed property values in the Municipality were reviewed and new values established based on a common valuation date that was used by the Municipality in computing the property tax bills. However, the property tax revenue and tax receivables of the Municipality are subject to measurement uncertainty as a number of appeals submitted by taxpayers have yet to be heard. Any adjustments made necessary by the determination of such changes will be recognized in the fiscal year they are determined and the effect shared with the Region of Niagara and school boards, as appropriate.

### 22. Budget

The budget by-law adopted by Council on March 1, 2021 was not prepared on a basis consistent with that used to report actual results in accordance with Canadian public sector accounting standards. The budget was prepared on a modified accrual basis while Canadian public sector accounting standards require a full accrual basis. As a result, budget figures presented in the consolidated statements of operations and changes in net financial assets represent the Council approved budget and subsequent budget amendments, with the following adjustments.

	<u>2021</u>
Approved budgeted annual surplus	\$ -
Add:	
Acquisition of tangible capital assets	5,400,383
YMCA obligation	52,500
Debenture principal repayment	662,400
Transfer to reserve and reserve funds	2,987,200
Less:	
Transfer from reserve and reserve funds	(4,755,703)
Debenture proceeds	(990,000)
Amortization of tangible capital assets	(3,449,674)
Budgeted deficit reported on the consolidated statement of operations	<u>\$ (92,894)</u>

### 23. Segmented information

The Municipality provides a wide range of services to its citizens. Municipal services are provided by departments and their activities are reported in the consolidated statement of operations. Certain departments that have been separately disclosed in the segmented information, along with the services they provide, are as follows:

#### General government

General government is comprised of Municipal Council, administrative and clerks departments.

#### Protection to persons and property

Protection to persons and property is comprised of the fire and emergency management, building, by-law enforcement and animal control departments.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

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### 23. Segmented information (continued)

#### Transportation services

The transportation services department is responsible for the delivery of public works services related to maintenance of roadway systems, maintenance of parks and open spaces, winter control, street lighting, air transportation and maintenance of Municipal buildings.

#### Environmental services

The environmental services department consists of water, wastewater and solid waste disposal utilities. The department provides drinking water, collecting and treating wastewater, and providing collection disposal and waste minimization programs and facilities.

#### Health services

Health services department is responsible for cemetery operations.

#### Recreation and culture services

Recreation and culture services department is responsible for the delivery and upkeep of all recreation programs and facilities including arena, recreation complex, parks and library.

#### Planning and development

Planning and development is responsible for providing planning and zoning advice to the residents of the Municipality and construction and maintenance of Municipal drains.

For each reported segment, revenues and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Taxation revenue is allocated to segments based on budgeted amounts with any supplementary tax revenue being allocated to the general government segment.

The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in Note 1. The consolidated schedule of segment disclosure and the consolidated schedules of segment disclosure with budget information follow the notes.

### 24. Financial instruments and risks

Unless otherwise noted, it is management's opinion that the Municipality is not exposed to significant risks. There have been no changes in the Municipality's risk exposures from the prior year.

#### Liquidity risk

Liquidity risk is the risk that the Municipality will not be able to meet its obligations as they become due. The Municipality manages this risk by establishing budgets and funding plans to fund its expenses and debt payments.

#### Credit risk

The Municipality is exposed to credit risk through its cash and cash equivalents, accounts and other receivables and long-term receivables. There is a possibility of non-collection of its accounts and other receivables. The majority of the Municipality's receivables are from rate payers and government entities. The Municipality mitigates its exposure to credit loss by placing its cash and cash equivalents with major financial institutions.

# The Corporation of the Township of West Lincoln

## Notes to the Consolidated Financial Statements

For the Year Ended December 31, 2021

### 25. Impact of COVID-19 pandemic

In 2020, the COVID-19 outbreak was declared a pandemic and has had a significant financial, market and social dislocating impact. The ultimate duration and magnitude of the COVID-19 pandemic's impact on the Municipality's operations and financial position is not known at this time. These impacts could include a decline in future cash flows and changes to the value of assets and liabilities. In order to mitigate risk, the Municipality continues to actively monitor and assess the impact of the pandemic on its operating activities and services.

### 26. Comparative figures

Certain comparative figures have been reclassified to conform with the financial statement presentation adopted for the current year.

### 27. Prior period adjustment

In accordance with Ontario Regulation 588/17, the Municipality continued its work in achieving asset management plan milestones throughout 2021. As a result of this work, information became available that demonstrated the Municipality had understated its consolidated tangible capital assets, specifically environmental and road infrastructure. The Municipality has restated the 2020 comparative figures to correctly reflect the tangible capital asset and associated account balances. The adjustment performed to the 2020 comparative figures is as follows:

	Previously reported	Adjustment	Restated
<b>Consolidated Statement of Financial Position</b>			
Tangible capital assets	\$ 91,817,649	\$ 692,148	<b>\$ 92,509,797</b>
Accumulated surplus	96,108,509	692,148	<b>96,800,657</b>
<b>Consolidated Statement of Operations</b>			
Contributed tangible capital assets	1,256,793	6,032	<b>1,262,825</b>
Transportation services (amortization)	1,344,554	7,467	<b>1,352,021</b>
Environmental services (amortization)	752,588	12,783	<b>765,371</b>
Annual surplus	3,571,847	(14,218)	<b>3,557,629</b>
Accumulated surplus, beginning of year	92,536,662	706,366	<b>93,243,028</b>
Accumulated surplus, end of year	96,108,509	692,148	<b>96,800,657</b>
<b>Consolidated Statement of Changes in Net Financial Assets</b>			
Annual surplus	3,571,847	(14,218)	<b>3,557,629</b>
Amortization of tangible capital assets	3,195,586	20,250	<b>3,215,836</b>
Acquisition of tangible capital assets	(8,040,194)	(6,032)	<b>(8,046,226)</b>
<b>Consolidated Statement of Cash Flows</b>			
Annual surplus	\$ 3,571,847	\$ (14,218)	<b>\$ 3,557,629</b>
Amortization of tangible capital assets	3,195,586	20,250	<b>3,215,836</b>
Acquisition of tangible capital assets	\$ (8,040,194)	\$ (6,032)	<b>\$ (8,046,226)</b>



**The Corporation of the Township of West Lincoln**  
**Consolidated Schedule of Tangible Capital Assets**

For the Year Ended December 31, 2021

								2021
	Land	Land Improvements	Facilities	Rolling Stock	Equipment	Infrastructure	Construction in Progress	Total
<b>Cost</b>								
Beginning of year (restated)	\$ 4,112,267	\$ 5,440,009	\$ 25,199,456	\$ 6,497,302	\$ 4,273,369	\$ 87,212,075	\$ 203,813	\$ <b>132,938,291</b>
Add: additions	-	81,388	510,063	781,128	386,454	2,130,539	700,232	<b>4,589,804</b>
Less: disposals	-	(90,936)	(9,753)	(581,735)	(174,737)	(455,291)	(704,060)	<b>(2,016,512)</b>
End of year	4,112,267	5,430,461	25,699,766	6,696,695	4,485,086	88,887,323	199,985	<b>135,511,583</b>
<b>Accumulated amortization</b>								
Beginning of year (restated)	-	1,898,818	2,761,204	3,164,013	1,288,335	31,316,124	-	<b>40,428,494</b>
Add: amortization	-	166,052	583,099	378,916	335,996	1,985,611	-	<b>3,449,674</b>
Less: amortization on disposals	-	(73,586)	(6,989)	(561,500)	(168,056)	(366,285)	-	<b>(1,176,416)</b>
End of year	-	1,991,284	3,337,314	2,981,429	1,456,275	32,935,450	-	<b>42,701,752</b>
<b>Net book value</b>	\$ 4,112,267	\$ 3,439,177	\$ 22,362,452	\$ 3,715,266	\$ 3,028,811	\$ 55,951,873	\$ 199,985	\$ <b>92,809,831</b>

Draft - for Discussion Purposes Only

## The Corporation of the Township of West Lincoln Consolidated Schedule of Tangible Capital Assets

For the Year Ended December 31, 2021

								2020 (Restated - Note 27)
	Land	Land Improvements	Facilities	Rolling Stock	Equipment	Infrastructure	Construction in Progress	Total
<b>Cost</b>								
Beginning of year	\$ 4,112,267	\$ 5,293,447	\$ 25,106,774	\$ 5,540,864	\$ 4,220,841	\$ 82,770,142	\$ 178,640	\$ 127,222,975
Add: additions	-	146,562	92,682	956,438	214,616	4,932,895	1,703,033	8,046,226
Less: disposals	-	-	-	-	(162,088)	(490,962)	(1,677,860)	(2,330,910)
End of year	4,112,267	5,440,009	25,199,456	6,497,302	4,273,369	87,212,075	203,813	132,938,291
<b>Accumulated amortization</b>								
Beginning of year	-	1,718,944	2,180,277	2,866,141	1,120,864	29,797,149	-	37,683,375
Add: amortization	-	179,874	580,927	297,872	329,559	1,827,604	-	3,215,836
Less: amortization on disposals	-	-	-	-	(162,088)	(308,629)	-	(470,717)
End of year	-	1,898,818	2,761,204	3,164,013	1,288,335	31,316,124	-	40,428,494
<b>Net book value</b>	\$ 4,112,267	\$ 3,541,191	\$ 22,438,252	\$ 3,333,289	\$ 2,985,034	\$ 55,895,951	\$ 203,813	\$ 92,509,797

## The Corporation of the Township of West Lincoln

### Consolidated Schedule of Segment Disclosure

For the Year Ended December 31, 2021

								2021
	General Government	Protection to Persons and Property	Transportation Services	Environmental Services	Health Services	Recreation and Cultural Services	Planning and Development	Consolidated
<b>Revenues</b>								
Taxation	\$ 1,679,798	\$ 1,366,472	\$ 2,737,452	\$ 90,586	\$ 105,464	\$ 2,454,119	\$ 747,121	\$ 9,181,012
User charges	181,812	439,940	175,256	4,038,049	21,124	362,614	308,866	5,527,661
Government transfers	1,137,929	10,126	626,485	41,568	-	247,511	35,417	2,099,036
Other	1,146,936	20,946	960	18,935	1,789	189,418	13,142	1,392,126
Contributed tangible capital assets	-	-	-	-	1,981	15,000	-	16,981
Loss on disposal of tangible capital assets	(2,765)	12,116	48,663	(89,008)	-	(7,190)	-	(38,184)
Change in equity of subsidiary	143,710	-	-	-	-	-	-	143,710
	<b>4,287,420</b>	<b>1,849,600</b>	<b>3,588,816</b>	<b>4,100,130</b>	<b>130,358</b>	<b>3,261,472</b>	<b>1,104,546</b>	<b>18,322,342</b>
<b>Expenses</b>								
Salaries and benefits	1,751,894	864,489	1,624,200	422,495	20,641	1,429,253	449,822	6,562,794
Interest on long term debt	-	-	6,871	-	-	581,534	-	588,405
Operating materials and supplies	247,175	166,546	833,888	907,400	1,546	484,784	23,036	2,664,375
Contracted services	383,046	338,199	823,729	1,570,359	80,388	175,868	174,929	3,546,518
Rent and financial expenses	11,559	460	1,877	-	-	13,984	-	27,880
External transfers to others	19,300	560	-	-	10,300	4,750	-	34,910
Tax write-offs	115,762	-	1,486	-	-	-	-	117,248
Interfunctional adjustments	(527,200)	177,400	(338,620)	595,660	-	82,760	10,000	-
Amortization of tangible capital assets	238,059	266,639	1,480,446	811,777	1,044	651,317	392	3,449,674
	<b>2,239,595</b>	<b>1,814,293</b>	<b>4,433,877</b>	<b>4,307,691</b>	<b>113,919</b>	<b>3,424,250</b>	<b>658,179</b>	<b>16,991,804</b>
<b>Annual surplus (deficit)</b>	<b>\$ 2,047,825</b>	<b>\$ 35,307</b>	<b>\$ (845,061)</b>	<b>\$ (207,561)</b>	<b>\$ 16,439</b>	<b>\$ (162,778)</b>	<b>\$ 446,367</b>	<b>\$ 1,330,538</b>

# The Corporation of the Township of West Lincoln

## Consolidated Schedule of Segment Disclosure

For the Year Ended December 31, 2021

								2020
								(Restated - Note 27)
	General Government	Protection to Persons and Property	Transportation Services	Environmental Services	Health Services	Recreation and Cultural Services	Planning and Development	Consolidated
<b>Revenues</b>								
Taxation	\$ 1,728,115	\$ 1,251,349	\$ 2,562,193	\$ 88,975	\$ 87,280	\$ 2,284,151	\$ 550,642	\$ 8,552,705
User charges	306,106	586,518	413,875	3,882,758	18,612	307,410	205,543	5,720,822
Government transfers	1,131,110	1,150	1,579,250	203,287	-	84,557	37,020	3,036,374
Other	1,157,159	14,702	55,489	16,069	619	160,603	35,498	1,440,139
Contributed tangible capital assets	-	-	413,340	830,004	-	19,481	-	1,262,825
Loss on disposal of tangible capital assets	-	-	(182,333)	-	-	-	-	(182,333)
Change in equity of subsidiary	139,925	-	-	-	-	-	-	139,925
	<b>4,462,415</b>	<b>1,853,719</b>	<b>4,841,814</b>	<b>5,021,093</b>	<b>106,511</b>	<b>2,856,202</b>	<b>828,703</b>	<b>19,970,457</b>
<b>Expenses</b>								
Salaries and benefits	1,628,974	714,074	1,627,273	367,636	-	1,233,619	509,051	6,080,627
Interest on long term debt	111,371	-	7,222	-	-	493,207	-	611,800
Operating materials and supplies	270,932	146,720	774,847	983,021	3,360	389,104	12,493	2,580,477
Contracted services	380,423	354,197	682,316	1,785,093	83,549	207,676	229,184	3,722,438
Rent and financial expenses	36,467	-	2,069	-	-	17,138	-	55,674
External transfers to others	18,750	1,120	-	-	10,300	12,570	-	42,740
Tax write-offs	102,156	-	1,080	-	-	-	-	103,236
Interfunctional adjustments	(495,600)	165,300	(329,000)	570,200	-	79,600	9,500	-
Amortization of tangible capital assets	234,542	204,511	1,352,021	765,371	721	658,279	391	3,215,836
	<b>2,288,015</b>	<b>1,585,922</b>	<b>4,117,828</b>	<b>4,471,321</b>	<b>97,930</b>	<b>3,091,193</b>	<b>760,619</b>	<b>16,412,828</b>
<b>Annual surplus (deficit)</b>	<b>\$ 2,174,400</b>	<b>\$ 267,797</b>	<b>\$ 723,986</b>	<b>\$ 549,772</b>	<b>\$ 8,581</b>	<b>\$ (234,991)</b>	<b>\$ 68,084</b>	<b>\$ 3,557,629</b>

## Independent Auditor's Report

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To the Members of Council, Inhabitants and Taxpayers of The Corporation of the Township of West Lincoln:

### Opinion

We have audited the financial statements of the Trust Funds of The Corporation of the Township of West Lincoln (the "Municipality"), which comprise the statement of financial position as at December 31, 2021, and the statement of operations and accumulated surplus for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Municipality as at December 31, 2021, and the results of its operations for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Municipality in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Municipality's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Municipality or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Municipality's financial reporting process.

### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Municipality's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Municipality to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Burlington, Ontario

July 18, 2022

Chartered Professional Accountants

Licensed Public Accountants



# The Corporation of the Township of West Lincoln

## Trust Funds

### Statement of Financial Position

As at December 31, 2021

	Bismark United Church Cemetery	Bethel Cemetery	Cemetery Perpetual Care	Marker Perpetual Care	St Ann's Cemetery	Waite Cemetery	Union Cemetery	Union Cemetery Monument	Union Cemetery Care & Maintenance	Caistor Baptist Cemetery	2021 Total	2020 Total
<b>Financial assets</b>												
Due from Corporation of the Township of West Lincoln	\$ 48,339	\$ 16,898	\$ 92,135	\$ 21,064	\$ 5,993	\$ 6,848	\$ 35,444	\$ 7,474	\$ 18,128	\$ 8,690	\$ 261,013	\$ 250,013
<b>Net financial assets and accumulated surplus</b>	\$ 48,339	\$ 16,898	\$ 92,135	\$ 21,064	\$ 5,993	\$ 6,848	\$ 35,444	\$ 7,474	\$ 18,128	\$ 8,690	\$ 261,013	\$ 250,013

### Statement of Operations and Accumulated Surplus

For the Year Ended December 31, 2021

<b>Revenue</b>												
Perpetual care agreements	\$ -	\$ -	\$ 9,600	\$ 1,400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,000	\$ 7,800
Interest earned	338	118	611	143	42	48	248	52	127	61	1,788	2,726
	338	118	10,211	1,543	42	48	248	52	127	61	12,788	10,526
<b>Expenses</b>												
Interest earned distributed to cemetery reserve	338	118	611	143	42	48	248	52	127	61	1,788	-
<b>Annual surplus</b>	-	-	9,600	1,400	-	-	-	-	-	-	11,000	10,526
<b>Accumulated Surplus</b>												
Beginning of year	48,339	16,898	82,535	19,664	5,993	6,848	35,444	7,474	18,128	8,690	250,013	239,487
End of year	\$ 48,339	\$ 16,898	\$ 92,135	\$ 21,064	\$ 5,993	\$ 6,848	\$ 35,444	\$ 7,474	\$ 18,128	\$ 8,690	\$ 261,013	\$ 250,013

See accompanying notes to the financial statements

# The Corporation of the Township of West Lincoln

## Trust Funds

### Notes to the Financial Statements

For the Year Ended December 31, 2021

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#### 1. Significant accounting policies

The financial statements of the Trust Funds of the Corporation of the Town of West Lincoln are the responsibility of and prepared by management in accordance with Canadian public sector accounting standards. Since precise determination of many assets and liabilities is dependent upon future events, the preparation of periodic financial statements necessarily involves the use of estimates and approximations. These have been made using careful judgements and actual results could differ from those judgements. Significant accounting policies adopted by the Trust Funds are as follows:

##### (a) Basis of accounting

Sources of revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they become available and measurable; expenses are recognized as they are incurred and measurable as a result of the receipt of goods and services and the creation of a legal obligation to pay.

#### 2. Due from Corporation of the Township of West Lincoln

The amounts due from the Corporation of the Township of West Lincoln are unsecured, interest bearing, with no specific terms of repayment.

#### 3. Statement of cash flows

A statement of cash flows has not been provided as the related information is readily determinable from the financial statements as presented.



# The Corporation of the Township of West Lincoln

2021 Audit Findings  
Report to Council  
December 31, 2021

Akash Arya, CPA, CA  
T: 519.772.2985  
E: akash.arya@mnp.ca



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# Overview

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We are pleased to submit to you this Audit Findings Report (the "Report") for discussion of our audit of the consolidated financial statements of The Corporation of the Township of West Lincoln and its subsidiaries (the "Municipality") as at December 31, 2021 and for the year then ended. In this report we cover those significant matters which, in our opinion, you should be aware of as members of Council.

As auditors, we report to the Members of Council, Inhabitants and Taxpayers on the results of our examination of the consolidated financial statements of the Municipality as at and for the year ended December 31, 2021. The purpose of this Report is to assist you, as members of Council, in your review of the results of our audit.

This Report is intended solely for the information and use of Council and management and should not be distributed to or used by any other parties than these specified parties.

We appreciate having the opportunity to meet with you and to respond to any questions you may have about our audit, and to discuss any other matters that may be of interest to you.

## Engagement Status

We have substantially completed our audit of the consolidated financial statements of the Municipality which has been carried out in accordance with Canadian generally accepted auditing standards and are prepared to sign our Independent Auditor's Report subsequent to completion of the following procedures:

- Receipt of the signed management representation letter;
- Discussion of subsequent events with Council; and
- Council's review and approval of the consolidated financial statements.

No significant limitations were placed on the scope or timing of our audit.

## Independent Auditor's Report







We expect to have the above procedures completed and to release our Independent Auditor's Report on July 18, 2022.




Unless unforeseen complications arise, our Independent Auditor's Report will provide an unmodified opinion to the Members of Council, Inhabitants and Taxpayers of the Municipality. A draft copy of our proposed Independent Auditor's Report has been included with this report. The matters disclosed in the Independent Auditor's Report are discussed further in the relevant sections of the Report.

# Audit Reporting Matters

Our audit was carried out in accordance with Canadian generally accepted auditing standards, and included a review of all significant accounting and management reporting systems, with each material year end balance, key transaction and other events considered significant to the consolidated financial statements considered separately.

## Significant Audit, Accounting and Reporting Matters

Area		Comments
	<b>Final Materiality</b>	Final materiality used for our audit was \$712,000 for December 31, 2021, and \$709,000 for December 31, 2020.
	<b>Identified or Suspected Fraud</b>	While our audit cannot be relied upon to detect all instances of fraud, no incidents of fraud, or suspected fraud, came to our attention in the course of our audit.
	<b>Identified or Suspected Non-Compliance with Laws and Regulations</b>	Nothing has come to our attention that would suggest any non-compliance with laws and regulations that would have a material effect on the consolidated financial statements.
	<b>Matters Arising in Connection with Related Parties</b>	No significant matters arose during the course of our audit in connection with related parties of the Municipality.
	<b>Auditor's Views of Significant Accounting Practices, Accounting Policies and Accounting Estimates</b>	<p>The application of Canadian public sector accounting standards allows and requires the Municipality to make accounting estimates and judgments regarding accounting policies and financial statement disclosures.</p> <p>As auditors, we are uniquely positioned to provide open and objective feedback regarding your Municipality's accounting practices, and have noted the following items during the course of our audit that we wish to bring to your attention.</p> <p>The accounting policies used by the Municipality are appropriate and have been consistently applied.</p>
	<b>Financial Statement Disclosures</b>	The disclosures made in the notes to the consolidated financial statements appear clear, neutral and consistent with our understanding of the entity and the amounts presented in the consolidated financial statements.

Area		Comments
	<b>Significant Deficiencies in Internal Control</b>	While our review of controls was not sufficient to express an opinion as to their effectiveness or efficiency, no significant deficiencies in internal control have come to our attention.
	<b>Matters Arising From Discussions with Management</b>	There were no significant matters discussed, or subject to correspondence, with management that in our judgment need be brought to your attention.
	<b>Restated Comparative Information</b>	The Municipality became aware of tangible capital assets that were not previously reported in the consolidated financial statements. As outlined in the notes to the consolidated financial statements, adjustments have been made to retroactively recognize the tangible capital assets in the period received.

## Significant Risk Areas and Responses

Significant Risk Area	Response and Conclusion
<b>Fraud risk from management override of controls</b>  Management override of controls could lead to fraudulent or inappropriate transactions.	MNP incorporated this risk into procedures including testing of journal entries, retrospective review of estimates and evaluation of the business rationale for significant unusual transactions. No issues to note.
<b>Utilities</b>  Water revenue could be overstated due to fraud or error.	MNP performed journal entry testing to identify any fraudulent or inappropriate journal entries. MNP inquired with management as to any suspected or actual fraud that occurred during the year. No issues to note.

## Higher Risk Areas and Responses

Higher Risk Area	Response and Conclusion
<b>Development charges</b>  Risk around occurrence of development charges and ensuring that charges recognized into income have been appropriately recognized as related project expenses have been incurred.	MNP performed a reconciliation of significant development charges recognized against capital expenditures to ensure appropriate amounts have been recognized into income.  MNP also tested additions and recalculated the resulting deferral. No issues to note.



Higher Risk Area	Response and Conclusion
<p><b>Liability for contaminated site</b></p> <p>Risk around valuation of liability for contaminated site as it is subject to management estimates.</p>	<p>MNP verified management's assumptions and ensured mathematical accuracy in the calculation of the liability. No issues to note.</p>
<p><b>Employee future benefits</b></p> <p>The nature of employee future benefits is such that significant estimation is used. Additionally, calculations are complex or require the use of an expert.</p>	<p>MNP obtained the external expert's findings report and evaluated the relevance and reasonableness of the expert's findings/conclusions.</p> <p>MNP also vouched input values provided to the expert to supporting documentation and recalculated the value of the assessed employee future benefits. No issues to note.</p>

## Other Areas

AREA	COMMENTS
<b>Auditor Independence</b>	We confirm to Council that we are independent of the Municipality. Our letter to Council discussing our independence is included as part of the additional materials attached to this report.
<b>Management Representations</b>	We have requested certain written representations from management, which represent a confirmation of certain oral representations given to us during the course of our audit. This letter, provided by management, has been included as additional material to this report.
<b>Summary of Significant Differences</b>	No significant differences were proposed to management with respect to the December 31, 2021 consolidated financial statements.
<b>Observations regarding Financial Reporting Matters and Future Improvements</b>	<p><b>Observation:</b></p> <p>The valuation estimate regarding the Municipality's contaminated site has been carried forward since the original estimate made in 2002 and increased for inflation on an annual basis. Management should consider a new estimate and valuation in the near future.</p> <p><b>Impact:</b></p> <p>Obtaining a new estimate will provide the Municipality with a more relevant and reliable estimate to remediate the land. Costs and processes may have changed outside of the rate of inflation, although not material, since 2002.</p> <p><b>Recommendation:</b></p> <p>Obtain a new estimate for the contaminated site.</p>

We appreciate having the opportunity to meet with you and respond to any questions you may have about our audit, and to discuss any other matters that may be of interest to you.

Sincerely,

Chartered Professional Accountants  
Licensed Public Accountants

Draft - For Discussion Purposes Only

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Our history defines who we are and our approach to business. Being a Canadian firm has helped shape our values, our collaborative approach, and the way we work with our clients, engaging them every step of the way.

We have a unique perspective. Our decisions are made here – decisions that drive Canadian business and help us all achieve success — and we know the impact that our choices have on the cities and towns we call home.

Throughout our six decades of work, we've seen our communities are more than just a place we do business in. They're a place where our families live, play, and thrive, and we work to make them the best places they can be.

Being 100% Canadian is something we wear proudly. This country provides us with great opportunities, and we're here to help our clients seize the opportunities so we can create a brighter future for the generations to come.



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July 18, 2022

Members of Council  
The Corporation of the Township of West Lincoln  
318 Canborough Street  
Smithville, ON L0R 2A0

Dear Sirs/Mesdames:

We have been engaged to audit the consolidated financial statements of The Corporation of the Township of West Lincoln (the "Municipality") as at December 31, 2021 and for the year then ended.

CAS 260 *Communication With Those Charged With Governance* requires that we communicate with you matters that are significant to our engagement. One such matter is relationships between the Municipality and its related entities or persons in financial reporting oversight roles at the Municipality and MNP LLP and any affiliates ("MNP") that, in our professional judgment, may reasonably be thought to bear on our independence. In determining which relationships to report, the Standard requires us to consider relevant rules and related interpretations prescribed by the appropriate professional accounting body and applicable legislation, covering such matters as:

- (a) Holding a financial interest, either directly or indirectly, in a client;
- (b) Holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client or a related entity;
- (c) Personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client or a related entity;
- (d) Economic dependence on a client; and
- (e) Provision of non-assurance services in addition to the audit engagement.

We are not aware of any relationship between the Municipality and MNP that, in our professional judgment, may reasonably be thought to bear on our independence, which have occurred from June 29, 2021 to July 18, 2022.

We hereby confirm that MNP is independent with respect to the Municipality within the meaning of the Code of Professional Conduct of the Chartered Professional Accountants of Ontario as of July 18, 2022.

The total fees charged to the Municipality for audit services were \$33,450 during the period from June 29, 2021 to July 18, 2022.

This report is intended solely for the use of Council, management and others within the Municipality and should not be used for any other purposes.

Sincerely,

**Chartered Professional Accountants**  
**Licensed Public Accountants**

**DATE:** July 18, 2022

**REPORT NO:** PD-66-2022

**SUBJECT:** **Recommendation Report - Zoning By-law Amendment  
Application Jonathan and Crystal Sikkens – 7330 Concession  
3 Road (File No. 1601-008-22)**

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

**OVERVIEW:**

- An application for rezoning was submitted by Jonathan and Crystal Sikkens for the property legally described as Concession 3, Part Lot 2 in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 7330 Concession 3 Road (see attachment 1 for a survey sketch).
- This application for rezoning is required as a condition of consent for a Surplus Farm Dwelling severance application B13/2021WL, that was conditionally approved by the Township of West Lincoln’s Committee of Adjustment on March 30th, 2022.
- The conditionally approved severance proposed to sever an existing residential dwelling and barn on a lot 0.84 hectares (2.08 acres) in area and to retain the agricultural land at an area of 32.66 hectares (80.7 acres).
- This zoning amendment application proposes to rezone the severed portion from an Agricultural ‘A’ zone to a Rural Residential ‘RuR-###’ zone with a site specific provision to recognize the existing barn on the property (refer to Parcel 1 on the attached survey for location).
- This application also proposes to rezone the retained agricultural lands from an Agricultural zone ‘A’ to an Agricultural Purpose Only zone ‘APO-###’ with a site specific provision to recognize the deficient lot area (refer to Parcel 2 on the attached survey for location).
- A statutory public meeting was held on June 13, 2022. No members of the public provided comments during the public consultation period.
- Staff have reviewed this application against the applicable provincial, regional and local planning policies and can recommend support of the Zoning By-law Amendment as found in Attachment 2.



**RECOMMENDATION:**

1. That, Recommendation Report PD-66-2022, regarding “Zoning By-law Amendment – Sikkens – File No. 1601-008-22”, dated July 18, 2022, be RECEIVED; and,
2. That, application for Zoning By-law Amendment 1601-008-22 submitted by Jonathan and Crystal Sikkens for 7330 Concession 3 Road be approved in accordance with the attached amending by-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- Strategic Responsible Growth - West Lincoln will grow strategically and responsibly – welcoming new residents and businesses and respecting the heritage and rural character that people value.

**BACKGROUND:**

An application for a Zoning By-law Amendment has been submitted by Jonathan and Crystal Sikkens for the property legally described as Concession 3, Part Lot 2 in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 7330 Concession 3 Road (see Attachment 1 for a survey sketch).

This application for rezoning has been submitted to fulfil a condition of consent for the surplus farm dwelling severance application B13/2021WL, that was conditionally granted approval by the Committee of Adjustment on March 30<sup>th</sup>, 2022. The surplus farm dwelling severance application proposed to sever the existing residential use at a size of 0.84 hectares (2.08 acres) and to retain the agricultural land at a size of 32.66 hectares (80.7 acres).

The Zoning By-law Amendment proposes to rezone the severed portion from an Agricultural zone ‘A’ to a Rural Residential zone ‘RuR-####’ with a site specific provision to recognize the existing barn on the property, refer to Parcel 1 on the attached survey for location. This application also proposes to rezone the retained portion from an Agricultural zone ‘A’ to an Agricultural Purpose Only zone ‘APO-####’ with a site specific provision to recognize the deficient lot area, refer to Parcel 2 on the attached survey for location. The existing environmental zoning on the subject parcel is to be maintained.

Township staff had recommended to the Committee of Adjustment that they require the removal of the existing barn on the proposed new residential lot (the surplus farm dwelling parcel) due to the barn not meeting the requirements for a Rural Residential accessory building and causing the lot size to be significantly larger. The existing building is roughly double the size of the maximum ground floor area that an accessory building is now permitted (roughly 245 m<sup>2</sup>) and is taller than the permitted maximum height (over 5 metres in height). In addition, the existing barn and existing garage together exceeds the maximum permitted lot coverage for accessory buildings (together roughly 290 m<sup>2</sup>).

The Committee of Adjustment chose to conditionally approve the surplus farm dwelling severance without requiring the removal of the barn, subject to the barn being recognized through the Zoning By-law Amendment.

A public meeting for the Zoning By-law Amendment was held on June 13, 2022. No members of the public provided comments during the public consultation period.

### **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 Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.1 c) of the PPS, lot creation in prime agricultural areas is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and, the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

Evidence has been provided that Jonathan and Crystal Sikkens are bonafide farmers and thus, qualify for a surplus farm severance, provided that the farmer owns two farms with dwellings that are in the same name as the subject property. In order to conform to Provincial Policy, the retained agricultural lands will need to be rezoned to Agricultural Purposes Only (APO) to prohibit future residential uses. The severed residential dwelling will also need to be rezoned to Rural Residential (RuR) to recognize the existing residential use. This rezoning will allow that application to meet the intent of the Provincial Policy Statement.

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

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investment. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed severance does not affect the continued agricultural use of the severed lands. It is a requirement for the severed agricultural lands to be rezoned to Agricultural Purposes Only ('APO'). This will ensure the retained lands are not used for residential purposes in perpetuity

### 3. Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

### 4. Regional Official Plan

The Regional Official Plan provides general policy direction for planning in the Niagara Region. The Regional Official Plan allows for severances in the agricultural area where the severance occurs as a result of a farm consolidation.

The Niagara Region Official Plan is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of the Regional Official Plan and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

Policy 5.B.8.1 sets out the circumstances under which consents within Good General Agricultural Areas may be permitted. In accordance with Policy 5.B.8.1 c) *the consent to convey is for a residence surplus to a farming operation as a result of a farm consolidation, provided that new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance. and conditional upon obtaining approval of a rezoning to preclude its use for residential purposes is permitted.* This rezoning application helps to satisfy this Policy.

The ROP also states that the size of any new lot does not exceed an area of 0.4 hectares except to the extent of any additional area deemed necessary to support a private water supply and sewage disposal system. The severed residential lot is 0.8444 hectares (2.085 acres) which is nearly the maximum permitted size. The larger size was requested to accommodate the existing barn on the property and to accommodate future servicing requirements.

As the severance has already been conditionally approved, the zoning amendment to limit future residential uses on the retained farmland is consistent with the Regional Official Plan.

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

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). The Township Official Plan allows for surplus farm severances in the Good General Agricultural area where it can meet the following criteria:

- i. *The residence is surplus to a farm operator (bona-fide farmer);*

Jonathan and Crystal Sikkens are bonafide farmers, which can be seen from the list of land submitted with their application. This list shows the land they own and rent for farming purposes. The applicants have indicated in their application that 7377 Concession 3 Road is their main farm, which will qualify them for a severance. This property with a dwelling and farmland is currently in the name of Jonathan and Crystal Sikkens which is the same name in which the subject lands are under, which will qualify them for a severance.

- ii. *The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectare. The created lot must be of regular shape (i.e. rectangular or square) whenever possible.*

The proposed lot to be severed for residential purposes is 0.8444 hectares in size (2.085 acres) and is not rectangular/square in shape. The larger size lot was granted to accommodate the existing barn and to support a replacement of the private water supply and sewage disposal system in the future.

- iii. *The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO).*

This rezoning application is rezoning the remaining agricultural land to APO.

- iv. *Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy.*

There is only one existing dwelling on the property.

- v. Farm Help houses are not eligible for surplus farm dwelling severances.

The existing house was not built as a farm help house.

As the zoning amendment application meets the policy requirements laid out in the Township's Official Plan, Township Staff is of the opinion this application meets the intent of the Official Plan.

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

The property is currently zoned Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'. A condition of the consent application was that the applicants applied for, and received approval of, a Zoning by-law amendment application.

The Zoning By-law Amendment proposes to rezone the severed portion from an Agricultural zone 'A' to a Rural Residential zone 'RuR-###' with a site specific provision to recognize the existing barn on the property, refer to Parcel 1 on the attached survey for location. This application also proposes to rezone the retained portion from an Agricultural zone 'A' to an Agricultural Purpose Only Zone 'APO-###' with a site specific provision to recognize the deficient lot area, refer to Parcel 3 on the attached survey for location. The existing environmental zoning is to be maintained.

Rural Residential properties in the Township of West Lincoln's Zoning By-law 2017-70, as amended, are permitted to have two accessory buildings, a total lot coverage for accessory buildings of 200 square metres or 8%, whichever is less, and to have an accessory building with a maximum ground floor area of 120 square metres. In addition, the Zoning By-law identifies that Rural Residential accessory buildings have a maximum height of 5 metres.

Township staff put forward a recommendation to the Committee of Adjustment that the existing barn not be permitted on the proposed new residential lot (the surplus farm dwelling parcel). This was because the existing barn did not meet the requirements for a Rural Residential accessory building. The existing building is roughly double the size of the maximum ground floor area that an accessory building can be (roughly 245 sq. m.) and is taller than the permitted maximum height (over 5 metres in height). In addition, the existing barn and existing garage together exceeds the maximum permitted lot coverage for accessory buildings (together roughly 290 sq. m.).

The Committee of Adjustment chose to conditionally approve the surplus farm dwelling severance without requiring the barn to be removed. The committee indicated that their reasons to include the barn stemmed from the historic characteristics that they saw in the barn and that it would be doing a disservice to the Township’s agricultural heritage to remove the barn.

Township staff do not believe that the size of the barn is in keeping with the nature of a rural residential lot, however, as the Committee of Adjustment has supported keeping the barn, Township staff support a zoning amendment which recognizes the existing barn in keeping with the intent of the Committee of Adjustments decision.

Accessory buildings: required vs. existing

	Required	Existing		
		Garage	Barn	Total
Max. ground floor area	120 m2	45 m2	245 m2	
Maximum number of accessory buildings	2			2
Minimum setback to interior side lot line	1.2 m	W >1.2 m E >1.2 m	W >1.2 m E >1.2 m	
Minimum setback to rear lot line	1.2 m	x > 1.2 m	x > 1.2 m	
Maximum height	5 m	x < 5 m	x > 5 m	
Maximum lot coverage	200 m2			290 m2
Minimum setback from main building	1.5 m	x > 1.5 m	x > 1.5 m	

**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 May 24<sup>th</sup>, 2022. A yellow sign was posted on the property and a notice of hearing was posted to the website on May 24<sup>th</sup>, 2022

The Niagara Region provided comments on the previous consent application which was made on March 30<sup>th</sup> 2022. The Regional Planning and Development Services staff have offer no objection to the proposed surplus farm dwelling severance, in principle.

Township Building Department, Septic Inspector, and Public Works Department, had no objections to the application during the consent process.

**CONCLUSION:**

Township staff have completed a review of this application against the applicable planning policy. Township staff believe that Parcel 1 needs to be rezoned from an Agricultural Zone 'A' to a Rural Residential Zone 'RuR-###' with a site specific provision to recognize the existing barn on the property. In addition, Township staff believe that Parcel 2 needs to be rezoned from an Agricultural Zone 'A' to an Agricultural Purpose Only Zone 'APO-###' with a site specific provision to recognize the deficient lot area. Finally, Township staff believe that the existing environmental zoning will need to be maintained.

As such, Township staff recommend approval of the Zoning By-law Amendment submitted by Jonathan and Crystal Sikkens for their property located at 7330 Concession 3 Road as shown in the draft bylaw found in Attachment 2.

**ATTACHMENTS:**

- 1. Survey Sketch
- 2. Draft Zoning Amendment Bylaw

**Prepared & Submitted by:**



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**Gerrit Boerema  
Planner II**



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**Brian Treble  
Director of Planning & Building**

**Approved by:**



---

**Bev Hendry  
CAO**



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

**BY-LAW NO. 2022- **XX****

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

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

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

1. THAT Schedule 'A' Map 'E4' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 3, Part Lot 2 in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 7330 Concession 3 Road, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'E4' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to a Rural Residential zone with a site specific provision 'RuR-216'.
3. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
  1. RuR-216  
Permitted Uses:  
As per the parent zone plus the existing barn on the property, except that no livestock shall be permitted to be housed in the existing barn.  
  
Regulations:  
As per the parent zone, except to permit an existing accessory building for storage purposes only that is 245 square metres and with a height no more than 10 metres. The total accessory building lot coverage shall not exceed 300 square metres.
4. THAT Map 'E4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to an Agricultural Purpose Only zone with a site specific provision 'APO-217'.
5. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
  1. APO-217  
Permitted Uses:  
As per the parent zone  
Regulations:  
As per the parent zone, except a minimum lot area of 32 hectares whereas 39 hectares is required.
6. THAT all other provisions of By-law 2017-70 continue to apply.
7. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
\_\_\_<sup>th</sup> DAY OF JULY 2022.**

**MAYOR DAVE BYLSMA**

**JOANNE SCIME, CLERK**

DRAFT

**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-XX**

**Location:**

This By-law involves a parcel of land located on the south side of Concession 3 Road, west side of Caistor Gainsborough Townline Road, and north side of Concession 2 Road, legally known as Concession 3, Part Lot 2 in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 7330 Concession 3 Road.

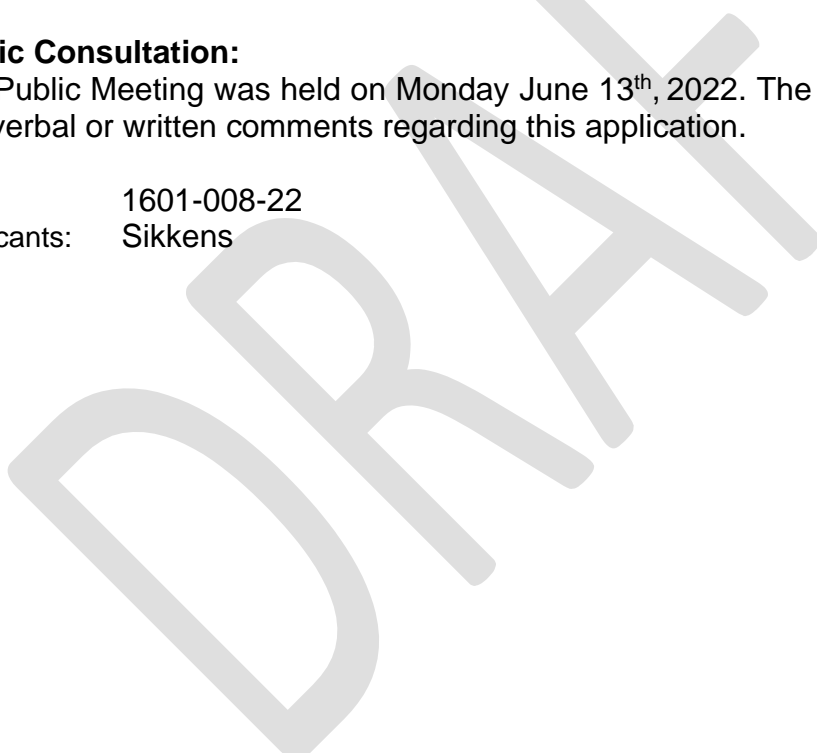
**Purpose & Effect:**

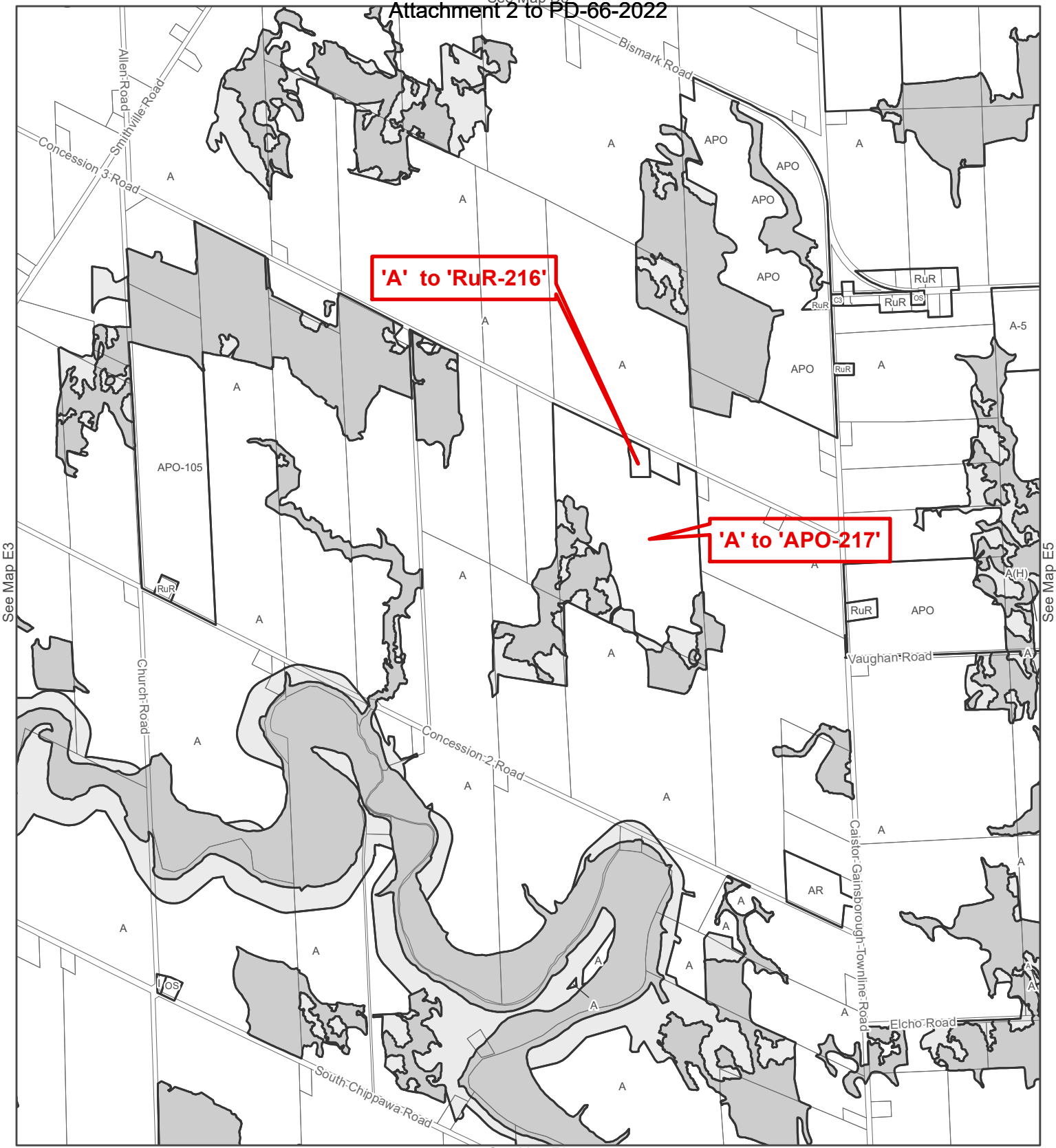
The subject lands were zoned Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'. The rezoning for Parcel 1 rezoned the subject lands that were an Agricultural zone 'A' to a Rural Residential zone 'RuR-###' with a site specific provision to recognize an existing barn that is roughly 245 square meters. The rezoning for Parcel 2 rezoned the subject lands that were an Agricultural zone 'A' to an Agricultural Purpose Only zone 'APO-###' with a site specific provision to recognize a deficient lot size of 32.66 hectares whereas 39 hectares is the required minimum. The Environmental Conservation 'EC' and Protection 'EP' zones are to be maintained.

**Public Consultation:**

The Public Meeting was held on Monday June 13<sup>th</sup>, 2022. The Township did not receive any verbal or written comments regarding this application.

File: 1601-008-22  
Applicants: Sikkens





See Map E3

See Map E5

See Map F2

**Township Key Map**

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

**Smithville Key Map**

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

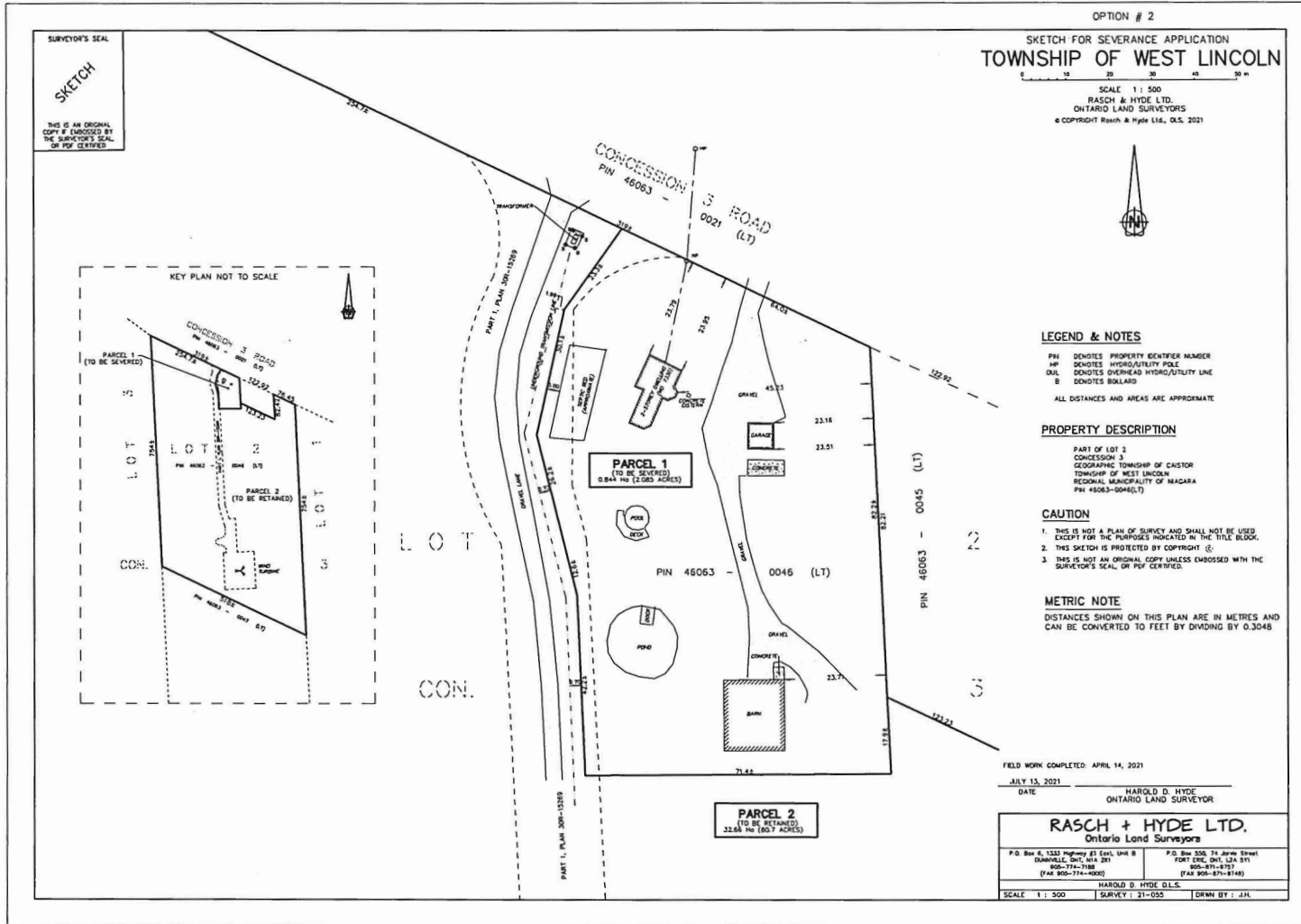
**Township of West Lincoln**  
 Schedule A  
 Zoning By-law No.2017-70

Map **E4**

1:20,000

0 500 m

Last Updated: January 2021



**DATE:** July 18, 2022

**REPORT NO:** PD-67-2022

**SUBJECT:** Recommendation Report – Zoning Bylaw Amendment – B & A Heaslip Farms Ltd. – 3976 Regional Road 20 (File No. 1601-006-22 & 1601-007-22)

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

**OVERVIEW:**

- Two applications for Zoning Bylaw Amendments were submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd., for the property legally described as Concession 3, Part Lot 22 and Part Lot 23 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 3976 Regional Road 20 (see Attachment 1 for a survey sketch). Planning Staff have combined both applications into one application and one report as they deal with the same property and related severance applications.
- This application for rezoning is required as a condition of consent from two severance applications B15/2021WL and B01/2022WL, that were conditionally approved by the Township of West Lincoln’s Committee of Adjustment on January 26<sup>th</sup>, 2022.
- The first severance application, B15/2021WL, was an agricultural severance which proposed to sever the nearly 400-acre farm parcel into 3 agricultural lots.
- The second severance application, B01/2022WL, was a surplus farm dwelling severance which proposed to sever a dwelling with 0.43 hectares (1.06 acres) of land from the conditionally approved center retained agricultural parcel with an area of 33.90 hectares (83.77 acres).
- Both consent applications had a condition that the subject property be rezoned to recognize any zoning deficiencies such as deficient lot area, and setbacks for the existing dwelling, to zone the retained agricultural lands as Agricultural Purposes Only (Parcel 2) and to zone the severed residential parcel to Rural Residential (Parcel 3).
- Two zoning amendment applications were received, however only one is required to deal with the zoning amendments. Staff are recommending that the additional zoning amendment fee be refunded back to the applicant.
- A public meeting was held on June 13, 2022. No formal public comments were submitted by members of the public.
- Staff have reviewed the proposed zoning bylaw amendment against the applicable provincial, regional and local planning policies and can recommend support of the draft bylaw as found in Attachment 2.



**RECOMMENDATION:**

1. That, Recommendation Report PD-67-2022, regarding “Zoning By-law Amendment – B & A Heaslip Farms Ltd. 3976 Regional Road 20 (File No. 1601-006-22 & 1601-007-22)”, dated July 18, 2022, be RECEIVED; and,
2. That, application for Zoning By-law Amendment 1601-006-22 and 1601-007-22 submitted by Ben and Pam Heaslip for 3976 Regional Road 20 be approved in accordance with the attached amending by-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the *Planning Act*; and,
4. That, staff be authorized to return a full Zoning By-law Amendment fee to the applicants as two applications were submitted, but only one was required.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- **Strategic Responsible Growth** - West Lincoln will grow strategically and responsibly – welcoming new residents and businesses and respecting the heritage and rural character that people value.

**BACKGROUND:**

Two applications for Zoning By-law Amendment were submitted by Ben and Pam Heaslip on behalf of B & A Heaslip Farms Ltd. for the property legally described as Concession 3, Part Lot 22 and Part Lot 23 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 3976 Regional Road 20 (see attachment 1 for a survey sketch). Planning Staff have combined both applications into one application and report as they deal with the same property and related severance applications.

This application for rezoning is required as a condition of consent from two severance applications B15/2021WL and B01/2022WL, that were conditionally approved by the Township of West Lincoln’s Committee of Adjustment on January 26th, 2022. Both consent applications had a condition that the subject property be rezoned. B15/2021WL required a zoning amendment to address a lot size deficiency on Parcel 2 (33.9 hectares) while B01/2022WL required a zoning amendment to zone Parcel 2 to Agricultural Purposes Only to restrict future residential development and to zone Parcel 3, being the severed residential lot, to Rural Residential ‘RuR’. There is also a front yard setback for the existing dwelling of 5.49 metres which needs to be recognized as the minimum front yard setback for a dwelling is 15 metres. This is in part due to a Regional Road widening request.

**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 Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.1 c) of the PPS, lot creation in prime agricultural areas is discouraged and

may only be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and, the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. Evidence has been provided that Ben and Pam Heaslip of B & A Heaslip Farms Ltd. are bonafide farmers, and thus, qualify for a surplus farm severance, provided that the farmer owns two farms with dwellings that are in the same name as the subject property.

In order to conform to Provincial Policy, the retained agricultural lands from the surplus farm dwelling severance application B01/2022WL will need to be rezoned to Agricultural Purposes Only (APO). The severed residential dwelling will also need to be rezoned to Rural Residential (RuR) to recognize the existing residential use.

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

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4 of the Growth Plan provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severance application Section 4.2.6 (Agricultural Systems) of the P2G applies.

Section 4.2.6 of the Growth Plan provides policies respecting the Province's Agricultural System. In particular, Policy 4.2.6.5 identifies that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged. The proposed severance does not affect the continued agricultural use of the severed lands. It is a requirement for the severed agricultural lands to be rezoned to Agricultural Purposes Only ('APO'). This will ensure the retained lands are not used for residential purposes in perpetuity

## **3. Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

## **4. Regional Official Plan**

The Regional Official Plan provides general policy direction for planning in the Niagara Region. The Regional Official Plan allows for severances in the agricultural area where the severance occurs as a result of a farm consolidation.

The Niagara Region Official Plan is the guiding planning document for the physical, economic and social development of the Niagara Region. Policies and objectives for the Region's rural and agricultural areas are contained within Section 5 of the plan and are intended to provide for the preservation of agricultural lands for agricultural purposes and ensure development patterns within the agricultural and rural areas do not result in land use conflicts for agricultural uses.

Policy 5.B.8.1 sets out the circumstances under which consents within Good General Agricultural Areas may be permitted.

In accordance with Policy 5.B.8.1 c) *the consent to convey is for a residence surplus to a farming operation as a result of a farm consolidation, provided that new residential dwellings are prohibited in perpetuity on any vacant remnant parcel of land created by the severance and conditional upon obtaining approval of a rezoning to preclude its use for residential purposes is permitted.* This rezoning application helps to satisfy this Policy.

The Regional Official Plan also states that the size of surplus farm dwelling lots do not exceed an area of 0.4 hectares except to the extent of any additional area deemed necessary to support a private water supply and sewage disposal system. The proposed severed residential lot is ±0.4 hectares (±1.0 acre) which is the maximum permitted size.

The zoning amendment is aligned to the Regional Policy Plan.

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

The subject lands are designated as Good General Agriculture in the Township's Official Plan (OP). The Township Official Plan allows for surplus farm severances in the Good General Agricultural area where it can meet the following criteria:

- i. The residence is surplus to a farm operator (bona-fide farmer);*

B & A Heaslip Farms operate over 1624 acres of which they own about 800 acres, and rent a further 705 acres from 9 different local land owners, the remaining land (119 acres) is land they cannot farm in bush, buildings, etc. The surplus farm dwelling consent is a follow up to an agricultural severance application B15/2021WL that created two other agricultural lots that are in B & A Heaslip Farms Ltd. name. In addition, there are five other properties within the Township of West Lincoln owned by B & A Heaslip Farms Ltd. Two of these properties (4585 Canborough Road and 6119 Sixteen Road) also have a dwelling on the property.

The MDS I formula is a distance that is required between a livestock operation and existing houses on different properties in the area. The severance meets the minimum distance separation setbacks for adjacent livestock barns.

- ii. The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectare. The created lot must be of regular shape (i.e. rectangular or square) whenever possible.*

The proposed lot to be severed for residential purposes is 0.43 hectares in size (1.07 acres) and is rectangular/square in shape.

- iii. The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO).*

This rezoning application is rezoning the remnant agricultural land (from severance application B1/2022WL) to APO.

- iv. *Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy.*

There is only one existing dwelling on the property.

- v. Farm Help houses are not eligible for surplus farm dwelling severances.

The existing house was not built as a farm help house.

As the zoning amendment application meets the policy requirements laid out in the Township's OP, Township Staff is of the opinion this application meets the intent of the OP.

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

The property is currently zoned Agricultural 'A', and Environmental Protection 'EP'. A condition of the consent application was that the applicants apply for, and receive approval of a Zoning by-law amendment application.

The Zoning By-law Amendment proposes to rezone Parcel 2 from an Agricultural Zone 'A' to an Agricultural Purpose Only Zone 'APO-###' with a site specific provision to recognize the deficient lot area, refer to Parcel 2 on the attached survey for location. This application also proposes to rezone Parcel 3 from an Agricultural Zone 'A' to a Rural Residential Zone 'RuR', refer to Parcel 3 on the attached survey for location. The existing environmental zoning is to be maintained.

The Rural Residential zone will also need a site specific zone to address a front yard setback deficiency for the existing dwelling of 5.49 metres whereas 15 metres is required. This is due in part to a regional road widening requirement.

Township Planning staff recommend support of the zoning bylaw amendment as found in Attachment 2 of this report.

### **FINANCIAL IMPLICATIONS:**

Township staff are recommending that one of the rezoning application fees be returned which amounts to approximately \$3,500.

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

Notice of Public Meeting was circulated to all relevant agencies on May 24<sup>th</sup>, 2022. A yellow sign was posted on the property and a notice of hearing was posted to the website on May 24<sup>th</sup>, 2022. A public meeting was also held on June 13, 2022 to consider the applications.

Agencies have originally provided comments in regards to the original consent applications and had no objections to the consent or proposed zoning bylaw amendment. No members of the public provided formal oral or written comments.

**CONCLUSION:**

Township staff have completed a planning review of this application against the applicable planning policy. This application was submitted to fulfil two conditions of consent to address any zoning deficiencies, zone Parcel 2 to an Agricultural Purpose Only Zone 'APO-###' with a site specific provision to recognize the deficient lot area and to zone Parcel 3 to a Rural Residential Zone 'RuR' with a site specific exception to recognize any deficiencies.

Planning staff recommend support of the proposed zoning bylaw amendment as found in the draft bylaw in Attachment 2.

**ATTACHMENTS:**

1. Survey Sketch – Heaslip
2. Draft Zoning Bylaw Amendment

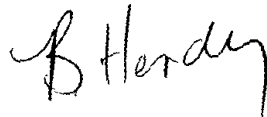
**Prepared by:**



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**Gerrit Boerema**  
Planner II

**Approved by:**



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**Bev Hendry**  
CAO

**Submitted by:**



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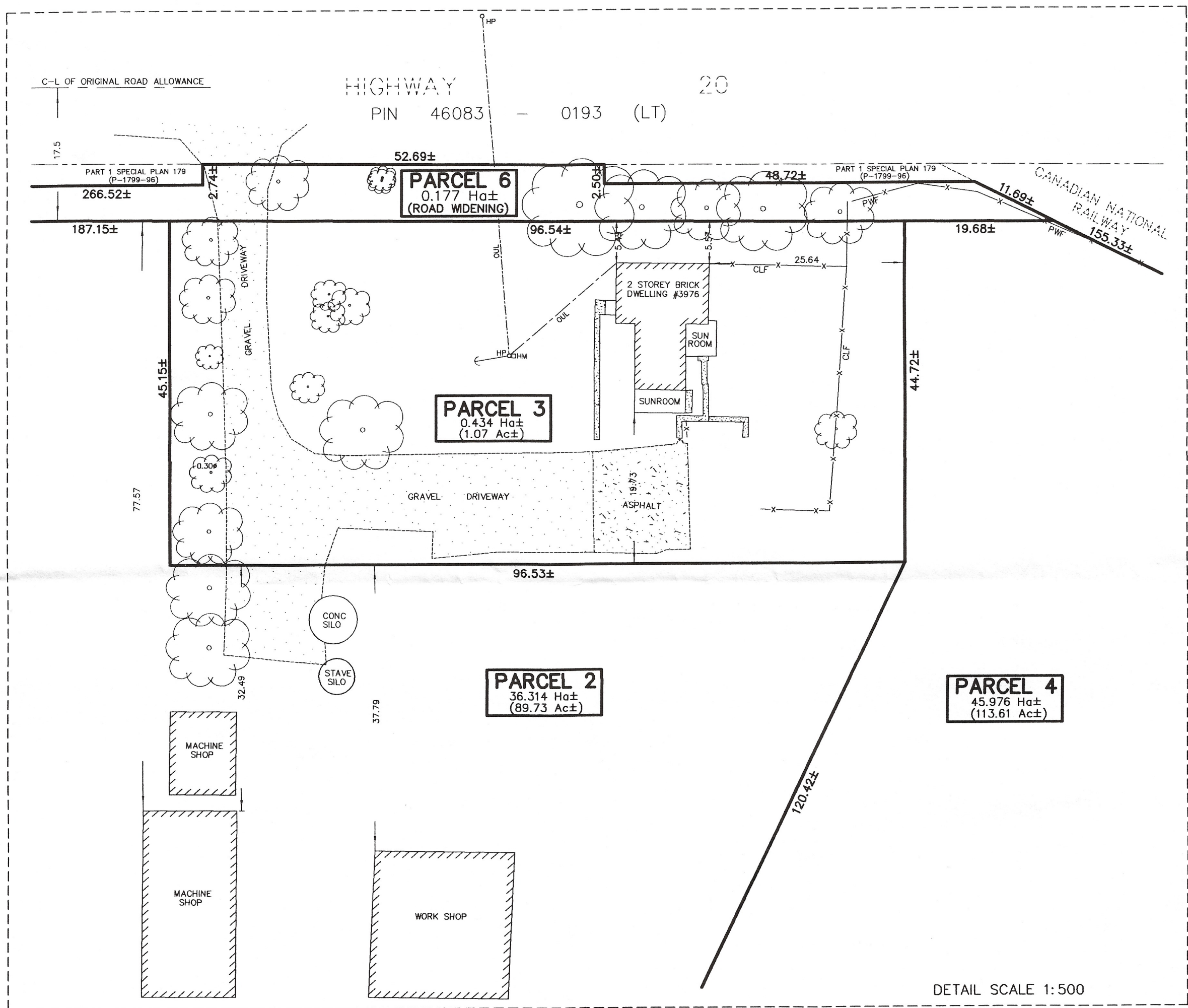
**Brian Treble**  
Director of Planning & Building



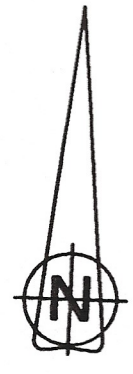
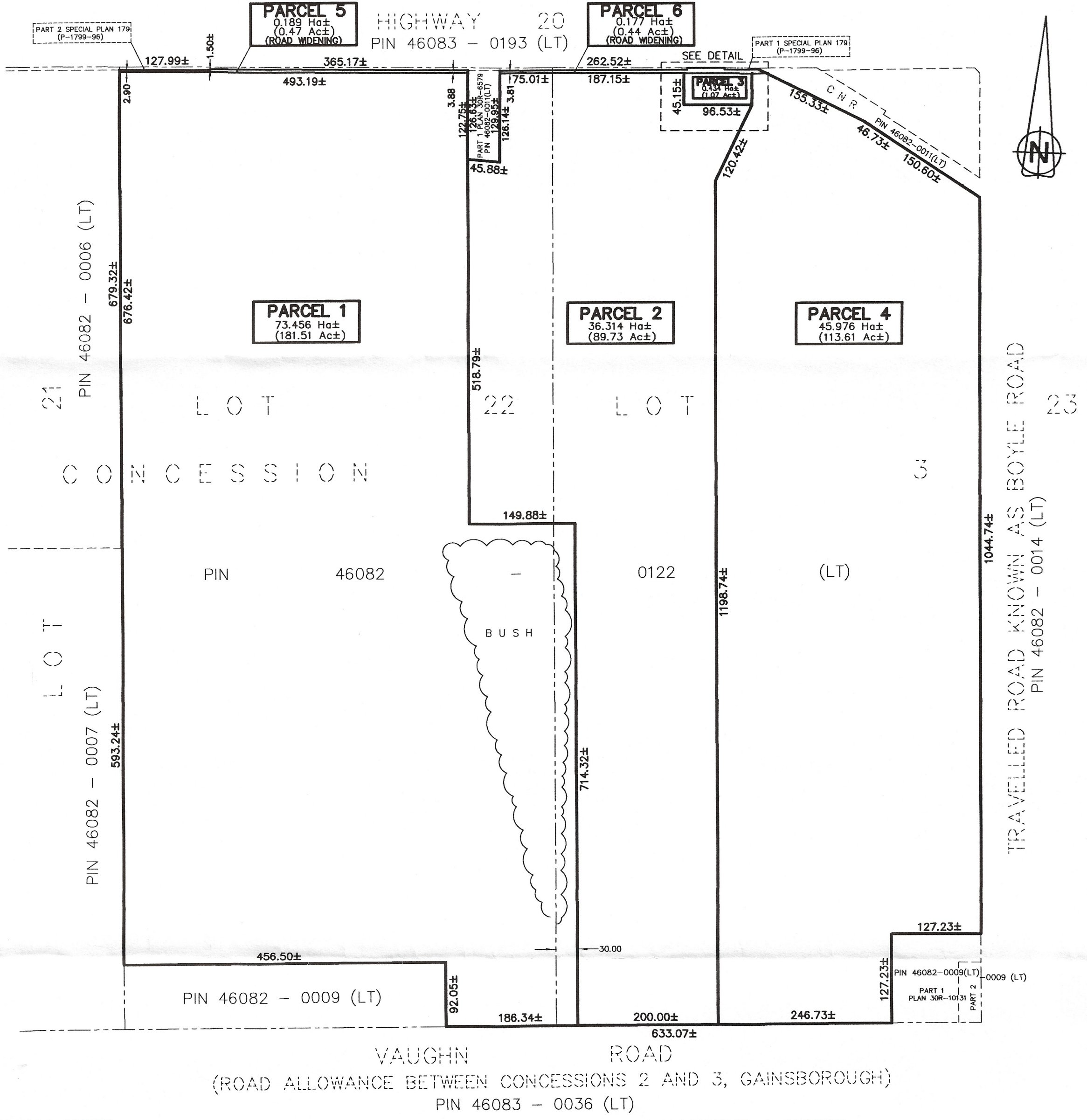
RECEIVED  
OCT 21 2021

Attachment 1 to PD-67-2022  
SKETCH FOR SEVERANCE APPLICATION  
3976 HIGHWAY 20  
TOWNSHIP OF WEST LINCOLN

0 100 200 300 400 500m  
SCALE 1 : 5000  
RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS



DETAIL SCALE 1:500



**METRIC NOTE**

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**BOUNDARY NOTE**

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY OFFICE RECORDS AND ACTUAL FIELD WORK.

**PROPERTY DESCRIPTION**

PART OF THE NORTH 1/2 OF LOT 23, CONCESSION 3, GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH TOWNSHIP OF WEST LINCOLN REGIONAL MUNICIPALITY OF NIAGARA PIN 46082-0122 (LT)

**CAUTION**

1. THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
2. THIS SKETCH IS PROTECTED BY COPYRIGHT ©
3. THIS IS NOT AN ORIGINAL COPY UNLESS EMBOSSED WITH THE SURVEYOR'S SEAL, OR PDF CERTIFIED.

**LEGEND & NOTES**

- HM DENOTES HYDRO METER
- HP DENOTES HYDRO POLE
- OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
- PIN DENOTES PROPERTY IDENTIFIER NUMBER

\*\*BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

OCTOBER 20, 2021

DATE

*Hall Hyde*

© COPYRIGHT, Rasch & Hyde Ltd., OLS's, 2021

SURVEYOR'S SEAL  
SKETCH  
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**RASCH + HYDE LTD.**  
Ontario Land Surveyors

P.O. Box 6, 1333 Highway #3 East, Unit B DUNNVILLE, ONT, N1A 2X1 905-774-7188 (FAX 905-774-4000)

P.O. Box 550, 74 Jarvis Street FORT ERIE, ONT, L2A 5Y1 905-871-9757 (FAX 905-871-9748)

HAROLD D. HYDE O.L.S.

SCALE 1 : 5000 SURVEY : 21-129 PS DRWN BY : T. Matheson



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

**BY-LAW NO. 2022- **XX****

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

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

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

1. THAT Schedule 'A' Map 'E9' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 3, Part Lot 22 & 23, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 3976 Regional Road 20, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'E9' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to a Rural Residential zone 'RuR-219' with side specific exception.
3. THAT Map 'E9' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to an Agricultural Purpose Only zone with a site specific provision 'APO-218'.
4. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
  1. APO-218  
Permitted Uses:  
As per the parent zone  
Regulations:  
As per the parent zone, except a minimum lot area of 33 hectares whereas 39 hectares is required.
  2. RuR-219  
Permitted Uses:  
As per the parent zone.  
Regulations  
As per the parent zone, except a minimum front yard setback for the existing dwelling of no less than 5.49 metres.
5. THAT all other provisions of By-law 2017-70 continue to apply.
6. 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  
\_\_\_<sup>th</sup> DAY OF JULY 2022.**

**MAYOR DAVE BYLSMA**

**JOANNE SCIME, CLERK**

DRAFT

**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-XX****Location:**

This By-law involves a parcel of land located on the south side of Regional Road 20, west side of Boyle Road, and north side of Vaughan Road, legally known as Concession 3, Part Lot 22 & 23, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 3976 Regional Road 20.

**Purpose & Effect:**

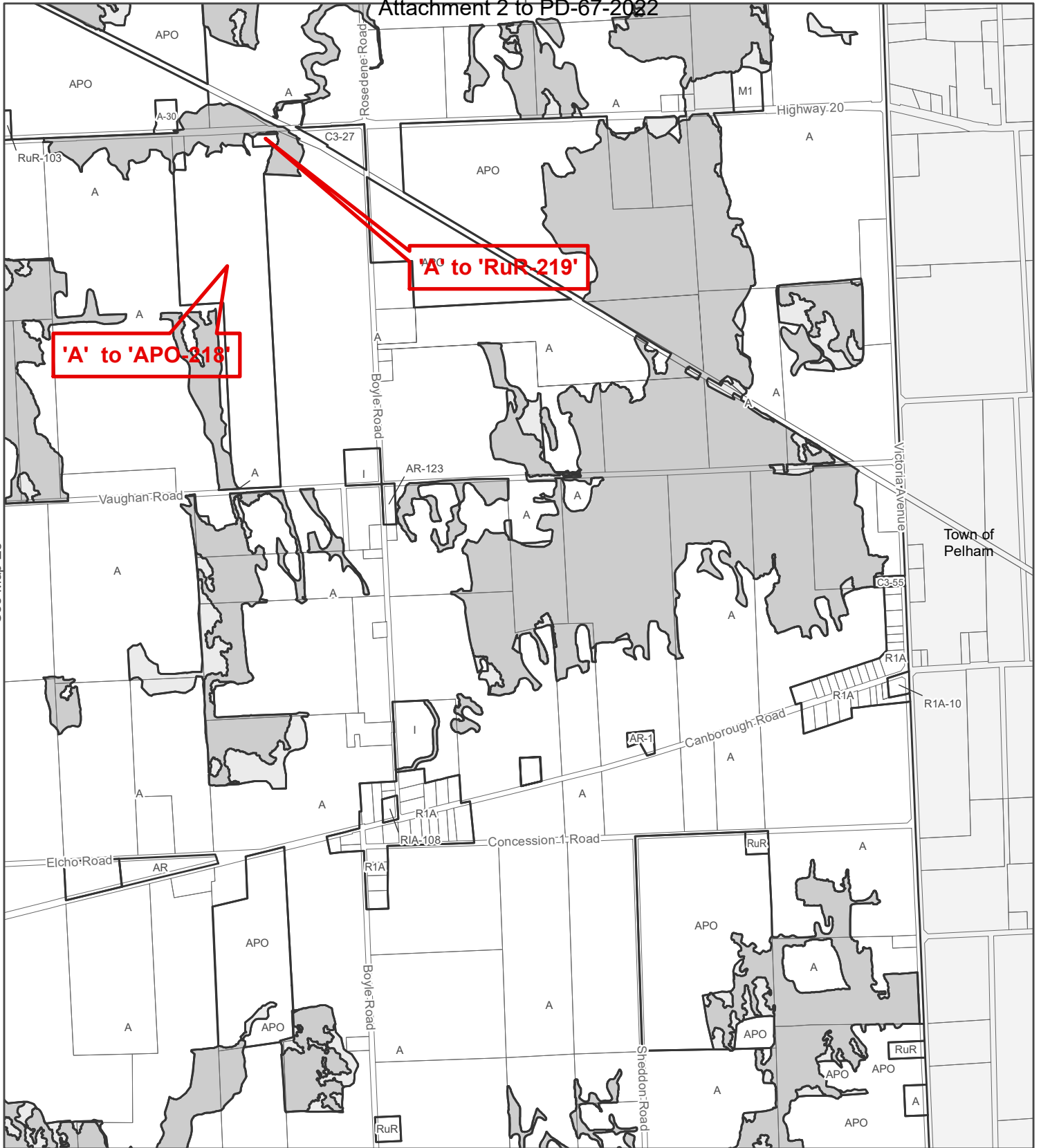
The purpose of the zoning amendment bylaw is to zone Parcel 2 of the subject lands Agricultural Purpose Only zone 'APO-###' with a site specific provision to recognize a deficient lot size of 33.9 hectares whereas 39 hectares is the required minimum and to zone Parcel 3 of the subject lands to a Rural Residential zone 'RuR-###' to address a deficient front yard for the existing house.

**Public Consultation:**

The Public Meeting was held on Monday June 13<sup>th</sup>, 2022. The Township did not receive any verbal or written comments regarding this application.

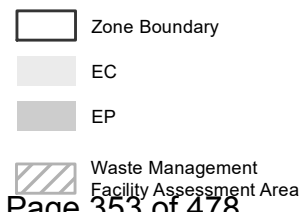
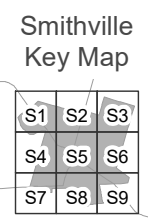
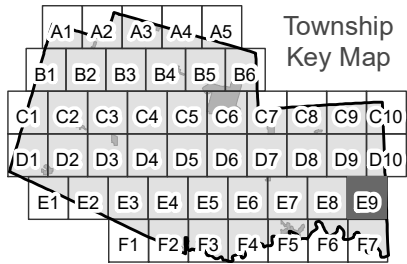
File: 1601-006-22

Applicants: B & A Heaslip Farms Ltd.



See Map E8

See Map F7



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

Map E9

1:20,000

0 500 m

Last Updated: January 2021

**DATE:** July 18, 2022

**REPORT NO:** PD-68-2022

**SUBJECT:** **Recommendation Report – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendments No. 6 (File No. 1601-03-22)**

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

**OVERVIEW:**

- In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70.
- In each of the following years the Zoning By-law has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues.
- Township Planning staff have again identified a number of minor issues that need to be addressed through a sixth round of housekeeping amendment to the Zoning By-law. These issues include:
  - Changes to the definition of the term ‘lot’
  - Changes to permitted uses within Commercial Zones to allow Daycares within Commercial Plazas
  - Reduction to required side yards for Employment ‘M1’ and ‘M2’ Zones
  - Changes to Section 13, special provision ‘A-11’
  - Changes to zones on lands legally described as Concession 9, Part Lot 4, former Township of South Grimsby, lands fronting onto Spring Creek Road just east of Smithville
  - Change to zones on 9558, 9578 & 9522 Regional Road 65 and 1461 Regional Road 2, Castor Centre
- A public meeting was held on June 13, 2022 where one member of the public provided oral comments. A follow-up meeting was held with the member of the public (Paul and Ross Griffin) and subsequently written comments were provided and are attached to this report.
- Planning staff have reviewed the comments and have also reviewed the proposed changes against the applicable provincial, regional and local planning policies and can recommend approval of the zoning bylaw amendment as found in Attachment 3.

**RECOMMENDATION:**

1. That, Recommendation Report PD-68-2022, regarding “Comprehensive Zoning Bylaw 2017-70, as amended, Housekeeping Amendments No. 6 File No. 1601-03-22”, dated July 18, 2022 be received; and,
2. That, application for Zoning By-law Amendment 1601-003-22 submitted by the Township of West Lincoln be approved in accordance with the attached amending by-law; and,
3. That, no further public meeting is required for the consideration of this by-law in accordance with Section 34(17) of the Planning Act.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- Strategic Responsible Growth – West Lincoln will grow strategically and responsibly – welcoming new residents and businesses and respecting the heritage and rural character that people value.

**Theme #6**

- Efficient, Fiscally Responsible Operations – the Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

**BACKGROUND:**

In June of 2017 Township Council approved the new Comprehensive Zoning By-law 2017-70. This was the first time a new Comprehensive Zoning By-law was passed since the Township passed its first Zoning By-law in 1979.

Several minor issues have been identified since the bylaw was passed, concerning both Township wide regulations and site specific zonings. Many of these issues have been addressed through five previous housekeeping amendments which took place each year since the bylaw’s adoption.

Several new issues have come to the attention of Township Planning staff, and staff are proposing to address these issues through a sixth round of housekeeping amendments. A Public Meeting was held on June 13, 2022 where one member of the public spoke and following the meeting submitted written comments.

**CURRENT SITUATION:**

Township Planning Staff have identified a number of issues that need to be addressed, both on a Township wide level and several specific properties. A draft bylaw with these changes can be found in Attachment 1. Table 1 below summarizes the issues and provides the proposed amendments.



Table 1 – Proposed Zoning Bylaw Amendments

Section/Table #	Regulation	Proposed Changes	Staff Comments
<b>Township Wide</b>			
<b>Part 2</b>	Definitions	Definition of 'Lot'	Add language to state that parcels created through testamentary devise or by a navigable waterway does not meet the definition of 'lot' within the zoning bylaw  The Township is experiencing an increase in inquiries regarding natural severances through the Navigable Waters Act. New lots being created, especially in the agricultural area, need to go through planning review to ensure that the Township's interests and Official Plan Policies are being maintained and that these new lots do not negatively impact the agricultural system.
<b>Part 7 Table 16</b>	Permitted Uses in Commercial Zones	Day cares currently not permitted in 'C4' zone	Permit Day cares in 'C4' Zones (Village Square Mall)  Currently day cares, which are defined as any establishment with 5 or more children licensed under the Day Nurseries Act (now Childcare and Early Years Act, 2014) are only permitted in Neighbourhood Commercial 'C2' zones. There is a need in the community to offer up more locations where day cares can be established.
<b>Part 8</b>	Employment	Exterior Side	Exterior Side Township Planning

<b>Table 19</b>	Zone Regulations	Yard Setback for: M1 – 10m, M2 – 15m  Interior side yard where not abutting a residential zone – M1 – 5m, M2 - 7.5m	Yard Setback for: M1 – 7.5m, M2 – 7.5m  Interior side yard where not abutting a residential zone – M1 – 5m, M2 - 5m	Staff believe that reducing the side yard setbacks will create a more efficient use of land within the employment area. There have been a number of variance requests for new industrial developments which have requested reductions to side yards.
<b>Part 13</b>	A-111 Regulations	As per the parent zone,	As per the parent zone; plus access to the 'A-111' zone must be established and necessary approvals obtained prior to any non-agricultural use of the 'A-111' zone.	See Site Specific Mapping Change below. Staff are proposing that a specific property on Spring Creek Road be zoned to an existing 'A-111' zone, however, wish to ensure that there is an approved access to the zone due to a significant amount of NPCA and other environmental regulations.
<b>SITE SPECIFIC</b>				
<b>Concession 9, Part Lot 4, PIN 46049-0044 LT (Griffin Lands) Spring Creek Road</b>	South Portion of Griffin Lands	Agricultural 'A'	Agricultural 'A-111'	A portion of the subject property was zoned A1-559 in 2015 which permitted a contractor's establishment. When the Township's new Zoning Bylaw was adopted in 2017, the regulation text was carried over, but the mapping

				was not. This will remap the subject property to 'A-111' and propose a change to modernize the regulation text.
9558 RR 65 9578 RR 65 9522 RR 65 1461 RR 2	Plazek Auto Recycler Lands	Agricultural 'A-5' Agricultural 'A'	Rural Residential 'RuR' Employment 'M2-5'	The zoning over the Plazek Auto Recycler lands has historically been inaccurate and does not represent the actual limits of the auto recycling operation on the subject lands. The applicants are working on a site plan application and boundary adjustment to reconfigure the property to match what is existing. This zoning amendment is proposed to match the zoning to the proposed lot lines.

**FINANCIAL IMPLICATIONS:**

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

**INTER-DEPARTMENTAL & PUBLIC COMMENTS:**

Notice of the proposed changes to the Township of West Lincoln Zoning By-law were circulated in the local newspaper. Additionally, the notice was posted on the Township website and circulated to agencies and departments. Notice was also mailed to property owners where there are site specific zone changes proposed.

One public comment was made during the meeting by Mr. Paul Griffin regarding the proposed changes to the zoning on Spring Creek Road. There was a concern raised about not being properly notified of the public meeting and a concern regarding the proposed zone change. Following the meeting it was evident that proper notice had been given to the Griffin family.

Township Staff met with Mr. Paul Griffin and Mr. Ross Griffin to discuss the zoning changes. Following the meeting, Mr. Paul Griffin provided written comments with two

specific concerns. The first concern was the proposed wording of the 'A-111' zone requiring proper access to the area zoned 'A-111' and the second concern was regarding the approvals required prior to establishing a contractor's yard within the 'A-111' zone area. Their full comments can be found in Attachment 4.

In 2015, the southern area of the property was removed from being within the urban boundary of Smithville and was 'swapped' to add more land within what is now referred to as the Northwest Quadrant and north of the employment park. A Township initiated zoning amendment was approved at the same time to add additional permitted uses to the area that was within the urban settlement area to permit a contractor's yard in addition to agricultural uses. The zone approved as the Restricted Agricultural 'A1-559' zone. The wording of the 'A1-559 zone is as follows:

*A1-559: To permit a contractors yard, which will include the outside storage of materials, machinery and other products used in association with the use of the property, as well as permit any structures and buildings accessory thereto. Any buildings and structure will be serviced by private services. Any manufacturing that requires municipal servicing of sewer and water are prohibited on the subject lands. (Bylaw 2015-81).*

This portion of land that was historically zoned 'A1-559' and is proposed to be rezoned to 'A-111' is also within the Master Community Plan area and is proposed to be added to the urban boundary for employment purposes through draft Official Plan Amendment (OPA) 62 and 63. These approvals have not obtained Regional approval which is required before these amendments will be in full force and effect.

This portion of land proposed to be zoned is bounded by the Harbison Walker industrial property to the west, CP Rail to the south, an unopened road allowance to the east and environmental features including floodplain and Provincially Significant Wetlands to the north. These environmental features are zoned Environmental Protection in the zoning bylaw. There is an existing access driveway to the southern end of the property that was constructed sometime following 2002 according to the Township's aerial imagery. According to the Griffins, this access is used by the tenant farmer to farm the arable land at the south end of the property.

Staff wish to ensure that should a large commercial oriented use be established, the existing driveway must be sufficient for larger commercial vehicles and for increased traffic. Improvements to the driveway may result in impacts to the provincially significant wetland. There is also concern regarding emergency access when the driveway access is through a regulated floodplain.

Access to the southern portion of the property is also being contemplated as part of the Master Community Plan study.

For continued agricultural use staff do not object to ongoing use of the driveway, but if a larger contractors yard or other type of commercial or industrial use be located on the property. As such, staff have maintained the language regarding property

access being confirmed for non-agricultural uses and that any new use should be subject to site plan control under the Township's site plan control bylaw, including non-agricultural building construction and commercial parking areas, first obtain site plan approval prior to any development within the proposed 'A-111' zone.

It is also important to note that if this portion of the subject property is brought into the urban boundary of Smithville through OPA 62 and 63, the zoning could then be subject to further changes as it may not appropriate to have agricultural zones within urban settlement areas. Any further changes to the zoning would be done through a future zoning bylaw amendment and public consultation process and notice would be provided through the prescribed manner in the Planning Act.

**CONCLUSION:**

Staff recommend that the Housekeeping Amendments initiated by the Township of West Lincoln and as found in Attachment 1 be approved and that notice of approval be circulated in the prescribed manner of the *Planning Act*.

**ATTACHMENTS:**

1. Draft Zoning Amendment Bylaw
2. Zoning Map – Concession 9, Part Lot 4, PIN 46049-0044 LT, (Griffin Lands)
3. Zoning Map – 9558 RR 65, 9578 RR 65, 9522 RR 65 & 1461 RR 2
4. Public Comments


**Prepared by:**



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**Gerrit Boerema  
Planner II**

**Approved by:**



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**Bev Hendry  
CAO**

**Submitted by:**



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**Brian Treble  
Director of Planning & Building**

for the purposes of this by-law unless it meets the requirements of this definition and By-law 2017-70.

2. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70, as amended, is hereby amended by changing Subsection 7.2 Table 16: Permitted Uses in Commercial Zones, as illustrated as highlighted in the table below:

Uses	Zones where Permitted			
<b>Principal Uses</b>				
<i>Apartment dwelling</i>	C1			
<i>Art gallery</i>	C1			
<i>Commercial kennel</i> (see s. 3.8)			C3	
<i>Commercial school</i>	C1	C2	C3	C4
<i>Communications establishment</i>	C1		C3	C4
<i>Contractors establishment</i>			C3	
<b>Day care</b>		C2		<b>C4</b>
<i>Drive-through facility</i> (see s. 3.12)			C3	C4
<i>Dry cleaning/ laundry depot</i>	C1	C2	C3	C4
<i>Financial institution</i>	C1		C3	C4
<i>Funeral home</i>	C1		C3	
<i>Garden centre</i>			C3	C4
<i>Hotel/ motel</i>			C3	
<i>Motor vehicle dealership</i>			C3	
<i>Motor vehicle gasoline bar</i>			C3	C4
<i>Motor vehicle repair establishment</i>			C3	
<i>Motor vehicle service station</i>			C3	C4
<i>Motor vehicle washing establishment</i>			C3	C4
<i>Office, including a medical office</i>	C1	C2	C3	C4
<i>Personal service shop</i>	C1	C2	C3	C4
<i>Pet care establishment</i> (see s. 3.8)			C3	C4
<i>Place of entertainment</i>	C1		C3	C4
<i>Private club</i>	C1		C3	C4
<i>Recreation facility</i>	C1		C3	C4
<i>Restaurant</i>	C1	C2	C3	C4
<i>Retail store</i>	C1	C2	C3	C4
<i>Service shop</i>	C1		C3	C4
<i>Shopping center</i>				C4
<i>Studio</i>	C1	C2	C3	C4
<i>Veterinary clinic</i>	C1		C3	C4
<i>Wayside pit or quarry</i> (see s. 3.27)			C3	C4
<b>Accessory Uses <sup>(1)</sup></b>				
<i>Accessory buildings or structures and accessory uses</i> (see s. 3.1)	C1 <sup>(1)</sup>	C2 <sup>(1)</sup>	C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Accessory dwelling units</i> (see s. 3.2)	C1 <sup>(1)</sup>			
<i>Outside display and sales area</i>			C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Outside storage</i>			C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Renewable energy system</i> (see s. 3.15)	C1 <sup>(1)</sup>	C2 <sup>(1)</sup>	C3 <sup>(1)</sup>	C4 <sup>(1)</sup>

3. THAT, Part 8 “Employment Zones” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 8.3 Table 19: Regulations for Permitted Uses in Employment Zones, as shown as highlighted in the table below:

Regulation	Zone Requirements		
	M1	M2	M3
Minimum lot area	2,000m <sup>2</sup>		-
Minimum lot frontage	30m		-
Minimum front yard	15m		30m <sup>(1)</sup>



Regulation		Zone Requirements		
		M1	M2	M3
Minimum <i>exterior side yard</i>		7.5m		30m <sup>(1)</sup>
Minimum <i>interior side yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m <sup>(1)</sup>
	Other	5m		30m <sup>(1)</sup>
Minimum <i>rear yard</i>	Adjoining a <i>lot</i> in a Residential <i>Zone</i>	15m	30m	90m <sup>(1)</sup>
	Other	7.5m		30m <sup>(1)</sup>
Maximum <i>lot coverage</i>		50%		-
Maximum <i>height</i>		10m		15m <sup>(1)</sup>
Minimum <i>landscaped open space</i>		10% <sup>(2)</sup>		-
Maximum <i>outside storage</i>		25% <sup>(3)</sup>		-
Maximum accessory <i>retail gross floor area</i>		10% of <i>gross floor area</i>		-

4. THAT, Part 13 “Special Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 13.2 Table 29: Site Specific Provisions, Provision ‘A-111’:

			Permitted Uses	Regulations
111	C6	A	As per the parent <i>zone</i> , plus: <i>Contractors establishment</i> including <i>outside storage</i> of associated materials, machinery and other products used, and related <i>buildings and structures</i> that are adequately serviced by private services.	As per the parent <i>zone</i> ; plus access to the ‘A-111’ zone must be established and necessary approvals obtained prior to any non-agricultural use of the ‘A-111’ zone.

5. THAT, Map C6 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on a portion of Concession 9, Part Lot 4, PIN 46049-0044 LT, (Griffin Lands) shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural ‘A’ zone to an Agricultural ‘A-111’ zone.
6. THAT, Maps C1 & C2 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on a portion of 9558 Regional Road 65, 9578 Regional Road 65, 9522 Regional Road 65 and 1461 Regional Road 2, Caistor Center, shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural zone with site specific exception ‘A-5’ and Agricultural ‘A’ to a Rural Residential ‘RuR’ zone, from an Agricultural ‘A’ and Agricultural zone with site specific exception ‘A-5’ zone to an Industrial Employment with site specific exception ‘M2-5’.
7. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
8. 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 ##<sup>th</sup>  
DAY OF JUNE, 2022.**

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

DRAFT

**EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-##**

The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues that have become apparent during its first few years of implementation.

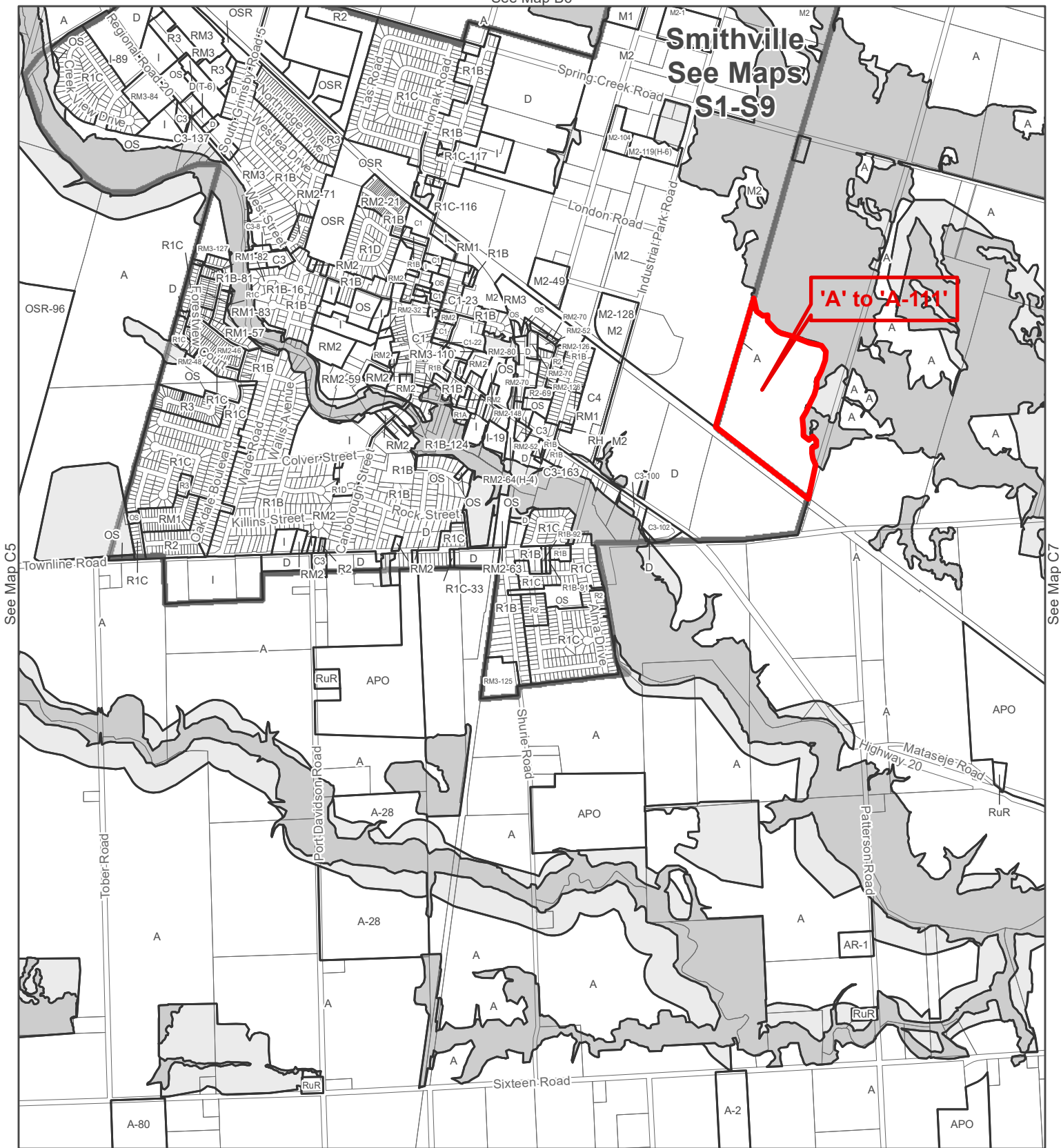
A Public Meeting was held on June 13, 2022 and one member of the public provided oral comments. One written comments was additionally received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-003-22  
Township of West Lincoln

DRAFT

Smithville  
See Maps  
S1-S9

'A' to 'A-121'



See Map C5

See Map C7

Township Key Map

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

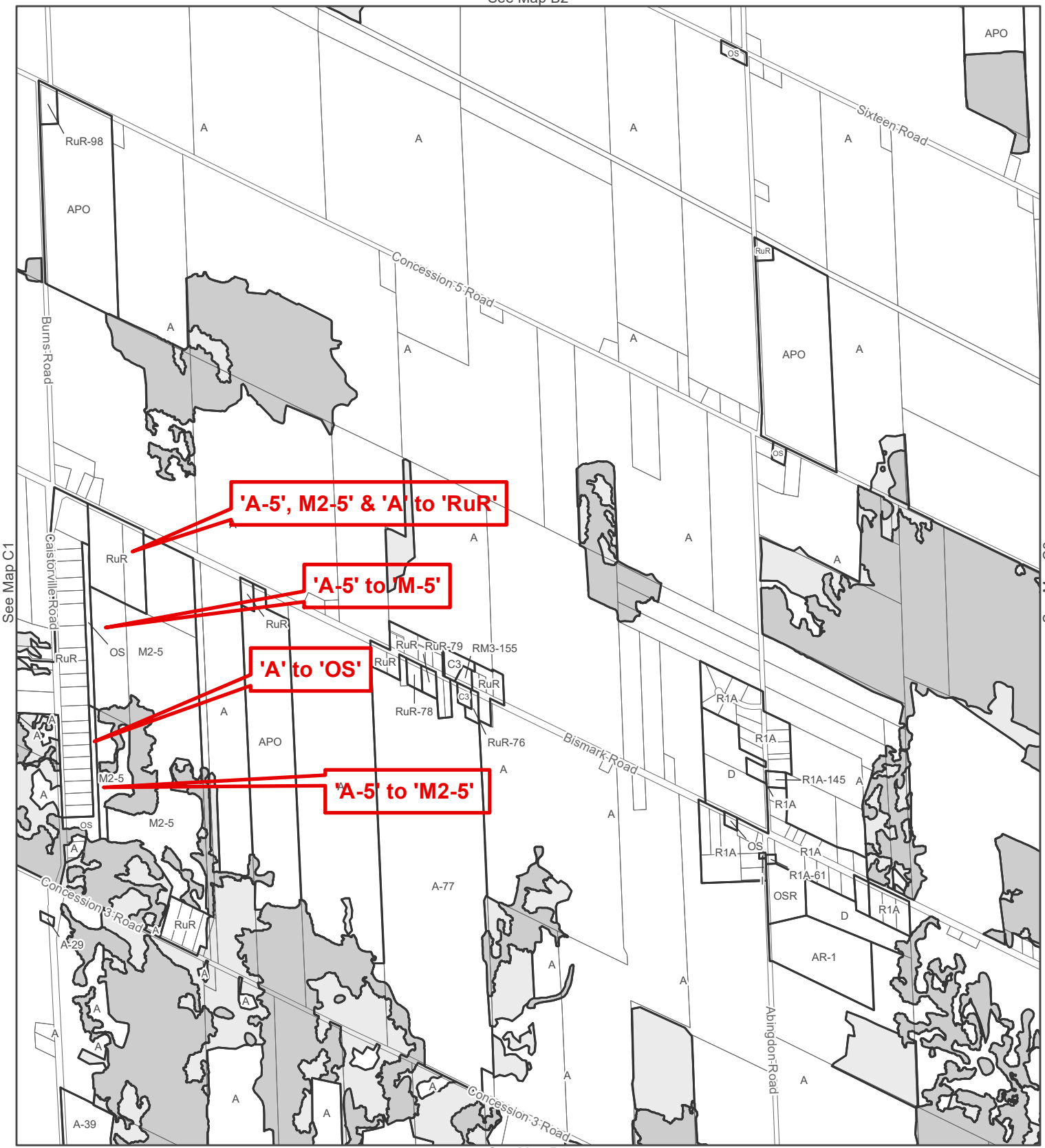
- Zone Boundary
- EC
- EP
- Waste Management Facility Assessment Area

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

Map  
**C6**

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0 500 m

Last Updated: January 2021



See Map C1

See Map C3

**Township Key Map**

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

**Smithville Key Map**

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

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

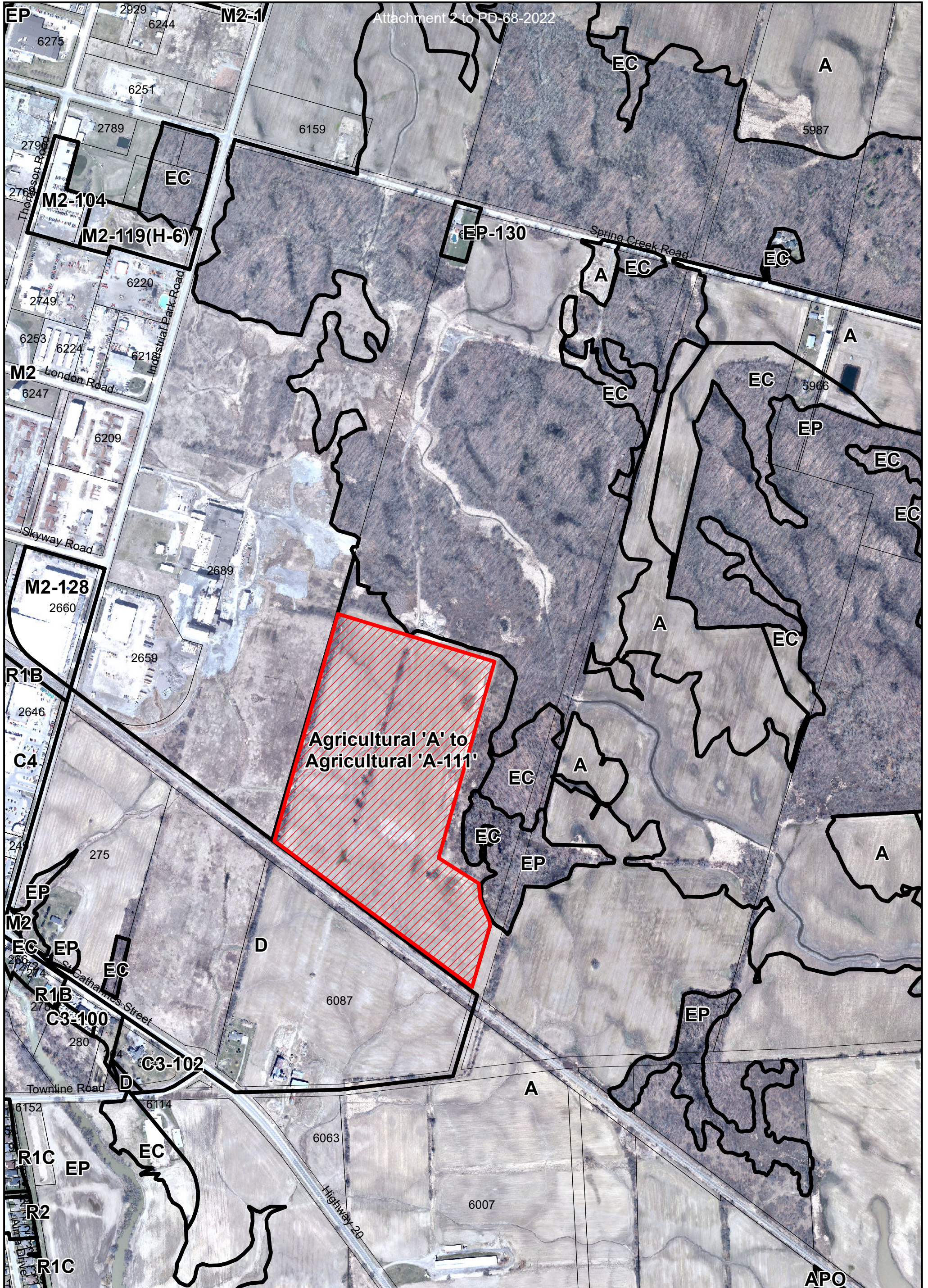
Map  
**C2**

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Last Updated: January 2021

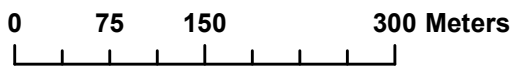
Page 13 of 56






**Location Map**

Spring Creek Road, Concession 9,  
Part Lot 4, PIN 46049-0044 LT



**Legend**

 Subject Property





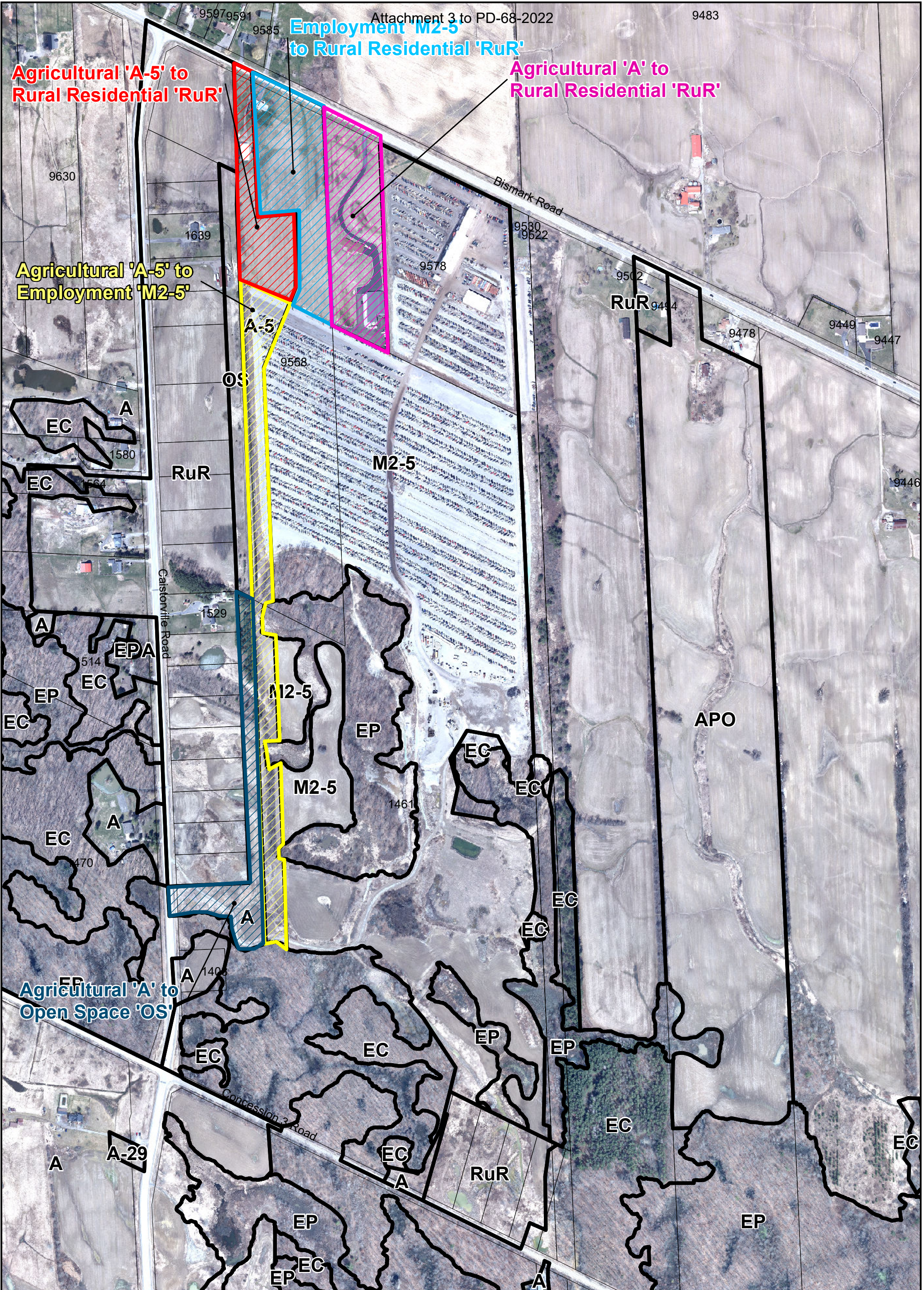
Employment 'M2-5' to Rural Residential 'RuR'

Agricultural 'A-5' to Rural Residential 'RuR'

Agricultural 'A' to Rural Residential 'RuR'

Agricultural 'A-5' to Employment 'M2-5'

Agricultural 'A' to Open Space 'OS'



Location Map

9558, 9578, 9522 RR 65 & 1461 RR 2





In regards to the proposed amendments of the 2017 zoning by-law:

I would like to thank Gerrit Boerema and Brian Treble for meeting with us to discuss our concerns regarding the proposed amendments to the zoning by-law, specifically those of part 4 (page 9 of 12 of the pdf version) with regard to the proposed rewording for Site-Specific Provision # 111.

The concerns discussed were based on two parts, namely access to the zone, and necessary approvals.

I believe that during this meeting, we were able to establish that there is sufficient access to the A-111 zone which was the case prior to 2015, when the area in question was removed from Development and zoned specifically for the contractor's yard (then referred to as 'A1-559': the basis for the A-111 zone), as the existing access has been in use for farming and for the purposes of the contractor's uses for decades. We are still awaiting confirmation from Gerrit or Brian on this.

Also at this meeting, we were assured that the issue of "necessary approvals to any non-agricultural use" was in regard to requirements such as building permits. However, with further reflection after the meeting, the partners involved in this land ownership believe the language of this regulation to be too broad, and could therefore result in many misunderstandings. We believe that the wording "any non-agricultural use" can imply that the Township would need to be consulted for uses that the property is already allowed within its current zoning limits.

We would like to suggest the continuation of the regulation wording from the 2017 bylaw, as amended in June 2021, which is "As per the parent zone," rather than the addition of obtaining "approvals to any non-agricultural use," as all other necessary approvals are already required by the Township.

I would like to thank staff and Council for their time and efforts in correcting this matter.

Thank you for your time and consideration,

Paul Griffin

**DATE:** July 18, 2022

**REPORT NO:** PD-72-2022

**SUBJECT:** **Recommendation Report – Official Plan Amendment No. 62 – 2051 Growth Forecasts and Targets, Mapping of Smithville Urban Boundary Expansion Lands and Boundary Adjustments in Hamlets of Abingdon, Caistorville, Fulton, Bismark and Wellandport**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- The Township of West Lincoln Master Community Plan consultants (Aecom/GSP and Wood) have been working hard on the Natural Heritage System mapping, the urban systems planning and Master Servicing Plans for Smithville. This has resulted in a proposed urban boundary expansion as previously shown in the Draft Official Plan Amendment No. 62.
- Four Public Information Centers have been held (January 2020, February 2021, October 2021 and April 2022) and a formal Public Meeting was held on April 27, 2022. A further formal Public Meeting was held on June 27, 2022, for the related Official Plan Amendment No. 63 which focuses on policy and mapping for the development of the new urban lands.
- A virtual open house was also held on the PlanSmithville.ca website from April 13 to April 20, 2022.
- On October 12, 2021 staff presented Planning Report PD-115-2021 entitled ‘Recommendation Report, Proposed Smithville Urban Boundary for Growth to 2051 to be included in New Regional Official Plan’ which endorsed the inclusion of the majority of the Smithville Urban Expansion Study Area in the new Regional Official Plan and the inclusion of a proposed new Escarpment crossing transportation connection.
- Council also directed staff and the study team to proceed on the development of a corresponding Official Plan Amendment to bring a portion of the study area lands into the urban boundary and set land use plans and policies for the urban area of Smithville.
- Draft Official Plan Amendment No. 62 was presented to the public at a formal public meeting on April 27, 2022. This amendment will bring a portion of the study area (540 hectares in area) into the urban boundary of Smithville and adjusts five hamlet boundaries as well.

**OVERVIEW CONTINUED:**

- A technical report was prepared in accordance of the second public meeting notice for June 27, 2022 and included public and agency comments as they relate to the extensive policy and mapping of OPA 63. OPA 63 includes the proposed land use designations and policies and represents a detailed and extensive amendment.
- Planning Staff are now presenting a recommendation report on OPA 62. Staff further propose that a recommendation report on OPA 63 be prepared for presentation at the August 11, 2022 Committee/Council Meeting once all agency and public comments have been received now that the Region has adopted their new Official Plan. OPA 62 and 63 will ultimately require Regional approval.

**RECOMMENDATION:**

1. That, Recommendation Report PD-72-2022, regarding “Official Plan Amendment No. 62 – 2051 Growth Forecasts and Targets, Mapping of Smithville Urban Boundary Expansion Lands and Boundary Adjustments in Hamlets of Abingdon, Caistorville, Fulton, Bismark and Wellandport”, dated July 18th, 2022, be RECEIVED; and,
2. That, Official Plan Amendment No. 62 be adopted and corresponding implementation bylaws be APPROVED and passed; and,
3. That, as per the Planning Act, no further public meeting is required; and,
4. That, Staff be authorized to circulate the Notice of Adoption for Official Plan Amendment No. 62 to the required agencies and the public and to submit a copy of Official Plan Amendment No. 62 to the Region for approval, along with the required information record, with full force and effect occurring once Official Plan Amendment No. 62 has been approved by the Region.

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

- Strategic, Responsible Growth - West Lincoln will grow strategically and responsibly – welcoming new residents and businesses and respecting the heritage and rural character that people value.

**BACKGROUND:**

The Master Community Plan work in West Lincoln officially began in late October of 2019 with the passing of the Authorizing By-law 2019-96 and By-law 2019-97 and with the signing of contracts to hire Aecom and Wood to undertake the Master Community Plan work, Urban Structure work, and Natural Heritage system assessment work. All of this work in turn has been fed into the Regional Municipal Comprehensive Review, which is part of the new Regional Official Plan project. In order to do so, and to ensure compliance with the Planning Act and the Environmental Assessment Act, Public Information Centres (PICs) have also been held as required. To date, four PIC's have now occurred, on January 30, 2020 (PIC 0), February 11th, 2021 (PIC 1), October 6th, 2021 (PIC 2) and a combined PIC and statutory public meeting was held on, April 27, 2022 for OPA 62. A virtual Public Open House was held from April 13 to 20, 2022. The statutory public meeting on OPA 63 was held on June 27, 2022.

Additionally, the Township in 2021 retained MHBC Planning to complete a review of the Township’s rural settlement areas to see if there were any opportunities for limited growth, rounding out of boundaries and locating a rural employment park. This study work is also being implemented through Official Plan Amendment No. 62 as it relates to changes to a number of Township Rural Settlement Areas.

Official Plan Amendment No. 62 was drafted and circulated for review to the public and applicable agencies, prior to the Public Meeting and PIC on April 27, 2022, in accordance with the Planning Act. OPA 62 has been revised and finalized in consideration of the input received, and is now ready for Council adoption.

Official Plan Amendment No. 63 has also been drafted and was circulated for review in advance of the June 27, 2022 Public Meeting. OPA 63 includes land use designation mapping and policy for complimentary growth of the entire Community of Smithville. The consulting team is in the process of reviewing comments received to date and finalizing OPA 63. The final version of OPA 63 will be presented to Council on August 11, 2022.

Notices were circulated over a period of a number of weeks which included four newspaper notices, direct mailing to residents (nearly 1000 households) within the study area and within 120 metres of the study area, and through email based on the study contact list.

**CURRENT SITUATION:**

On August 11, 2021, Regional Planning Committee endorsed Regional staff report PDS-033-2021 entitled “Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update”. The proposed growth targets for each lower tier municipality were provided in PDS-033-2021. For West Lincoln, they were as follows:

<b>West Lincoln</b>	<b>2021</b>	<b>2051</b>
Population	16,370	38,370
Households	5,330	14,060
Employment	4,460	10,480

It should be noted that population and employment growth in Smithville over the next 30 years is projected to be gradual and sustained and as a result, the urban growth area will increase in a phased approach with agriculture and natural heritage uses continuing in other parts of the proposed boundary until the lands are needed for urban purposes. Growth will need to be tied to the availability of Municipal services from the Region and the Township. Environmental protection of natural heritage areas is a key component of new growth and development.

Over this same time period the Region of Niagara is projected to grow from a 491,120 population (2021) to 694,000 (2051), representing a 40% increase in growth while West Lincoln’s population is projected to more than double in 30 years.

These allocations are generally consistent with the work that the Township's Consultants have been working towards, notwithstanding the fact that the target growth was originally being planned to 2041, but was extended by the Province to 2051 on August 28, 2020 through Amendment 1 to *A Place to Grow, the Provincial Growth Plan*.

In order to achieve this growth while planning to maintain the character of Smithville, the following targets have been assigned by the Region:

- West Lincoln needs to achieve a 13% intensification rate and a greenfield density target of 50 people and jobs per hectare;
- The Region's final Land Needs Assessment (June 2022) has determined that the Township will require an additional 360 hectares of urban land for community needs (for residential, commercial, mixed-use, institutional, community facilities, parks and open space, and related urban land uses) and 75 additional hectares of land for employment needs, and an additional 40 hectares of land for residential and rural employment uses in Rural Settlement Areas.

These targets are only achievable through an urban boundary expansion, which is included in Official Plan Amendment No. 62; and through the design and approval of proper policy and designations as proposed in OPA 63. As the above-noted targets and land needs must be accommodated while protecting, restoring and enhancing natural heritage systems and areas, the total land area added to the Smithville Urban Area in OPA 62 is 540 hectares inclusive of protected natural heritage land.

The purpose and effect of OPA 62 is to add this land to the Smithville Urban Area boundary to reserve the land for future urban growth and development, while limiting permitted uses in the interim to ensure that urban development can occur efficiently over time, and while maintaining the current Natural Heritage System designations of the current Official Plan. Separately, but related to OPA 62, OPA 63 is intended to add the detailed Secondary Plan land use designations and policies, recommended infrastructure and transportation systems as well as the updated Natural Heritage System mapping and policies recommended through the Subwatershed Study.

In October of 2021, Council endorsed several recommendations outlined in Planning Report PD-115-2021 entitled 'Recommendation Report, Proposed Smithville Urban Boundary for Growth to 2051; to be included in the 'New Regional Official Plan' which endorsed the inclusion of the majority of the Smithville Urban Expansion Study Area in the new Regional Official Plan' and endorsed the preparation of an Official Plan Amendment to implement the urban expansion.

The Smithville Master Community Plan and Subwatershed study, and associated urban expansion has been split into two separate Official Plan Amendments. Draft Official Plan Amendment No. 62 was presented to the public on April 27, 2022 and is proposing to bring in the lands required to accommodate future growth to 2051; while Official Plan Amendment No. 63, which was the focus of the June 27<sup>th</sup>, 2022 Public Meeting; includes land use policy and land use expansion lands to accommodate growth and protect natural



heritage areas. OPA 63, once approved, will implement specific land use designations and policies regarding the urban expansion lands and affects infill and redevelopment opportunities within the existing urban area of Smithville in a way that ensures compatibility with the existing urban character of Smithville.

The purpose of Official Plan Amendment No. 62 is to revise the Township Official Plan by doing the following:

- Update the population and employment growth forecasts to the 2051 planning horizon
- Add land to the boundary of the Smithville Urban Area by implementing the settlement area boundary recommended through the Smithville MCP process and corresponding to the expanded settlement area boundary for Smithville delineated in the new Niagara Region Official Plan.
- Designate the land to be added to the boundary of the Smithville Urban Area as “Future Greenfield Area” corresponding to the limits of the Designated Greenfield area delineated in the new Niagara Regional Official Plan
- Identify the land to be added to the boundary of the Smithville Urban Area as a Secondary Plan area being the Master Community Plan for Smithville; and
- Establish interim policies for the Smithville Master Community Plan Secondary Plan area to reserve these areas for appropriate future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems based on land use mapping and policies to be incorporated in the Official Plan through a future and separate Township initiated Official Plan Amendment (OPA 63) to implement the Smithville Master Community Plan.

The purpose of Official Plan Amendment No. 63, once approved, will be to revise the Township Official Plan by:

- a) adding updated land use designation schedules; and,
- b) adding updated land use development policy to accommodate growth and protect the environment, and ensure compatibility with the character of Smithville.
- c) Articulate and support the achievement of the Vision for the future growth and expansion of Smithville to accommodate growth over a period of approximately 30 years (to 2051) as a complete, resilient and sustainable community with enhanced small-town character, a robust natural heritage system, efficient and optimized infrastructure systems, well-defined community edges, transportation choice and convenience, and supportive of the agricultural sector;
- d) Designate the land to be added to the Smithville Urban Area via the Niagara Region Official Plan and Township Official Plan Amendment No. 62 (OPA 62) for specific urban land uses and for the protection, restoration and enhancement of the natural environment by implementing the Smithville Master Community Plan (MCP) as a new Secondary Plan area based on the preferred concept plan and the recommended natural related system identified in the related Subwatershed Study (SWS), and establish related goals and policies;

- e) Identify Block Plan Areas within the Smithville MCP Area and establish policies for the future preparation of Block Plans to undertake further planning and Master Environmental Servicing Plans (MESP's) to establish the details of future land use and required servicing, transportation and natural heritage systems;
- f) Designate and establish a special policy area for agricultural-related and farm supportive uses on land to the north-west of the MCP Area;
- g) Establish policies to recognize and protect existing farm operations within the MCP Area while providing for the future transition of the area to urban land uses and designate a special policy area for specific land within the MCP Area where land uses will be limited until such time as constraints related to the proximity of the land to an existing livestock operation are addressed or no longer exist;
- h) Identify and establish policies for the recommended Smithville Transportation Plan and to guide and direct future transportation system improvement as well as future streets and active transportation/trail routes and including the potential route of a future alternative truck route/Regional Road 20 by-pass conceptually identified in the Niagara Region Official Plan;
- i) Establish a Development Staging Plan for the Smithville MCP Area including overall stage areas and sub-phases to direct the coordinated and orderly development of the area for urban land uses aligned with the timing of required infrastructure and transportation systems in accordance with the Township's Master Servicing Plan (MSP) and Transportation Master Plan (TMP).

The original study area from 2019 was approximately 685 hectares, however, through the Master Community Plan and Subwatershed Study process, Official Plan Amendment No. 62 recommended the inclusion of 540 hectares into the Smithville Urban Boundary. The proposed expansion area is mainly to the north, south and west of the current urban boundary for Smithville. An area north of the Hydro One corridor, west of the Employment Park and south of Young Street was not included in the proposed expansion area mainly due to its proximity to existing livestock operations.

The growth targets set by the Region of Niagara for the Township of West Lincoln are to accommodate growth from a population of 16,454 (2021 census population) to a total population of 38,370 people and a total employment of 10,480 jobs by the year 2051. The majority of this growth will occur within Smithville and the proposed expanded study area.

The specific land use designations and policies regarding the expansion area are included in Official Plan Amendment No. 63. Official Plan Amendment No. 63 also provides revised policies for lands within the existing boundary of Smithville to ensure that the existing urban area is well blended with development in the urban expansion area. Further, the policy balances growth and environmental protection so that the community supports and embraces natural heritage areas.

The Region of Niagara is the approval authority for Official Plan Amendment No. 62 and 63 and they recently granted Regional Council approval of their own new Regional Official Plan. Our work must implement their new plan. Public Consultation for the new draft

Regional Official Plan, which includes the Smithville Expansion Area, was held on April 7 (Public Open House) and a public meeting was held on April 28<sup>th</sup>, 2022 with a Regional staff recommendation report considered at Regional Planning Committee on June 15 and Regional Council on June 23. Tom Richardson spoke on the Township's behalf several times at Regional Committee in support of the Region and Township's joint planning exercise around the Smithville expansion area.

The purpose of this report is to facilitate Council's final consideration and adoption of Official Plan Amendment No. 62. It is expected that a recommendation to approve Official Plan Amendment No. 63 will be brought forward by Township staff to the Township Planning Committee and Council on August 11, 2022, now that Regional Council has approved their new Official Plan.

### **FINANCIAL IMPLICATIONS:**

This project has been front ended by the Land Owners group who have been an important partner in this project along with the NPCA and Regional Planning and Public Works staff. All agencies and the land owners group have been key players in bringing this work to this stage.

Without the support of these key players, this work would not be as thorough, well done, and complete as it is. Our project is of a quality deserving of Provincial recognition.

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

This project is a substantial undertaking that includes the Niagara Region Public Works and Planning Departments, the Niagara Peninsula Conservation Authority, Land Owners representatives along with Township Planning and Public Works staff, our consultants and our consulting facilitator, Mr. Richard Vandezande.

Several Technical Advisory meetings have occurred throughout the length of this project, as well as meetings nearly every week with different stakeholders.

Notices for draft Official Plan Amendment No. 62 and 63 were circulated to agencies. Comments were received from the Region of Niagara and NPCA (found at attachment no.3). The below are summaries of the received agency comments for OPA 62:

- **Region of Niagara** comments were received/dated May 10, 2022 relating to OPA 62. OPA 62 requires Regional Council approval which cannot occur until the Niagara Region Official Plan has been approved by the Province and is in effect. Further, the Region notes the need to clarify Minimum Distance Separation issues (livestock protection) and permitted interim land uses. An employment number correction was required as well as clarity over whether the Master Community Plan and Secondary Plans are the same document.
  - **Action:** Issues relating to OPA 62 have been addressed through minor revisions and information provided within the preamble to clarify the approval process for OPA 62 which will occur after the Niagara Region Official Plan is approved by the Province, and also through policy refinements to detail the requirements for interim and existing land uses. A Special Policy Area has

been included in the Region's new Official Plan for one livestock operation and related MDS issues. As land use designations for the urban expansion area are included in OPA 63, the MDS special policy will be addressed at the Township level through OPA 63.

- **Niagara Peninsula Conservation Authority** comments were received/dated June 8, 2022. No objections were provided but a note is made that there are several environmental features within the hamlet boundary expansions that will need to be explored further as part of future development applications, including Provincially Significant Wetland (PSW) in Fulton.
  - **Action:** No changes required on OPA 62 and NPCA concerns will be addressed at the time of development applications.

### **PUBLIC COMMENTS:**

Notices for draft Official Plan Amendment No. 62 and 63 were circulated in four separate newspaper editions as well as mailed to all landowners within the study area and within 120 metres of the study area. This resulted in nearly 1,000 notices being mailed. Additionally, members of the public on the study contact list were emailed a copy of the notice and draft official plan amendment.

At the time of writing this report, the Township has received multiple written comments from members of the public along with substantial input throughout the entire Master Community Plan process. The public comments received as they relate to OPA 62 are attached to this report at Attachment 2. The below are summaries of the received public comments:

- **Ron and Sylvia Budenas** – Harvest Gate – June 7, 2022 – support OPA 62 and 63. A previous email dated April 28, 2022, also provided comments that's generally support the environmental approach.
  - **Action:** Approved OPA 62
- **Pat Wirth** – Tober Road June 15, 2022 – telephone, email and letter expressing support for OPA 62.
  - **Action:** Approved OPA 62
- **Chris and Sid Frere** June 15, 2022 – support for OPA 62 and 63 by email correspondence including the environmental protection approach.
  - **Action:** Approved OPA 62
- **Fred Vandervelde** – April 28, 2022 – emailed inquiring about the best way to service lands on the South Side of Townline Road.
  - **Action:** Comments provided to Benny Wan of Aecom for Master Servicing Plan.
  - **Action:** Approve OPA 62
- **Elizabeth Abonyi** – April 18, 2022 – expressed concerns with a concept that showed the realignment of Port Davidson Road through one of her barns and asked that this realignment be rejected.
  - **Action:** OPA 62 does not include the proposed future realignment of Port

Davidson Road and can be approved. The transportation Schedule update showing the potential future realignment of Port Davidson Road is included in OPA 63, and is not an exact tool and such changes, if ever made would likely relate to the redevelopment of the affected lands after the current owner's interests are gone. No change or action required.

- **James and Zoe Gunn, Bryan Las and Peter and Bonita Boerema** – letter dated April 25, 2022 and presentation by some on April 27, 2022. Concerns with land not included in the urban boundary, MDS issues and transportation planning. Their lands were no longer part of the proposed urban boundary area but are part of the original study area. Not all lands could be included and lands north of the hydro corridor were eliminated but are fully studied for future urban boundary adjustments and are available and encouraged as an area of agricultural service and support industries.
- **Jennifer Meader** on behalf of Phelps Homes LTD and JTG Holdings Incorporated – letter dated April 27, 2022 – Generally supports OPA 62 and the inclusion of her client's lands in the urban boundary. There are concerns with policies and mapping of OPA 62. The detailed concerns as expressed in the authors letter have been reviewed and considered by the Master Community Plan consultants who advise that transition policies are important and that planning phases controlled by servicing availability and organized growth shall be essential. Development should occur in an organized fashion, with local Council approval, ultimately required.
  - **Action:** OPA 62 has been revised with additional information included in the preamble to explain the rationale for maintaining the current natural heritage system designations until the mapping and policies are updated through OPA 63 and also through revisions to the preamble and policies to provide the rationale and policy basis for not accepting privately-initiated Secondary Plans and related private OPAs.
- **Paul Lowes/Raymond Ziembra** on behalf of Smithville Land Owners Group – Overall support for OPA 62 but wanted further dialogue on the MDS arc's and also noted concerns to be addressed through OPA 63 relating to road cross sections, natural heritage systems, infrastructure phasing, and some of the proposed land uses.
  - **Action:** OPA 62 can be approved. The issues relate to OPA 63.
- **Lyle Killins** – email dated April 20, 2022 – inquired about the ability of Baker Road treatment plant to handle the increased growth and whether proper planning is underway to ensure that Baker Road will be properly able to treat anticipated sewage.
  - **Action:** Comments forwarded to Region and Benny Wan of Aecom.
- **Scott Antonides** – letter dated April 20, 2022 – supports the protection and further development of natural ecosystems in and around Smithville as part of OPA 62 and as well their current designations on Schedule B-4. Mr. Antonides noted that forest cover has decreased from 80% 200 years ago to approximately 15% today.
  - **Action:** Proceed to approve OPA 62.



- **Marlene Bergsma** – email dated June 1, 2022 – was recommending that the addition of lands within north end of Wellandport should be accompanied by a linkage along Regional Road 27 to connect the area for active transportation purposes. This can occur as part of the planning for a Trails and Corridors Master Plan and at the time of development applications.
  - **Action:** Approve OPA 62
- **Linda Sivyer** – expressed support for study and important of environmental protection.
  - **Action:** Approve OPA 62.
- **Bryan Las** – commented separately at the Public Meeting about his lands and why they were not included. Not all lands could be included and not all lands could be supported based on the growth targets and density targets that the Township must achieve.
  - **Action:** OPA 62 can be approved. His lands north of the hydro corridor are part of an agricultural special policy area in OPA 63.
- **Frank and Nick DeFilippis** – Concerns about Fulton Hamlet boundary and exclusion of their lands.
  - **Action:** OPA 62 be approved with employment area in Fulton approved as proposed since environmental and MDS issues affect the ability to utilize the DeFilippis lands.
- **Louie and Loretta Madzo** - received a letter on July 13<sup>th</sup>, 2022 – proposed the recommendation that their property in Wellandport be included into the proposed Hamlet expansion.
  - **Action:** This was discussed with the Region of Niagara and determined to not be acceptable at this time.

### CONCLUSION:

For over two and a half years the Township and its consulting teams, AECOM, GSP and Wood, as well as the Township project manager for this project, Mr. Richard Vandezande, have been working on the Smithville Master Community Plan project and Smithville Subwatershed Study. This work has been underway to provide additional lands to the urban boundary of Smithville to accommodate residential and employment growth to the year 2051, as allocated to the Township by the Region of Niagara.

Township Council endorsed the expansion area in October 2021 and also directed staff and the consulting teams to prepare a draft Official Plan Amendment to facilitate the expansion. This process has been split into two Official Plan Amendments. Official Plan Amendment No. 62 has been finalized and aligns the Township's Official Plan with the new Regional Official Plan by expanding the urban boundary of Smithville and several rural settlement areas to accommodate residential and employment growth to the year 2051.

Draft Official Plan Amendment No. 63, provides secondary planning for the expansion area including land use designations and policy. Official Plan Amendment No. 63 addresses policy for the existing urban area of Smithville to ensure there is an appropriate



transition from existing to new development. The June 27th, 2022 Public Meeting was focused on the proposed Official Plan Amendment No. 63 document. This OPA will be the focus of a staff recommendation report that is currently scheduled for August 11, 2022, following approval at the local level, of the new boundaries.

Planning Staff have now received all public and agency comments relating to OPA 62 and recommend that Township Council adopt OPA 62 as found attached to this report; pass the necessary by-law; and forward OPA 62 to the Region of Niagara for final approval. All agency and public comments have been received and reviewed; now that the Region of Niagara has adopted their new Official Plan.

**ATTACHMENTS:**

1. Final Version of Official Plan Amendment No. 62 (maps and text)
2. Public Comments
3. Agency Comments
4. Authorizing By-law

**Prepared & Submitted by:**



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

**Approved by:**



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**Bev Hendry**  
**CAO**

**AMENDMENT NUMBER 62  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN  
(SMITHVILLE URBAN AREA EXPANSION)  
2022**

**AMENDMENT NUMBER 62  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN**

**PART 1 – THE PREAMBLE**

**1.1 TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 62 (Smithville Urban Area Expansion) to the Official Plan of the Township of West Lincoln.

**1.2 COMPONENTS**

This Amendment consists of Part 1 – The Preamble and Part 2 – The Amendment. The preamble does not constitute part of the actual amendment but is included as background information.

**1.3 PURPOSE**

The purpose of this Amendment is to revise specific policies and schedules of the Official Plan to:

- Update the population and employment growth forecasts and the greenfield density and intensification targets of the Official Plan consistent with those of the Niagara Region Official Plan, pursuant to the Growth Plan for the Greater Golden Horseshoe, to the 2051 planning horizon;
- Add land to the boundary of the Smithville Urban Area by implementing the settlement area boundary recommended through the Smithville Master Community Plan process and corresponding to the expanded settlement area boundary for Smithville delineated in the Niagara Region Official Plan;
- Designate the land to be added to the boundary of the Smithville Urban Area as “Future Greenfield Area” corresponding to the limits of the Designated Greenfield Area delineated in the Niagara Region Official Plan for the expanded Smithville Urban Area;
- Identify the land to be added to the boundary of the Smithville Urban Area as a Secondary Plan area being the Master Community Plan for Smithville; and,
- Establish interim policies for the Smithville Master Community Plan Secondary Plan area to reserve these areas for appropriate future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems based on land use mapping and policies to be incorporated in the Official Plan through a future/separate Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan. The Smithville Master Community Plan is intended to be implemented as a Secondary Plan via future/separate Township-initiated Official Plan Amendment(s).

**1.4 LOCATION**

The Amendment applies primarily to land surrounding the existing community of Smithville in the Township of West Lincoln within the area shown on the Location Map provided below.

The total land area within Master Community Plan Study Area is approximately 685 hectares, and the total land area to be added to the Smithville Urban Area boundary by this amendment is approximately 540 hectares.

Certain aspects of this amendment relate to matters of Township-wide significance and apply to the Township as a whole, such as the updated Township-wide population and employment growth forecasts to the year 2051; however, the majority of this future growth will be directed to the expanded Smithville Urban Area.

**Location Map**



## 1.5 **BASIS OF THE AMENDMENT**

The basis of this amendment is the Planning Act which requires the Council of the Township of West Lincoln to, among other things:

- Revise its Official Plan to ensure that it conforms with provincial plans or does not conflict with them (Planning Act s. 26(1)(a)), including the Growth Plan for the Greater Golden Horseshoe (2019, amended in 2020) which establishes population and employment forecasts for the Region of Niagara to the year 2051 as well as intensification targets for delineated built-up areas and minimum density targets for designated greenfield areas;
- Amend its Official Plan to conform with the Niagara Region Official Plan (Planning Act s. 27(1)) which establishes a settlement area boundary and the geographic limits of the delineated built-up area and designated greenfield area for the Smithville Urban Area, the boundaries of rural settlement areas (hamlets) in the Township of West Lincoln, as well as population and employment growth forecasts and intensification and greenfield density targets to the year 2051 for the Township of West Lincoln.

The need to add land to the Smithville Urban Area and to a lesser extent to certain hamlets within the Township of West Lincoln has been established through a Municipal Comprehensive Review completed by Niagara Region leading to the creation of a new Niagara Region Official Plan providing a basis for planning to accommodate growth and for directing and managing land use changes and development in the Region to the year 2051. The new Niagara Region Official Plan was adopted by Regional Council on June 23, 2022 and is subject to approval by the Ministry of Municipal Affairs and Housing. Niagara Region is the approval authority for this amendment to the Township of West Lincoln Official Plan and the Region's approval of this amendment is subject to the Region's receipt of Ministry approval of the new Niagara Region Official Plan.

A Master Community Plan for the land to be added to the Smithville Urban Area has been developed under the Planning Act and is integrated with related infrastructure planning in accordance with the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment (EA) for Water, Wastewater and Roads (as amended in 2015) Master Plan Approach #4. A Subwatershed Study has also been undertaken to address environmental and stormwater considerations associated with the Twenty Mile Creek watershed and support the Master Community Plan Study including the EA process. The Master Community Plan is intended to be adopted as a Secondary Plan for the Smithville urban expansion lands, and to be implemented via the approval of separate Township-initiated Official Plan Amendment(s) to incorporate the Secondary Plan in the Township's Official Plan, prior to the considerations and acceptance of applications for urban development in the area.

As this Official Plan Amendment implements changes to the Smithville Urban Area boundary in anticipation of further amendment(s) to incorporate a Secondary Plan for the urban expansion area, it includes interim policies to establish the applicable land use designations, permitted uses and policies until such time as a Secondary Plan is approved and implemented via separate amendment(s) to the Official Plan. The Master Community Plan process includes the development of a Secondary Plan for the urban expansion area. Official Plan Amendment No. 63 has been drafted to implement the Secondary Plan for the urban expansion area subsequent to the approval of this Official Plan Amendment No. 62.

The interim policies included in this Official Plan Amendment No. 62 are intended to apply to land within the urban expansion area until Official Plan Amendment No. 63 is approved to implement the Secondary Plan. The interim policies permit limited land use changes and development of an interim nature and those permitted by the implemented Zoning By-law, to recognize that there are existing land uses in the area and some limited changes of use and/or expansion of existing uses may be appropriate prior to the development and redevelopment of the area for urban land uses in accordance with an approved Secondary Plan.

Alongside this recognition of and flexibility for existing uses and those of an interim nature, the conservation, protection, restoration and enhancement of the existing natural features on the landscape is required and will support the longer-term planning objectives for the area as well as maintaining conformity with the applicable Provincial and Regional policies. Therefore, the existing Natural Heritage System designations and policies of the Official Plan will remain in place for the urban expansion area until an updated Natural Heritage System is incorporated as part of the Secondary Plan through the approval of Official Plan Amendment No. 63.

The Township initiated the Master Community Plan process in 2019 and the process is nearing completion including the advancement of Official Plan Amendment No. 63 to establish a Secondary Plan for the urban expansion area, in parallel with the Niagara Region Municipal Comprehensive Review and creation of the new Niagara Region Official Plan. Through the Master Community plan process, the Township has initiated and prepared a draft Secondary Plan for the area in keeping with the policies of the new Niagara Region Official Plan through a comprehensive, watershed-based, integrated land use and infrastructure planning approach involving extensive consultation and engagement with the public and key stakeholders including public agencies and partners, area landowners and their consultant representatives and advisors. This amendment anticipates the completion of the Township-initiated Master Community Plan process in due course. Privately initiated Secondary Plans and related Official Plan Amendments are not contemplated nor supported by this Official Plan Amendment.



**PART 2 – THE AMENDMENT**

**2.1 PREAMBLE**

All of this part of the document entitled PART 2- THE AMENDMENT, consisting of the text amendments and mapping amendments constitute Amendment No. 62 to the Official Plan of the Township of West Lincoln.

**2.2 DETAILS OF THE AMENDMENT**

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the reference in section 2.3 to a population of “13,170” and associated footnote number 1 citing the “2006 Census Population” with a population of “15,454” and revising the footnote to read “2021 Census Population”.

2.2.2 The text of the Township of West Lincoln Official Plan is hereby amended by rewording the first sentence of section 2.5 to read as follows:

“The policies and designations of the Plan are intended to guide development in the Township to the year 2051.”

2.2.3 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the first paragraph of section 3.2 with the following:

“Through this Official Plan, the Township intends to accommodate the population and employment growth forecasts provided for the Township of West Lincoln in the Niagara Region Official Plan which are based on projections to the year 2051 provided in the Growth Plan. The Niagara Region Official Plan directs the Township of West Lincoln to plan for a total population of 38,370 people and for total employment of 10,480 jobs by 2051.”

2.2.4 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the first sentence of the second paragraph of section 3.4(b) with the following:

“The majority of the forecast population and employment growth in the Township will be directed to land within the Smithville Urban Settlement Area via urban development on full municipal services.”

2.2.5 The text of the Township of West Lincoln Official Plan is hereby amended by rewording section 5.2(a) to read as follows:

“a) To ensure that Settlement boundaries contain sufficient land to accommodate the growth forecasts of this Official Plan.”

2.2.6 The text of the Township of West Lincoln Official Plan is hereby amended by deleting section 5.3 in its entirety and replacing it with the following new section 5.3:

**“5.3 Population and Employment Growth Targets**

a) This Plan is intended to accommodate the population and employment growth forecasts set out in section 3.2 primarily within the Smithville Urban Settlement Area while limited growth may occur within the Hamlet Settlement areas.

- b) Population growth in the Township will be primarily accommodated within the Smithville Urban Settlement Area through the provision of a range and mix of housing types, as follows:
  - i. Through intensification within the Built Boundary, focussed primarily within Downtown Smithville, by planning to achieve a target of 13% of new residential units to be accommodated within this area over the planning horizon; and,
  - ii. Through the development of complete communities within designated Greenfield areas, by planning to achieve a target density of 50 people and jobs combined per hectare.
- c) A limited amount of new housing may be accommodated in the Hamlet Settlement Areas by infilling and rounding out of existing development.
- d) Outside of settlement areas, new non-farm housing will be discouraged and limited to locations where new dwellings are permitted by the implementing Zoning By-law.
- e) Employment growth will be primarily accommodated within the Smithville Urban Settlement Area through the development of a range of commercial, industrial and institutional land uses as well as work-from-home employment within existing and new households, as follows:
  - i. Through infilling, redevelopment and expansion of existing commercial, mixed-use and institutional sites and buildings within the Built Boundary to maintain and enhance these areas and support the role of Downtown Smithville as the commercial and mixed-use hub of the Township;
  - ii. Through the development of new commercial, mixed-use and institutional sites within the designated Greenfield areas, by planning to achieve a target density of 50 people and jobs combined per hectare; and,
  - iii. Through the development of compatible employment uses in the Smithville Industrial District (as delineated in the Niagara Region Official Plan), by planning to achieve a target density of 20 jobs per hectare.
- f) A limited amount of new employment may be accommodated in the Hamlet Settlement Areas by infilling and rounding out of existing development.
- g) Outside of settlement areas, a limited amount of rural employment growth will be accommodated through permitted agricultural, agriculture-related and on-farm diversified uses and the limited expansion of existing commercial, industrial and institutional sites and buildings where these uses are permitted by the implementing Zoning By-law.”

2.2.7 The text of the Township of West Lincoln Official Plan is hereby amended by deleting section 5.4 in its entirety.

2.2.8 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.5 as section 5.4 and replacing clause (a) with the following new clause (a):

“a) A diverse range and mix of housing types, unit sizes and densities will be planned for and provided within the Smithville Urban Settlement Area to accommodate the market based and affordable housing needs of the Township’s current and future residents, as follows:

- i. Through intensification within the Built Boundary, focussed primarily within Downtown Smithville, where the majority of new housing will be accommodated in the form of multi-unit residential buildings and apartments within mixed-use buildings, infilling of ground-related housing forms on vacant and underutilized land within low and medium density residential areas, and additional residential units within existing homes and residential accessory buildings;
- ii. Through new residential and mixed-use developments in designated Greenfield areas, by planning to achieve a target housing mix of 60% low density, 35% medium density, and 5% high density.”

2.2.9 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.6 as section 5.5 and re-wording the last sentence of clause (a) to read as follows:

“The structure of the Urban Settlement Area is comprised of: the built-up area, intensification areas within the built-up area, greenfield areas and future greenfield areas, the core natural heritage system, and transportation corridors.”

2.2.10 The text of the Township of West Lincoln Official Plan is hereby amended by replacing section 5.6 (d) (now re-numbered to section 5.5 (d)) with the following:

“(d) Greenfield Areas are intended for the development of new neighbourhoods and will be planned to achieve an overall density target of 50 persons and jobs per hectare. It is realized that not every site will be able to individually achieve that target; however, the Township will closely monitor Greenfield developments to ensure that the Township will meet the overall Greenfield target measured across the Greenfield Area. Future Greenfield Areas are intended to be planned primarily for future residential neighbourhoods as complete communities with a range of housing, commercial and community facilities and services, parks and a linked natural heritage and open space system, to be developed on full municipal services and supported by a local, collector and arterial street network, including complete streets, providing for transportation options and the efficient movement of people and goods. Future Greenfield Areas will be designated for specific land uses, and related policies as well as the required infrastructure, transportation systems and natural heritage systems will be established for these areas, through Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan as a Secondary Plan.”

2.2.11 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.7 to section 5.6.

2.2.12 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.8 to section 5.7.

- 2.2.13 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.9 to section 5.8 and by re-wording the first two sentences of the first paragraph of this section to read as follows:

“The majority of the intensification will be located within the identified Intensification Area on Schedule B-5 with a target of 13% of new residential units to be constructed within the existing Built-Up Area. Based on the projected growth, the Township will develop an updated Intensification Strategy to address anticipated intensification requirements over the planning period of this Plan and to consider the need for related amendments to this Plan including updates to the Intensification Strategy set out herein.”

- 2.2.14 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.10 to section 5.9 and by revising the list of features and areas excluded from the calculation of the greenfield density to read as follows:

- i. Natural heritage features and areas, natural heritage systems and floodplains, provided development is prohibited in these areas;
- ii. Rights-of-way for electricity transmission lines, energy transmission pipelines, freeways as defined by and mapped as part of the Ontario Road Network, and railways;
- iii. Employment areas; and,
- iv. Cemeteries.”

- 2.2.15 The text of the Township of West Lincoln Official Plan is hereby amended by adding the following new subsection to the end of section 6.11:

“6.11.7 Smithville Master Community Plan

The area shown on Schedule “B-4” as the Smithville Master Community Plan Secondary Plan area is intended to be designated for appropriate future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems based on land use mapping and policies to be incorporated as a Secondary Plan through future Township-initiated Official Plan Amendment(s). Until such time as the Smithville Master Community Plan is approved and incorporated herein as a Secondary Plan by amendment to this Plan, the following policies shall apply to this Secondary Plan area:

- a) Permitted uses within the Smithville Master Community Plan area will be limited to those of an interim nature except as otherwise provided in the implementing Zoning By-law.
- b) The Township may amend the Zoning By-law to apply status zoning and/or holding zones to limit and avoid development and changes of land use that may adversely impact the efficient development and servicing of the land for appropriate urban land uses in the future.
- c) New development for urban land uses shall not be permitted until a Secondary Plan is approved for the area by amendment to this Plan.

- d) The submission requirements for Block Plans and for complete applications for development of urban land uses will be determined in accordance with an approved Secondary Plan, and therefore applications submitted prior to approval of a Secondary Plan may be deemed incomplete by the Township.
- e) Notwithstanding clauses (a) through (d) of this subsection, the area designated as Public Parks as shown on Schedule “B-4” may continue to be used for existing and new land uses in accordance with the applicable policies of Section 9 of this Plan.
- f) The Natural Heritage System designation and policies of this Plan shall continue to apply to the land within the Smithville Master Community Plan as shown on Schedules “B-4” and “C-1”, “C-2”, “C-3” and “C-4” and in accordance with the applicable policies of Section 10 of this Plan. It is the intent of this Plan that updated Natural Heritage System designations, policies and mapping will be incorporated as part of a Secondary Plan through future Township-initiated Official Plan Amendment(s), based on subwatershed planning.
- g) The development and improvement of infrastructure and extension of municipal services and transportation systems will be based on the applicable master plans prepared by the Region and the Township. It is the intent of this Plan that infrastructure and transportation system policies and mapping will be incorporated as part of a Secondary Plan through future Township-initiated Official Plan Amendment(s), based on the applicable master plans prepared by the Region and the Township. For greater clarity and certainty, this policy does not restrict the Region and the Township in undertaking public infrastructure and transportation improvements prior to the approval of a Secondary Plan for the area.”

2.2.16 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording subsection 14.5.1 (a)(iv) to read as follows:

“iv. Future development of a Regional Road 20 by-pass around the north and to the east of Smithville, shown as a Conceptual Planned Corridor in the Niagara Region Official Plan, will permit the more efficient movement of heavy traffic through the Township.”

2.2.17 Schedule “A” – Municipal Structure of the Township of West Lincoln Official Plan is hereby amended by:

- a) Adding land to the Smithville Urban Boundary as shown on Schedule A hereto; and,
- b) Adding land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedule A hereto.

2.2.18 Schedules “B-1”, “B-2” and “B-3”, “B-4” – Land Use of the Township of West Lincoln Official Plan are hereby amended by:

- a) Adding the land to the Smithville Urban Boundary and removing the land from Schedules “B-1”, “B-2” and “B-3” as shown Schedules B, C and D hereto, respectively;
- b) Removing the land to be added to the Smithville Urban Boundary from the Good General Agricultural designation on Schedules “B-1”, “B-2” and “B-3” as shown on Schedules B, C and D hereto, respectively;
- c) Adding the land to the Smithville Urban Boundary, designating the land as Secondary Plan (to be mapped as an overlay of the existing Public Parks and Natural Heritage System designations where the area to be designated as Secondary Plan overlaps with these designations) and labelling the area as “SMITHVILLE MASTER COMMUNITY PLAN” on Schedule “B-4” as shown on Schedule E hereto;
- d) Changing the designation of the land north-west of Bismark and north of Wellandport from Good General Agricultural to Hamlet Settlement Area on Schedule “B-1” as shown Schedule B hereto;
- e) Changing the designation of the land north-east of Abingdon and south of Caistorville from Good General Agricultural to Hamlet Settlement Area on Schedule “B-2” as shown on Schedule C hereto; and,
- f) Changing the designation of the land west of Fulton from Good General Agricultural to Hamlet Settlement Area on Schedule “B-3” as shown Schedule D hereto.

2.2.19 Schedule “B-5” – Urban Structure Smithville of the Township of West Lincoln Official Plan is hereby amended by adding the land to the Smithville Urban Boundary and designating the land as Future Greenfield Area as shown on Schedule F hereto.



2.2.20 Schedules “C-1”, “C-2”, “C-3” and “C-4” – Natural Heritage System and Schedule “C-5” – Aggregate & Petroleum Resources of the Township of West Lincoln Official Plan are hereby amended by adding the land to the Smithville Urban Boundary and adding the land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedules G, H, I, J and K hereto, respectively.

2.2.21 Schedules “D-1”, “D-2” and “D-4” – Hamlet Boundaries of the Township of West Lincoln Official Plan are hereby amended by adding the land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedules L, M, and N hereto, respectively.

2.2.22 Schedule “F” – Infrastructure and Transportation of the Township of West Lincoln Official Plan is hereby amended by adding the land to the Smithville Urban Boundary and removing the Highway 20 By-pass from the map as shown Schedule “O” hereto.



**OPA NO. 62  
SCHEDULE A**

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

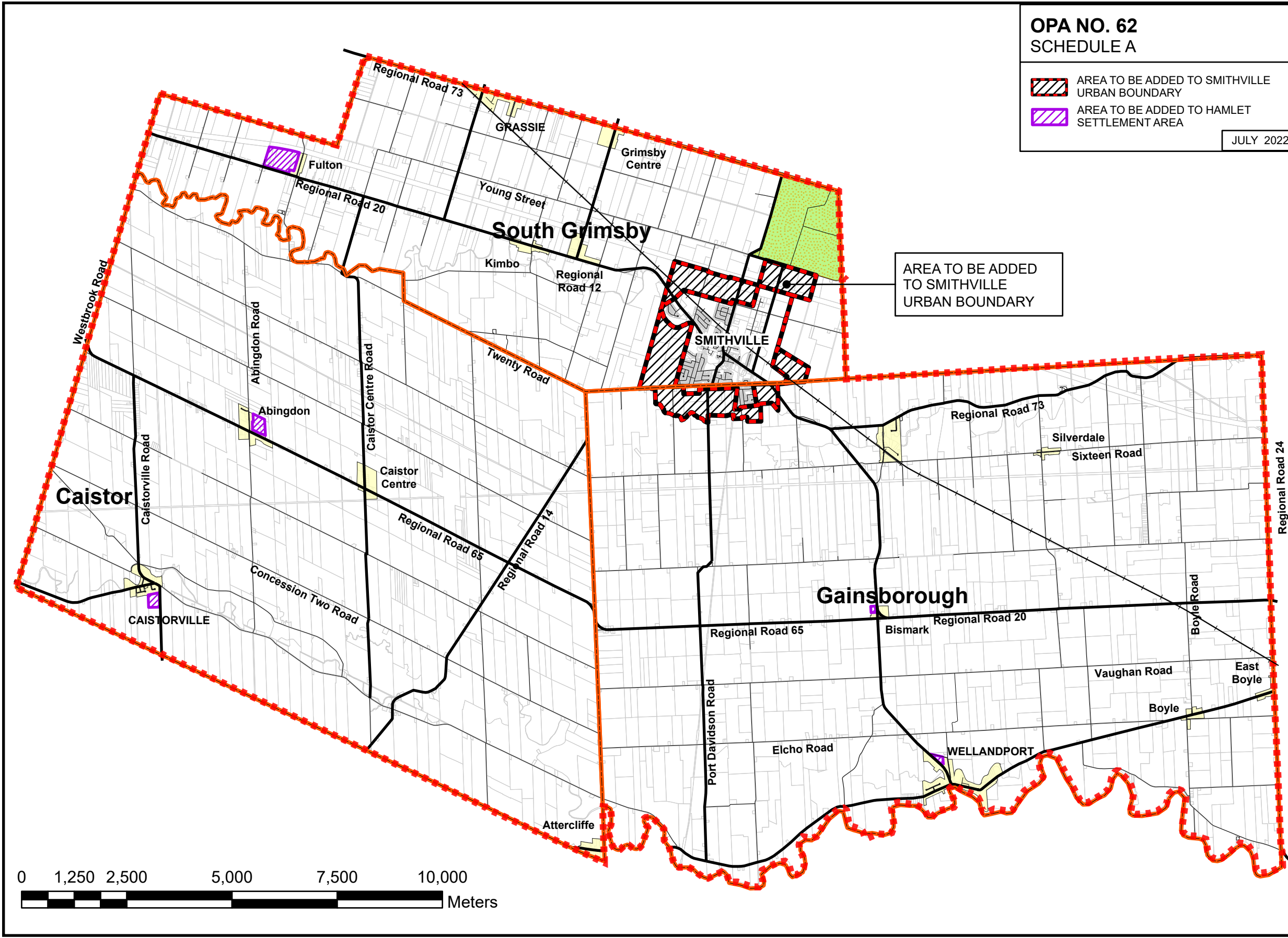
JULY 2022

**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE 'A'  
MUNICIPAL STRUCTURE**

**Legend**

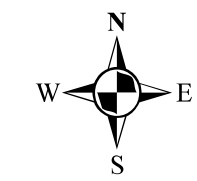
-  Hamlet Settlement Area
-  Greenbelt Lands
-  Smithville Urban Boundary
-  Former Township Boundaries
-  Municipal Boundary



AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY

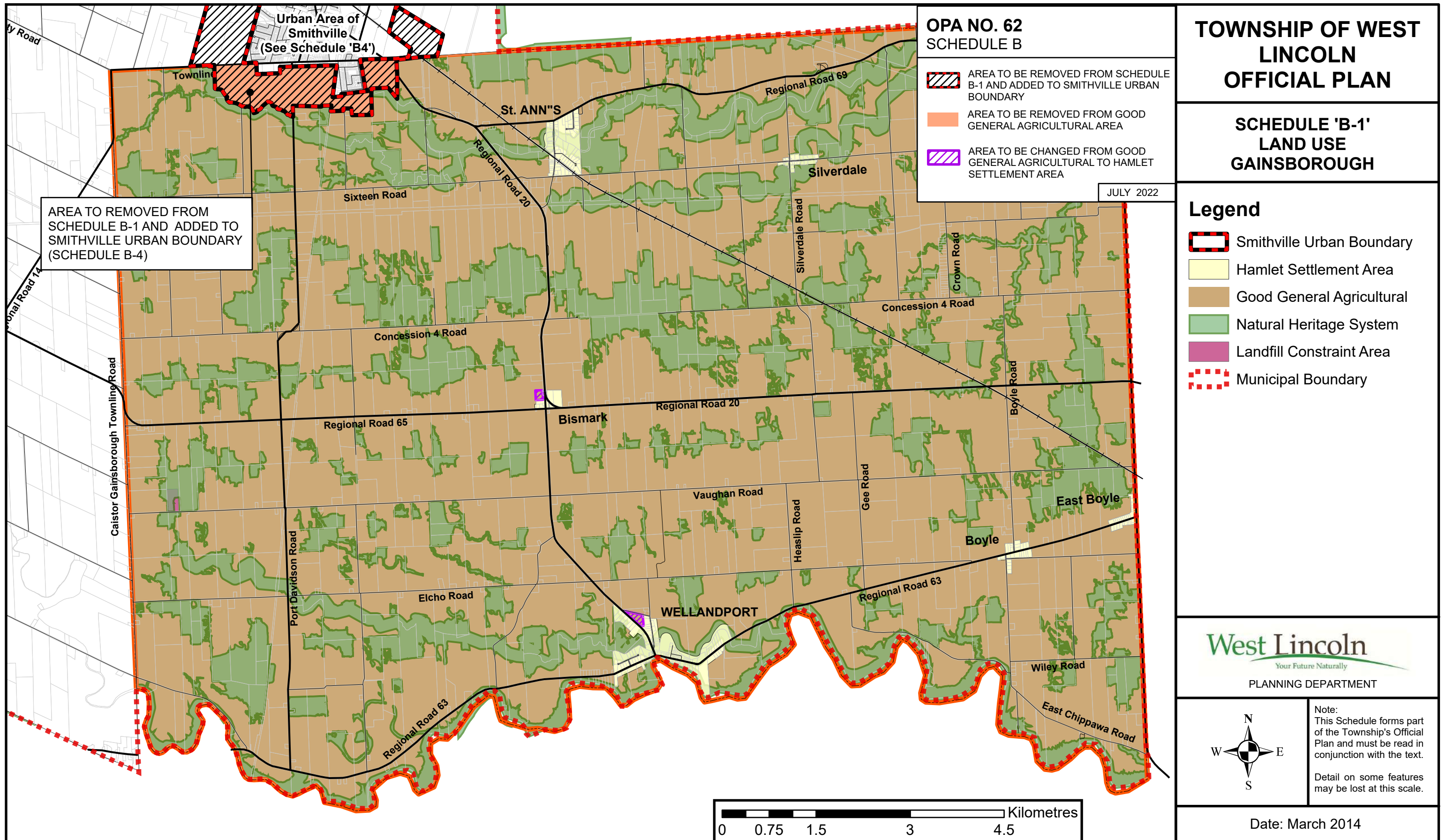


PLANNING DEPARTMENT



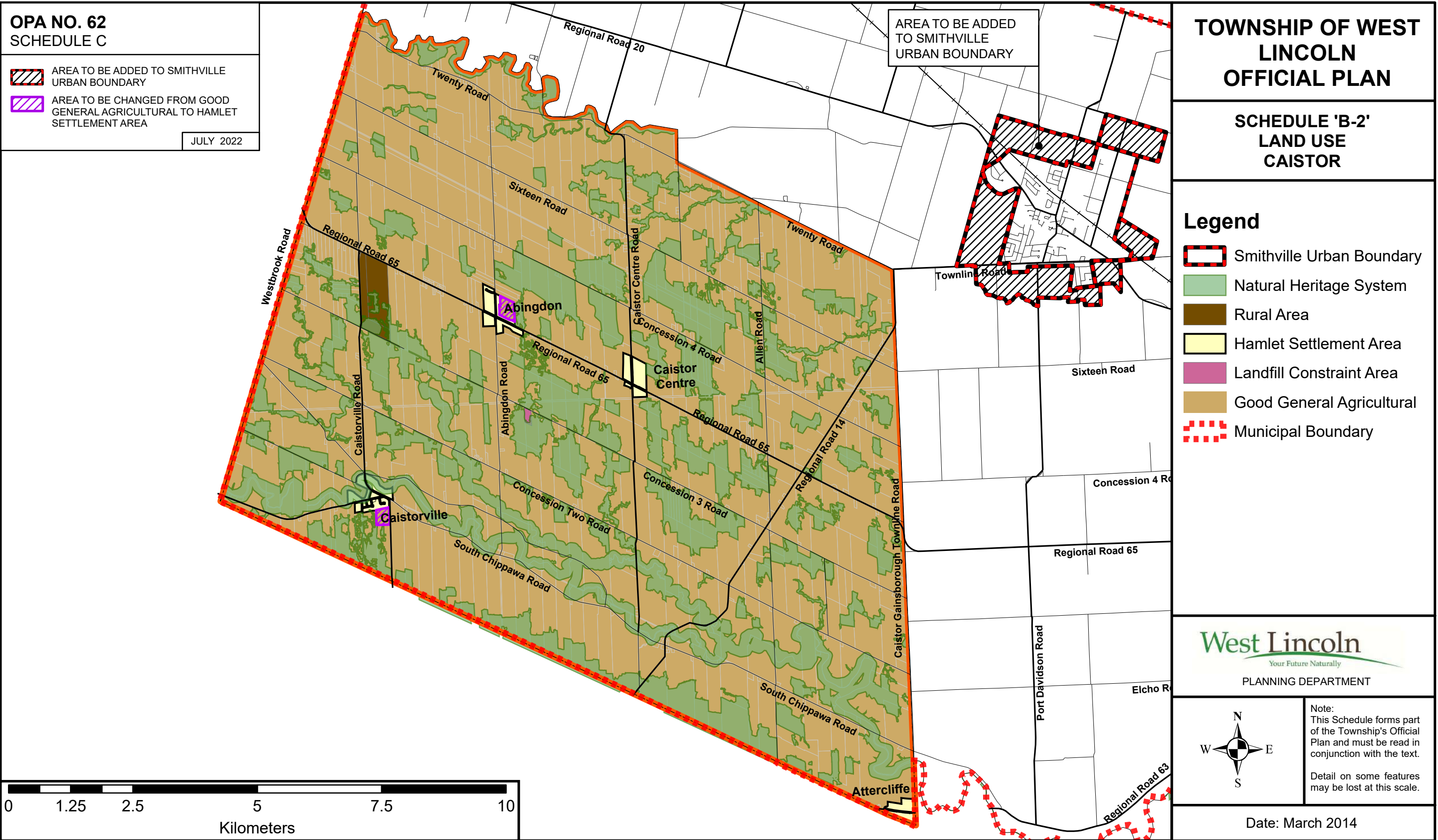
Note:  
This Schedule forms part of the Township's Official Plan and must be read in conjunction with the text.  
  
Detail on some features may be lost at this scale.

Date: March 2014





AREA TO BE REMOVED FROM SCHEDULE B-1 AND ADDED TO SMITHVILLE URBAN BOUNDARY (SCHEDULE B-4)





**OPA NO. 62**  
SCHEDULE C








-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE CHANGED FROM GOOD GENERAL AGRICULTURAL TO HAMLET SETTLEMENT AREA

JULY 2022

**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'B-2'**  
**LAND USE**  
**CAISTOR**

**Legend**

-  Smithville Urban Boundary
-  Natural Heritage System
-  Rural Area
-  Hamlet Settlement Area
-  Landfill Constraint Area
-  Good General Agricultural
-  Municipal Boundary

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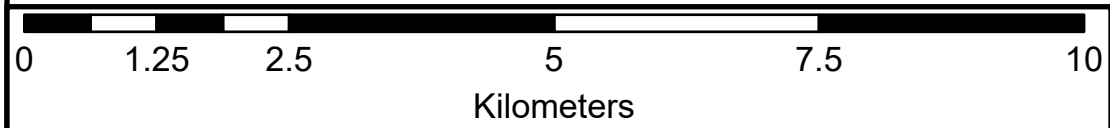
PLANNING DEPARTMENT



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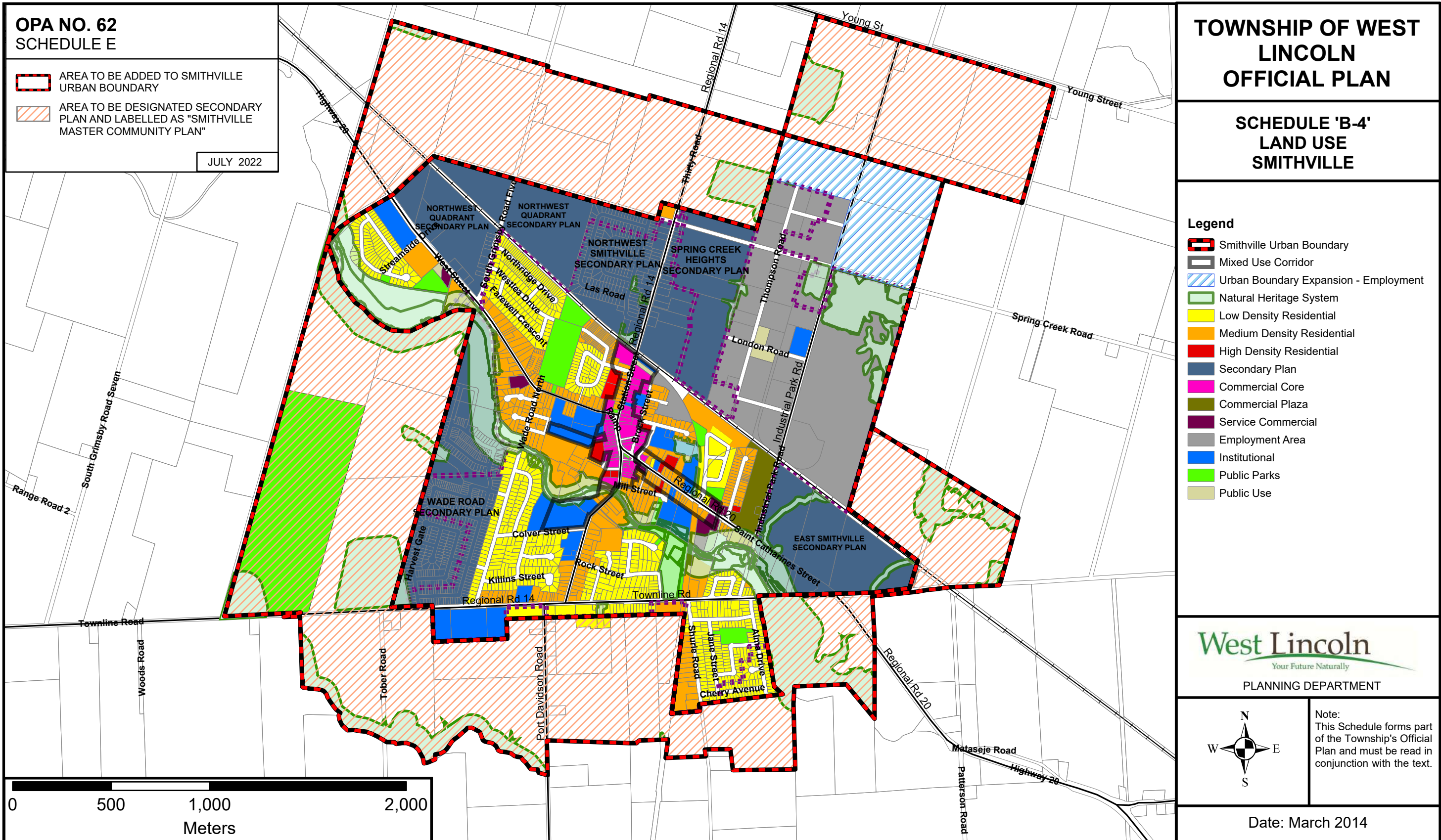
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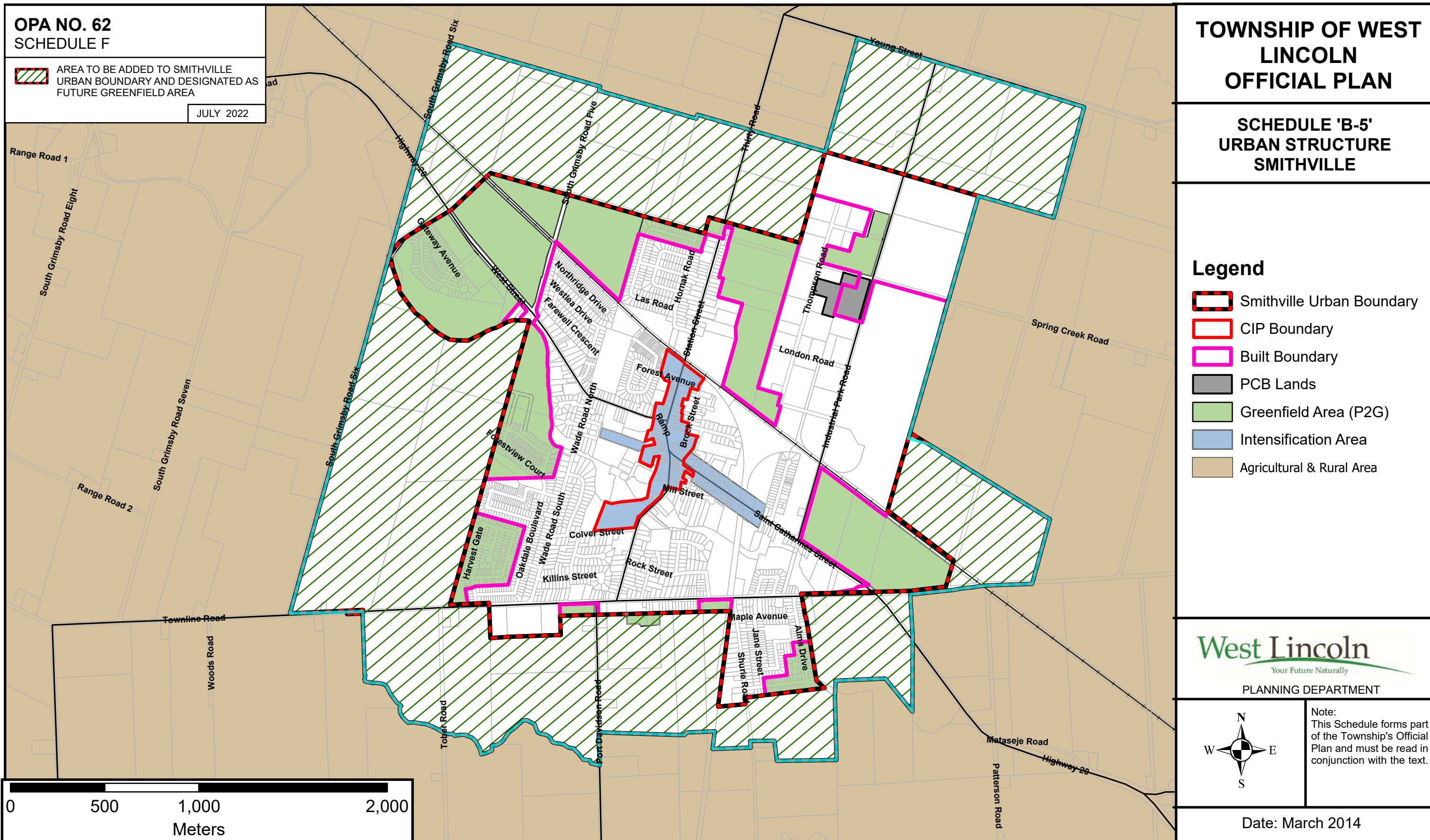
Date: March 2014















**OPA NO. 62**  
SCHEDULE G

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022

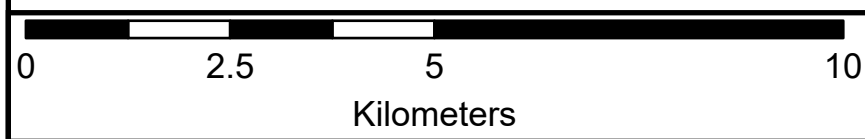
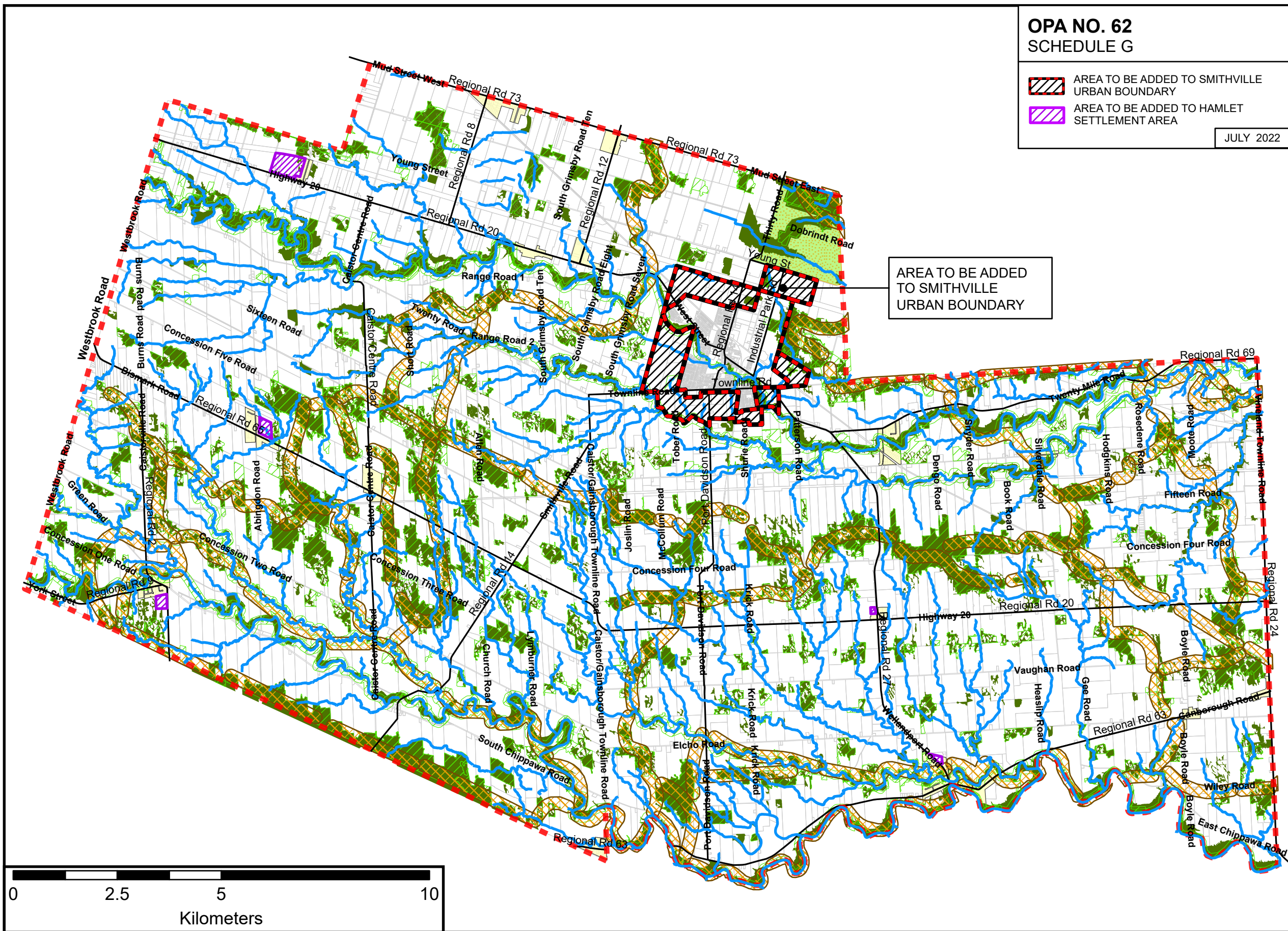
**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'C-1'**  
**NATURAL HERITAGE SYSTEM**

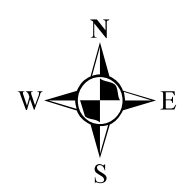
**Legend**

-  Smithville Urban Boundary
-  Hamlet Settlement Area
-  Greenbelt Lands
-  Environmental Protection Area
-  Environmental Conservation Area
-  Potential Corridors
-  Fish Habitat
-  Municipal Boundary

AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



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PLANNING DEPARTMENT





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Date: March 2014



**OPA NO. 62**  
SCHEDULE H








JULY 2022

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

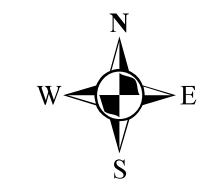
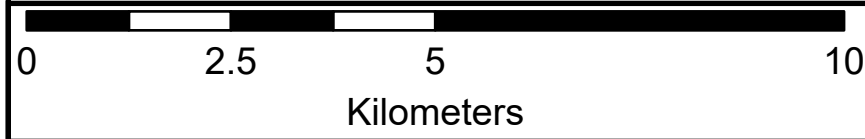
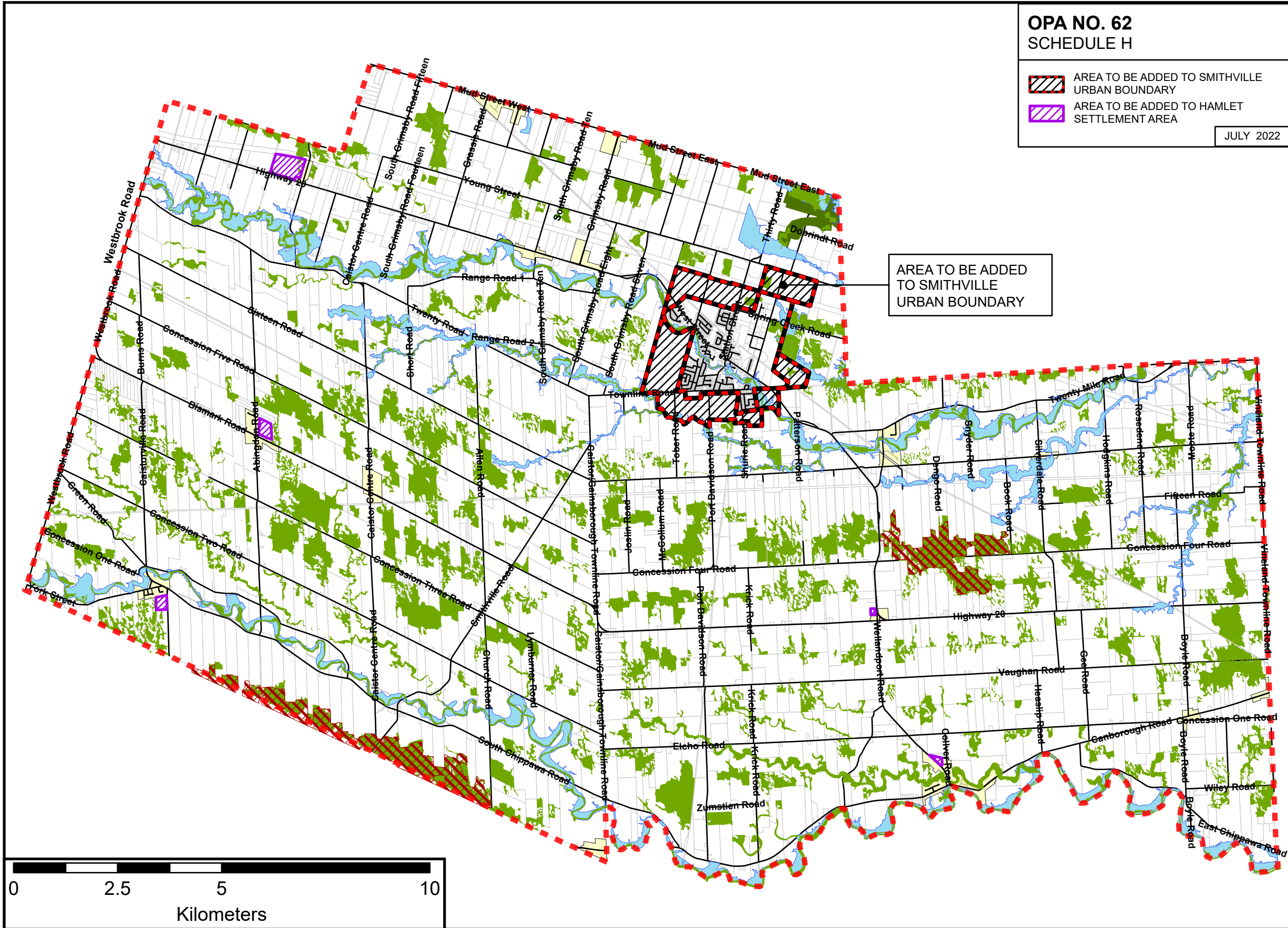
**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'C-2'**  
**NATURAL HERITAGE SYSTEM**  
**ENVIRONMENTAL PROTECTION**  
**AREA**

**Legend**

-  Smithville Urban Boundary
-  Areas of Natural and Scientific Interest
-  Greenbelt Natural Heritage System
-  Provincially Significant Wetlands (PSW)
-  Floodplain
-  Municipal Boundary
-  Hamlet Settlement Area

AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY





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Date: March 2014



**OPA NO. 62**  
SCHEDULE I

JULY 2022

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

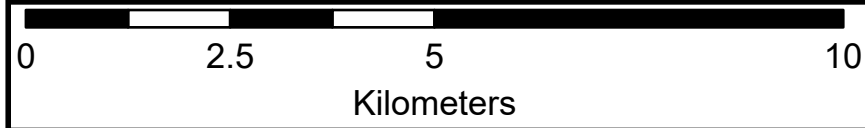
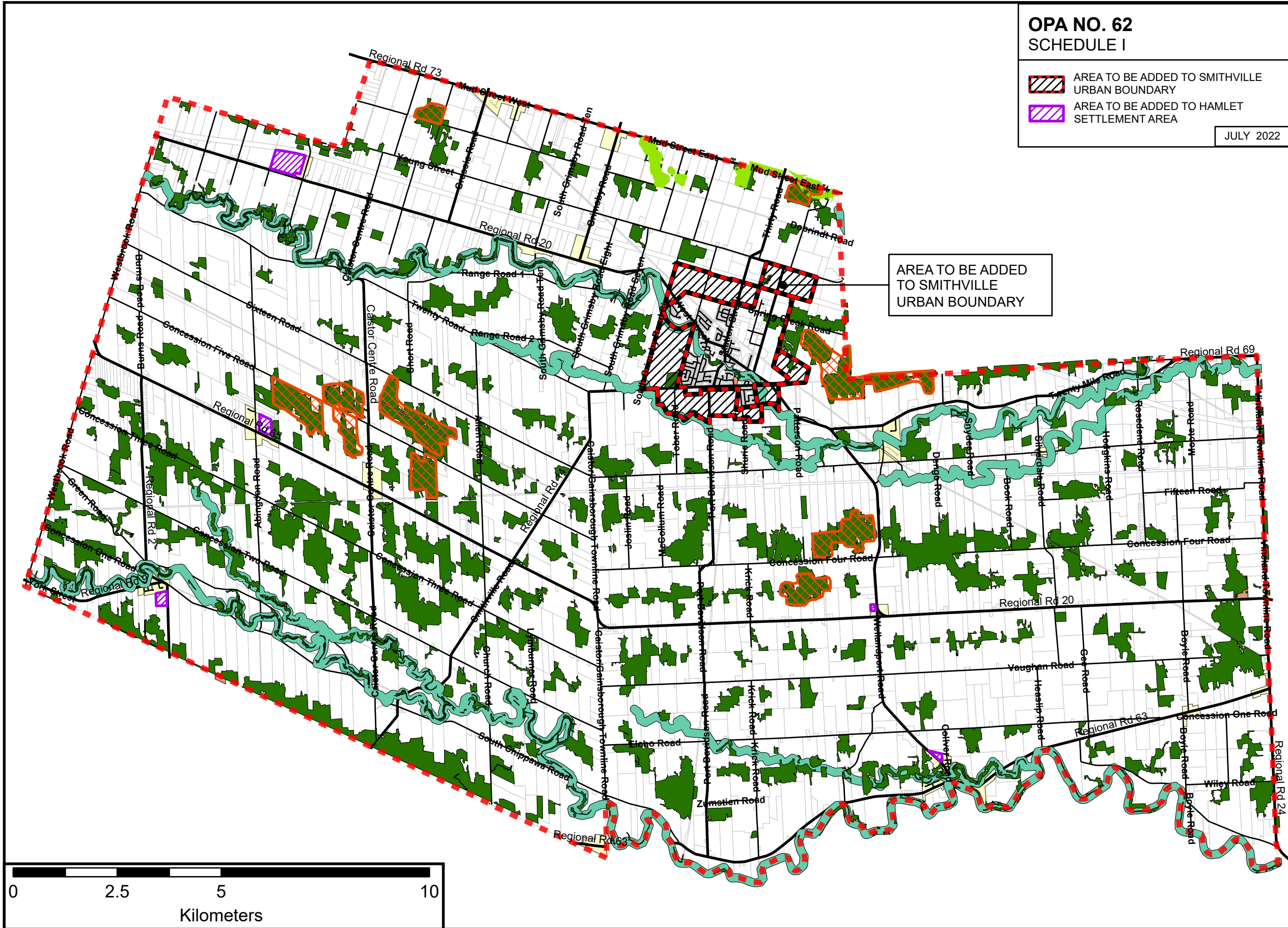
**TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN**

**SCHEDULE 'C-3' NATURAL HERITAGE SYSTEM ENVIRONMENTAL CONSERVATION AREA**

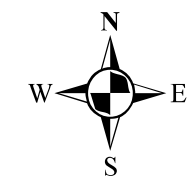
**Legend**

-  Smithville Urban Boundary
-  Regionally Significant Life Science ANSI
-  Other Evaluated Wetlands
-  Significant Woodlands
-  Public Conservation Land
-  Valley Shoreline
-  Municipal Boundary
-  Hamlet Settlement Area

AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



**West Lincoln**  
Your Future Naturally  
PLANNING DEPARTMENT





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Date: March 2014



**OPA NO. 62**  
SCHEDULE J

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

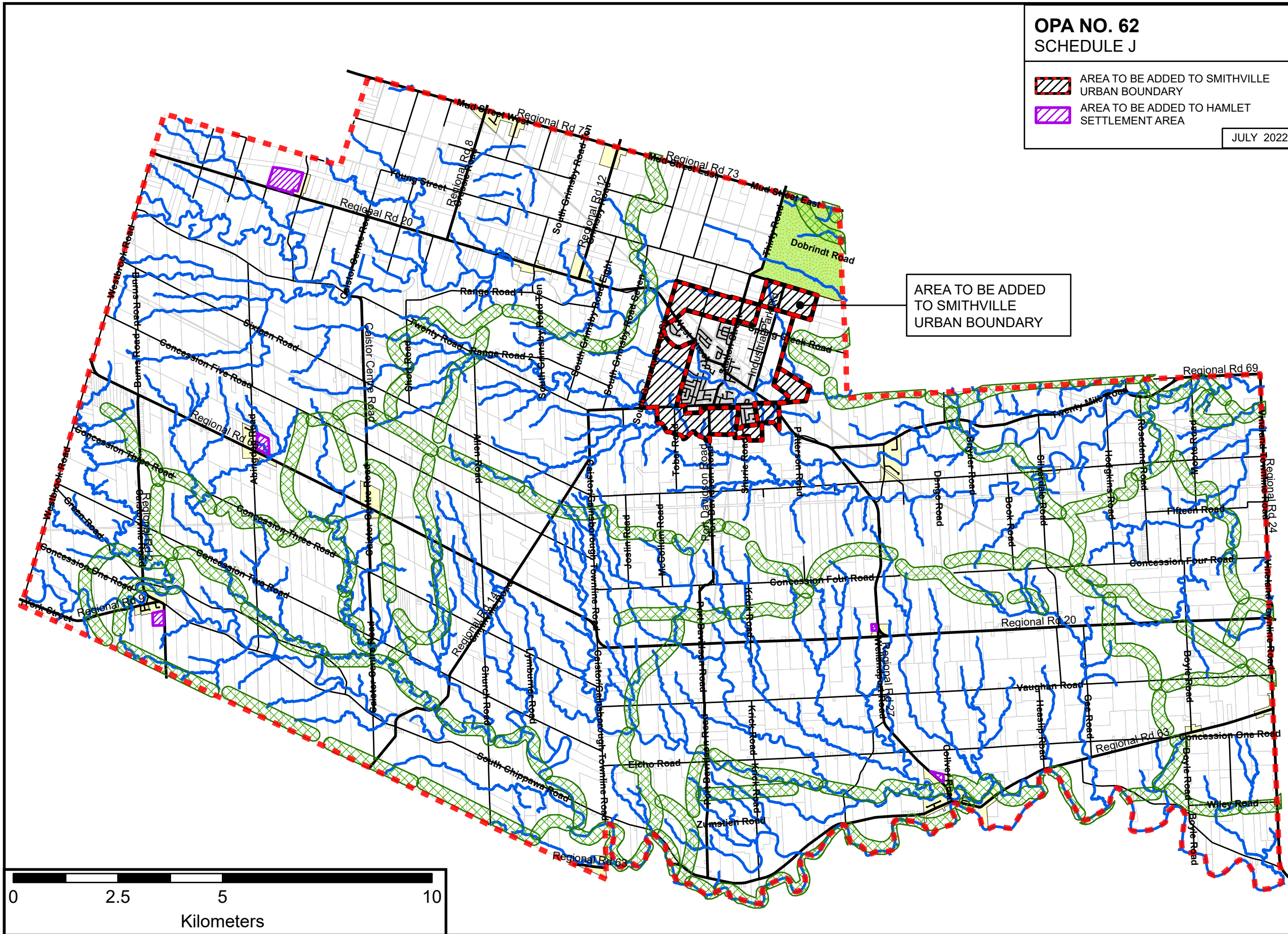
JULY 2022

**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'C-4'**  
**NATURAL HERITAGE SYSTEM**  
**OTHER FEATURES**

**Legend**

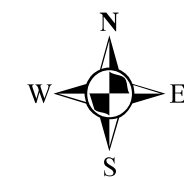
-  Smithville Urban Boundary
-  Greenbelt Lands
-  Core Natural Heritage Corridors
-  Fish Habitat
-  Municipal Boundary
-  Hamlet Settlement Area



AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



PLANNING DEPARTMENT





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Date: March 2014



**OPA NO. 62  
SCHEDULE K**






-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022

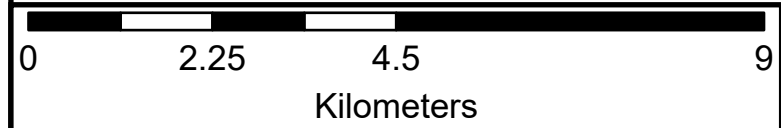
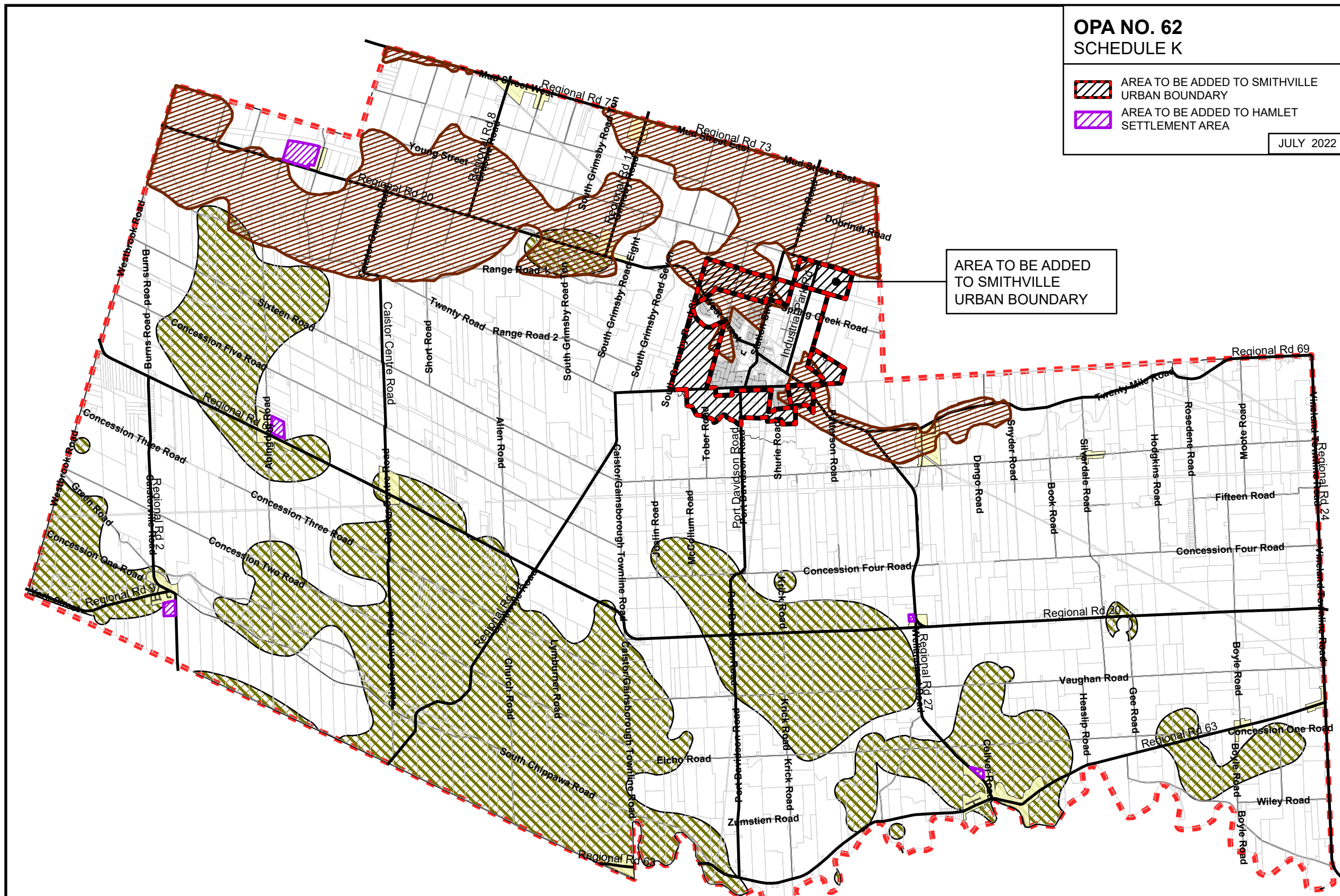
**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE 'C-5'  
AGGREGATE & PETROLEUM  
RESOURCES**

**Legend**

-  Potential Aggregate Resources
-  Smithville Urban Boundary
-  Potential Petroleum Resources
-  Municipal Boundary
-  Hamlet Settlement Area

AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



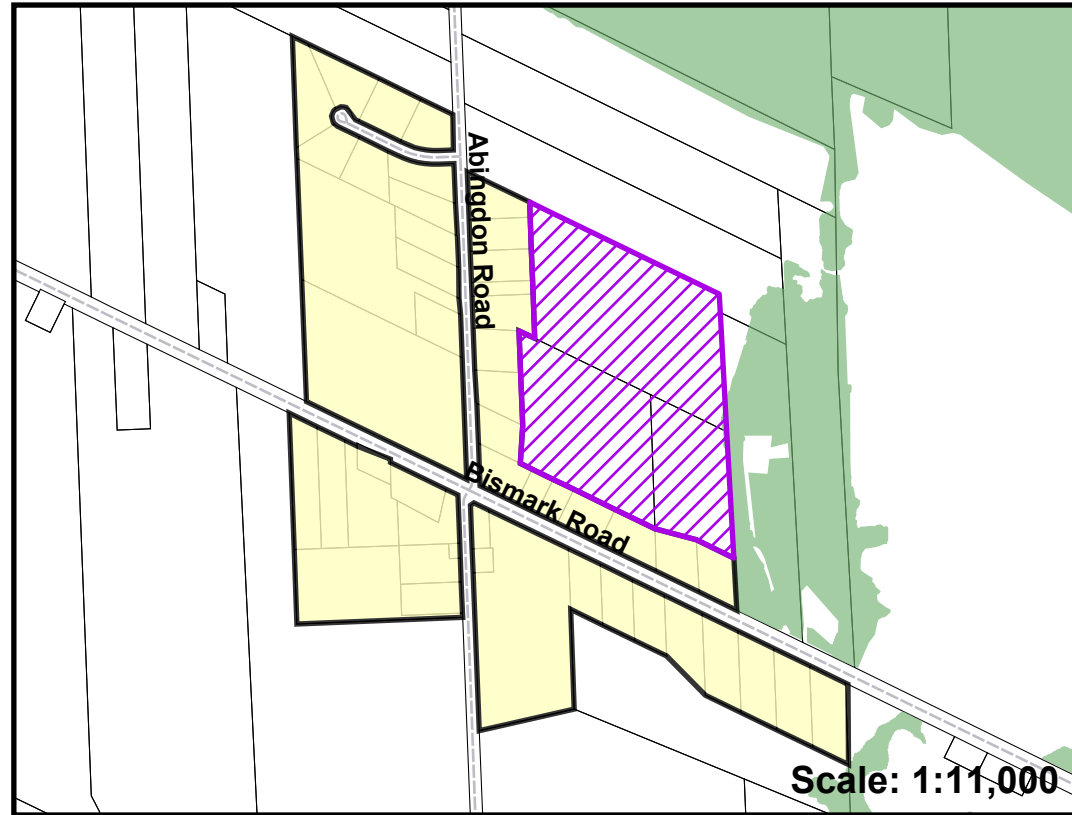
PLANNING DEPARTMENT



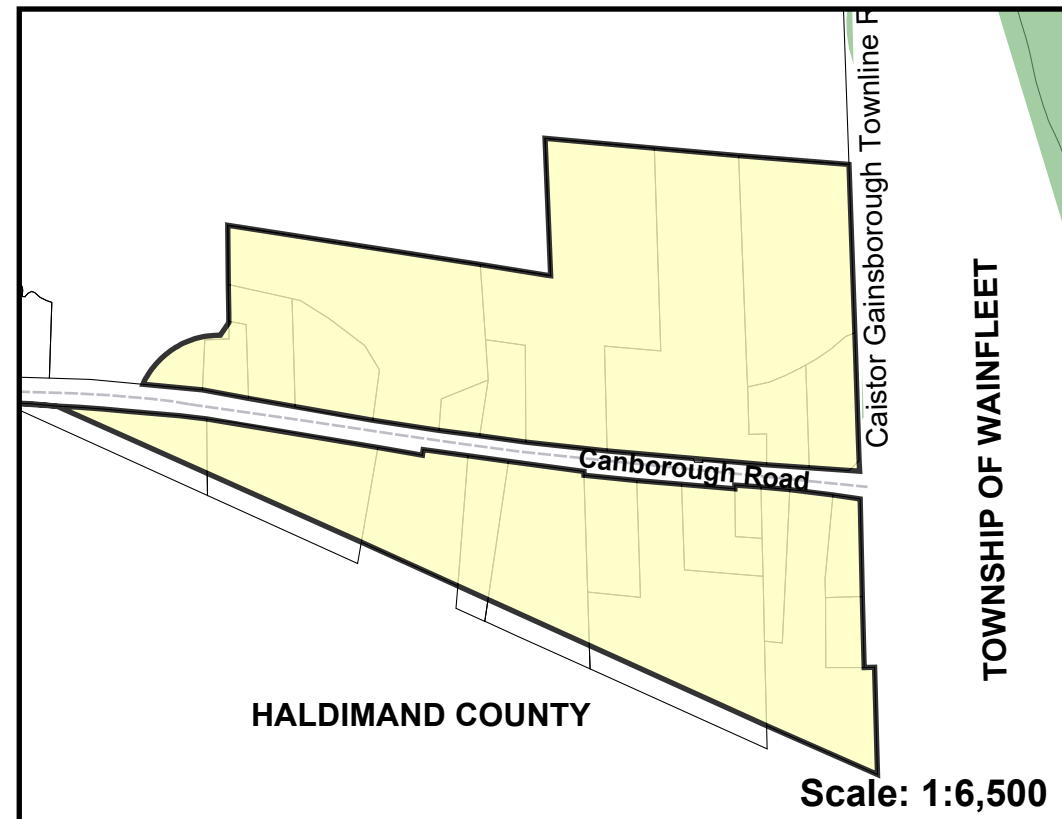
Note:  
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Date: March 2014

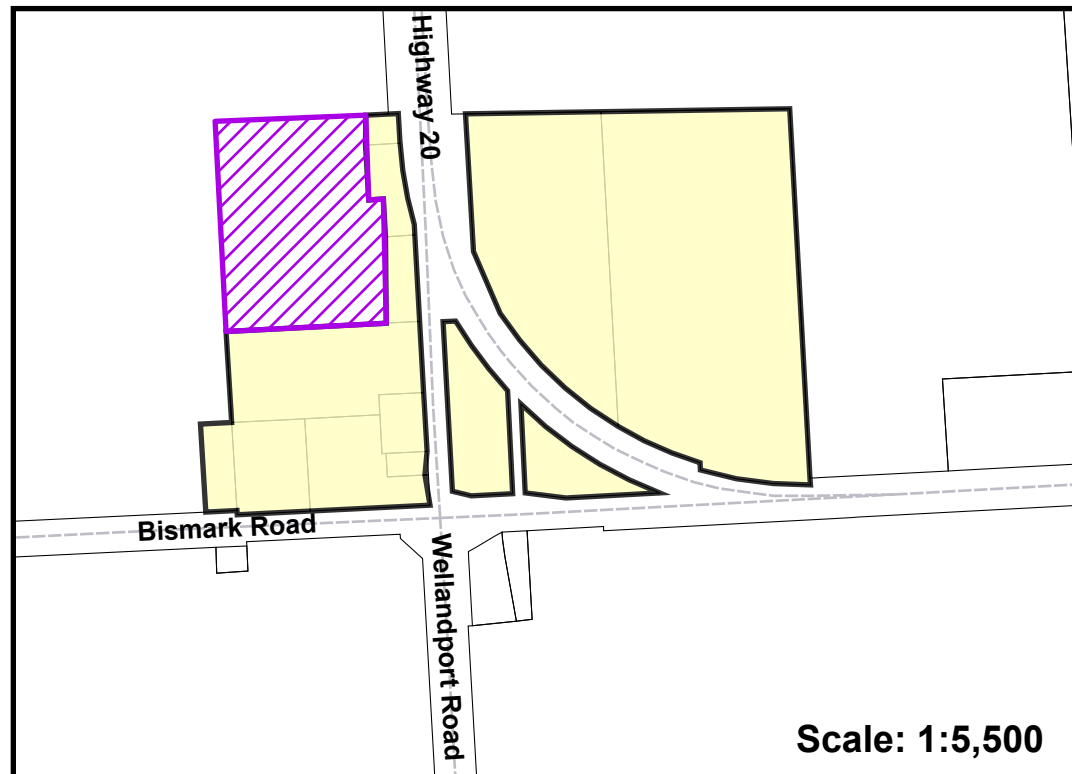
**ABINGDON**



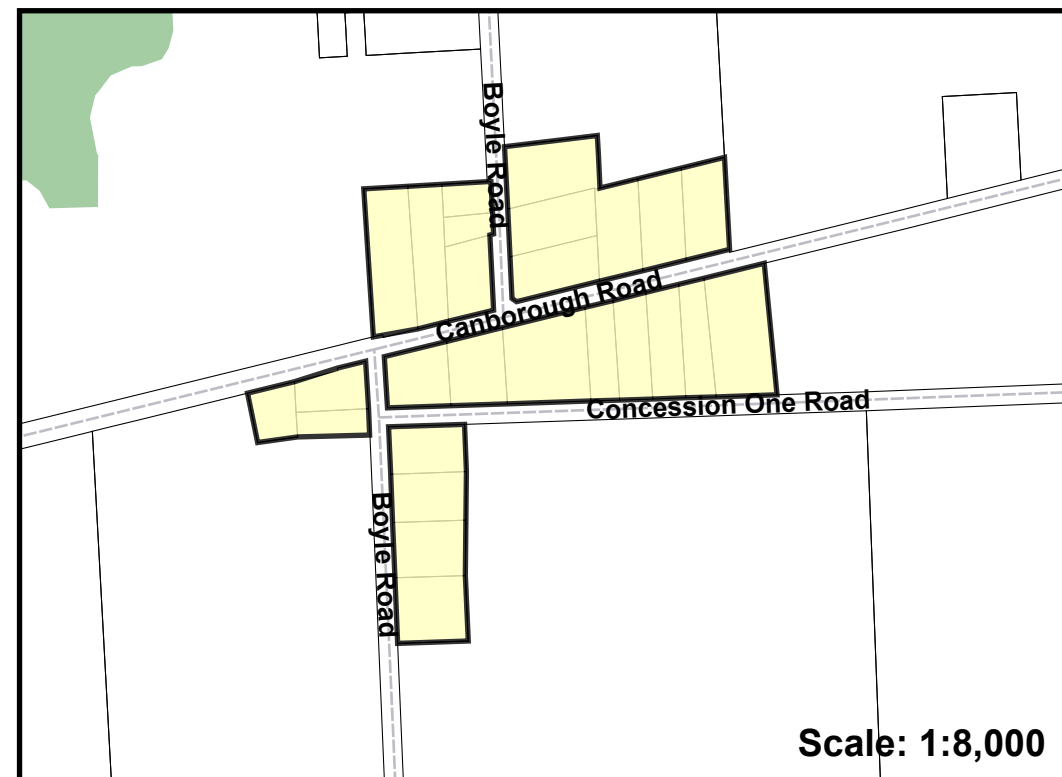
**ATTERCLIFFE**



**BISMARK**






**BOYLE**




**TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN**

**SCHEDULE 'D-1' HAMLET BOUNDARIES**

**Legend**

-  Hamlet Settlement Area
-  Natural Heritage System
-  Municipal Boundary

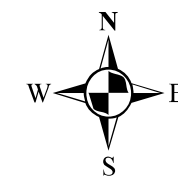
**OPA NO. 62 SCHEDULE L**

-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT



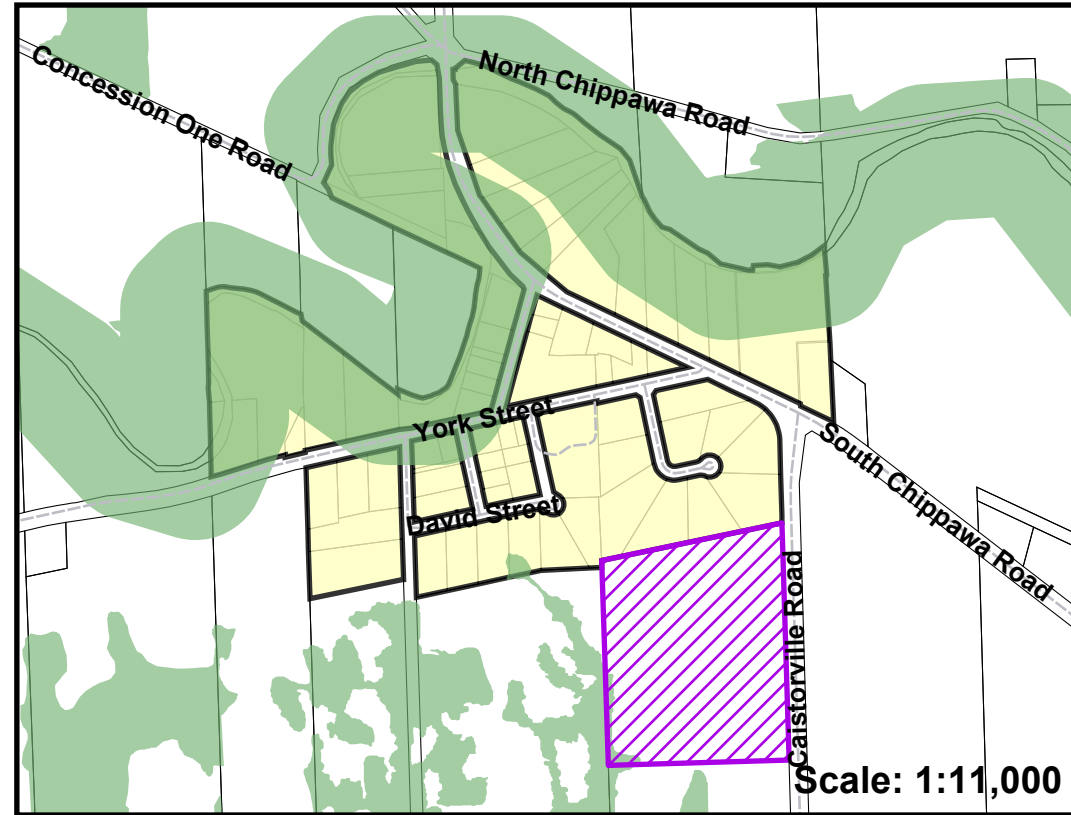
Note:  
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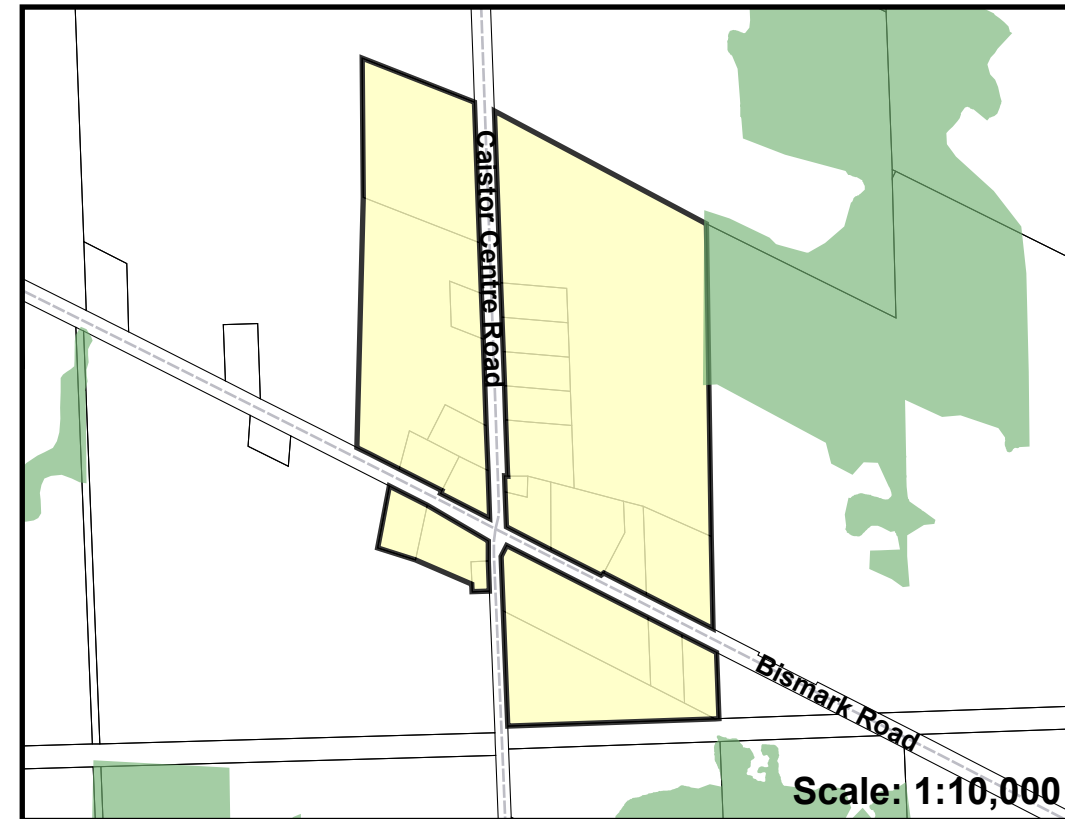
Date: March 2014



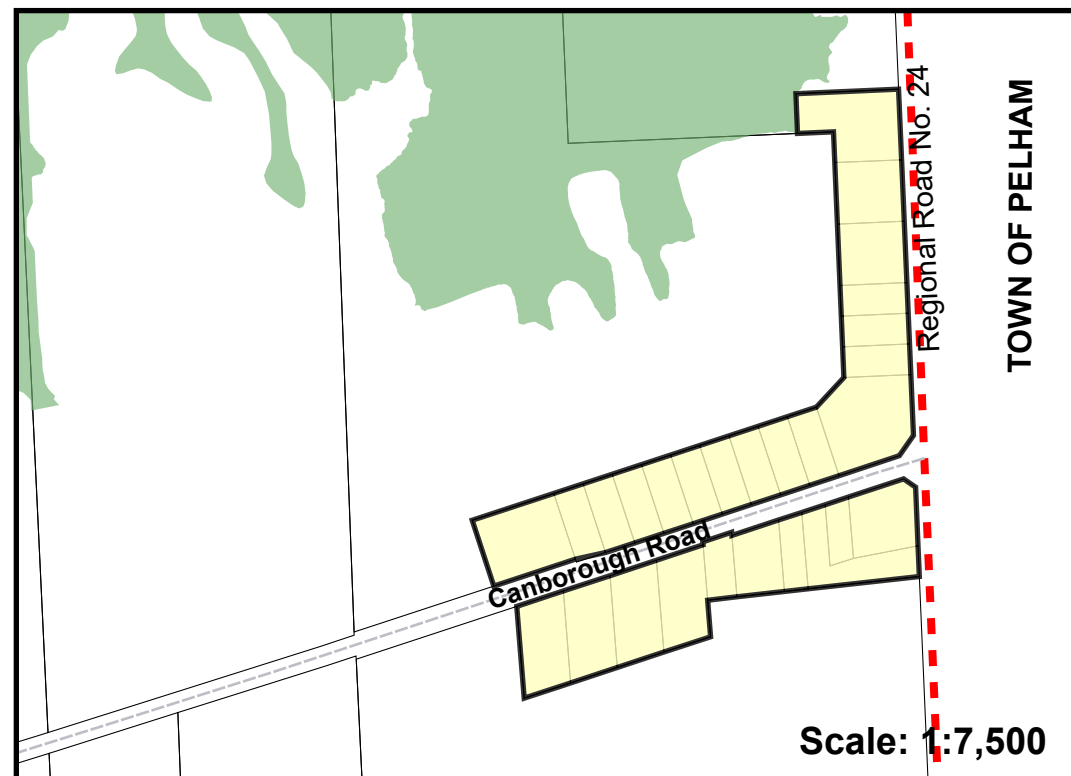
**CAISTORVILLE**



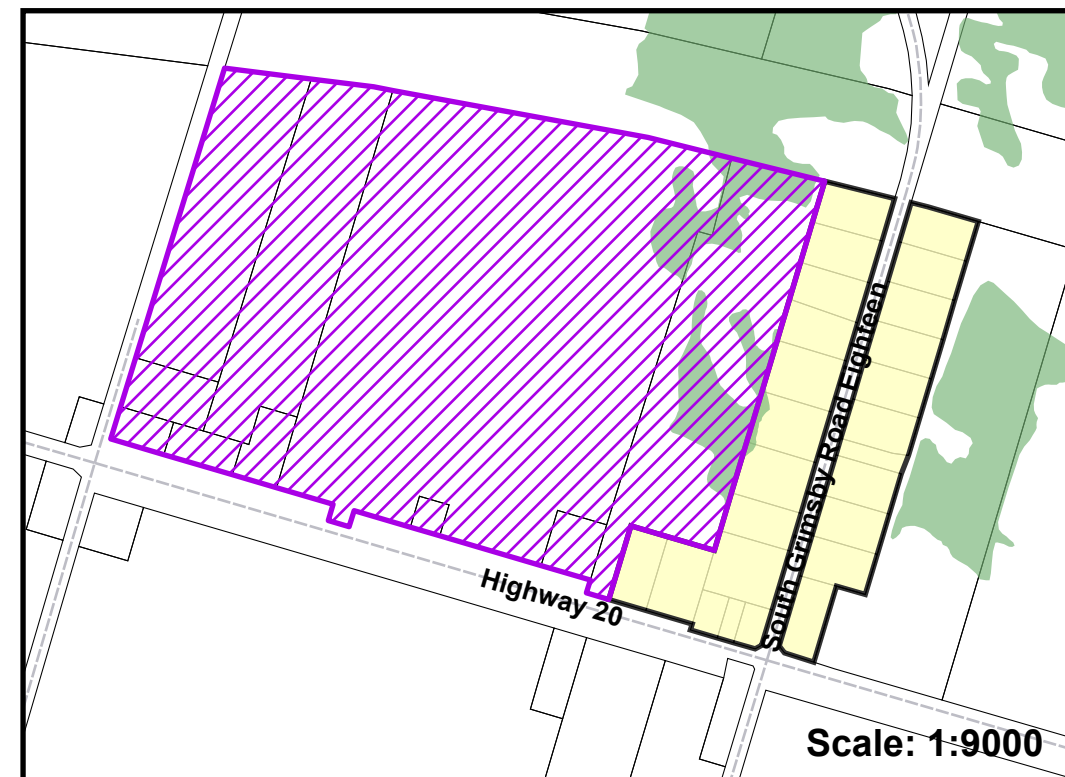
**CAISTOR CENTRE**



**EAST BOYLE**






**FULTON**




**TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN**

**SCHEDULE 'D-2' HAMLET BOUNDARIES**

**Legend**

-  Hamlet Settlement Area
-  Natural Heritage System
-  Municipal Boundary

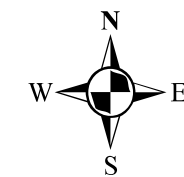
**OPA NO. 62 SCHEDULE M**

-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT

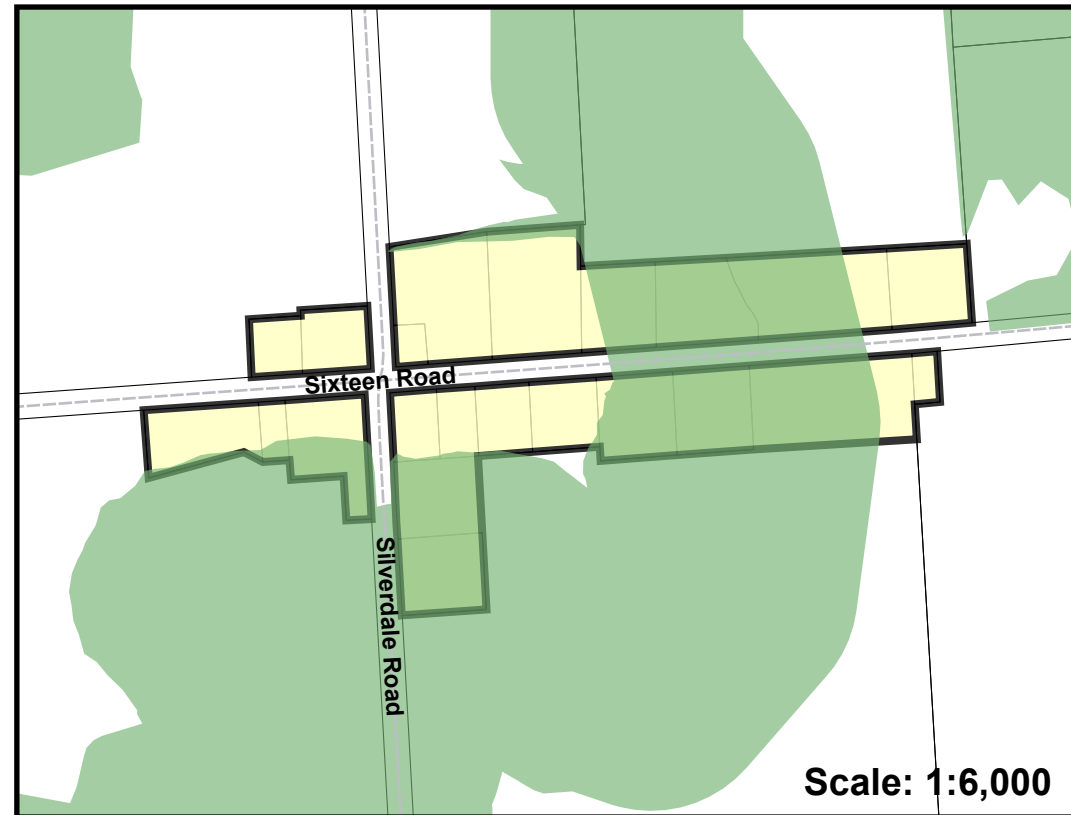


Note:  
This Schedule forms part of the Township's Official Plan and must be read in conjunction with the text.

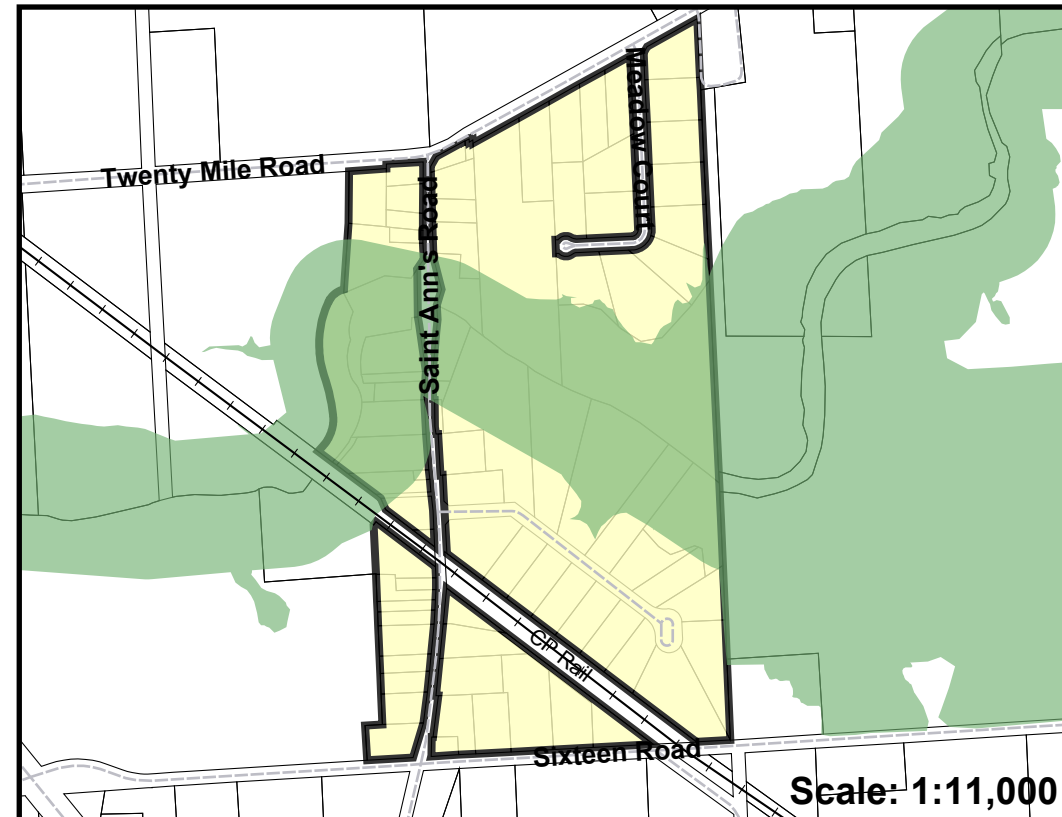
Detail on some features may be lost at this scale.

Date: March 2014

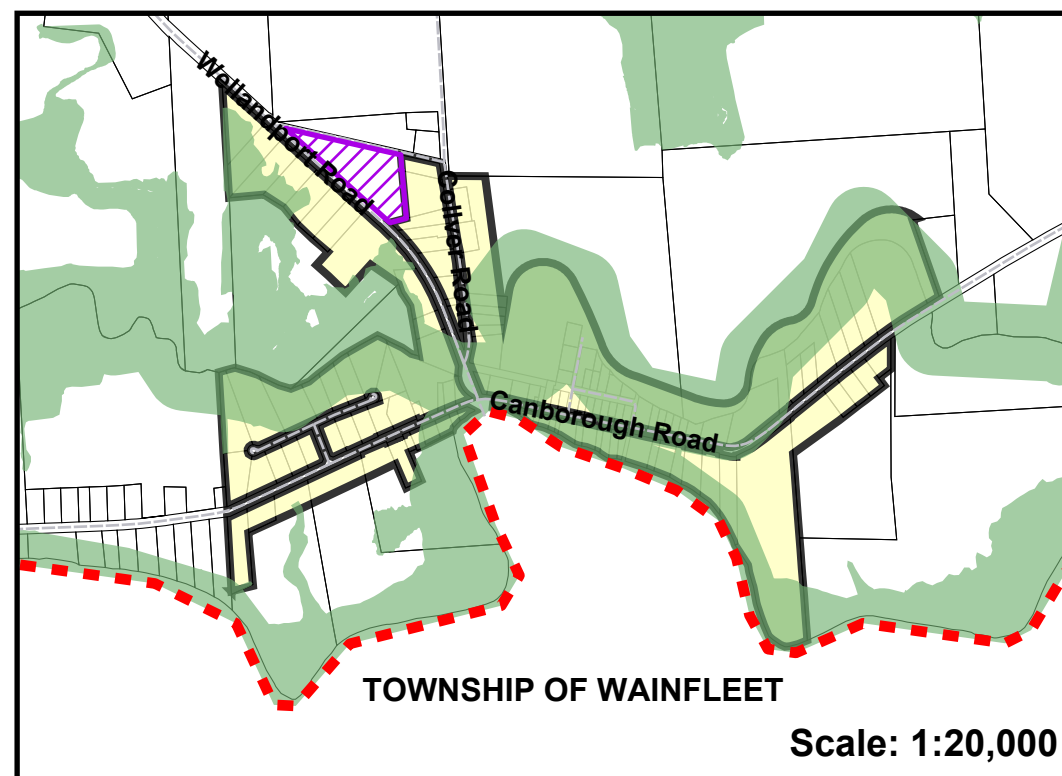
**SILVERDALE**



**ST. ANN'S**






**WELLANDPORT**




**TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN**

**SCHEDULE 'D-4' HAMLET BOUNDARIES**

**Legend**

-  Hamlet Settlement Area
-  Natural Heritage System
-  Municipal Boundary

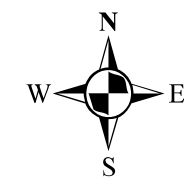
**OPA NO. 62 SCHEDULE N**

-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT




Note:  
This Schedule forms part of the Township's Official Plan and must be read in conjunction with the text.

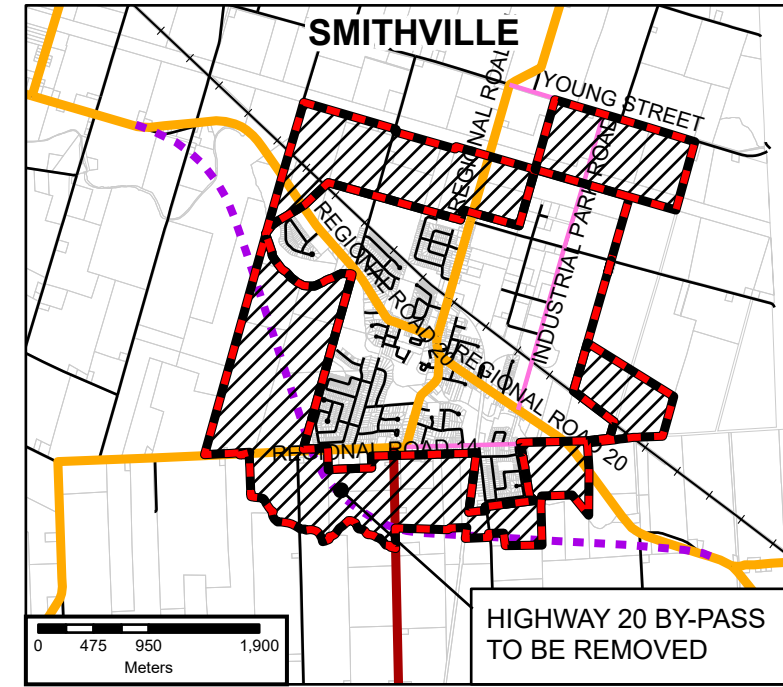
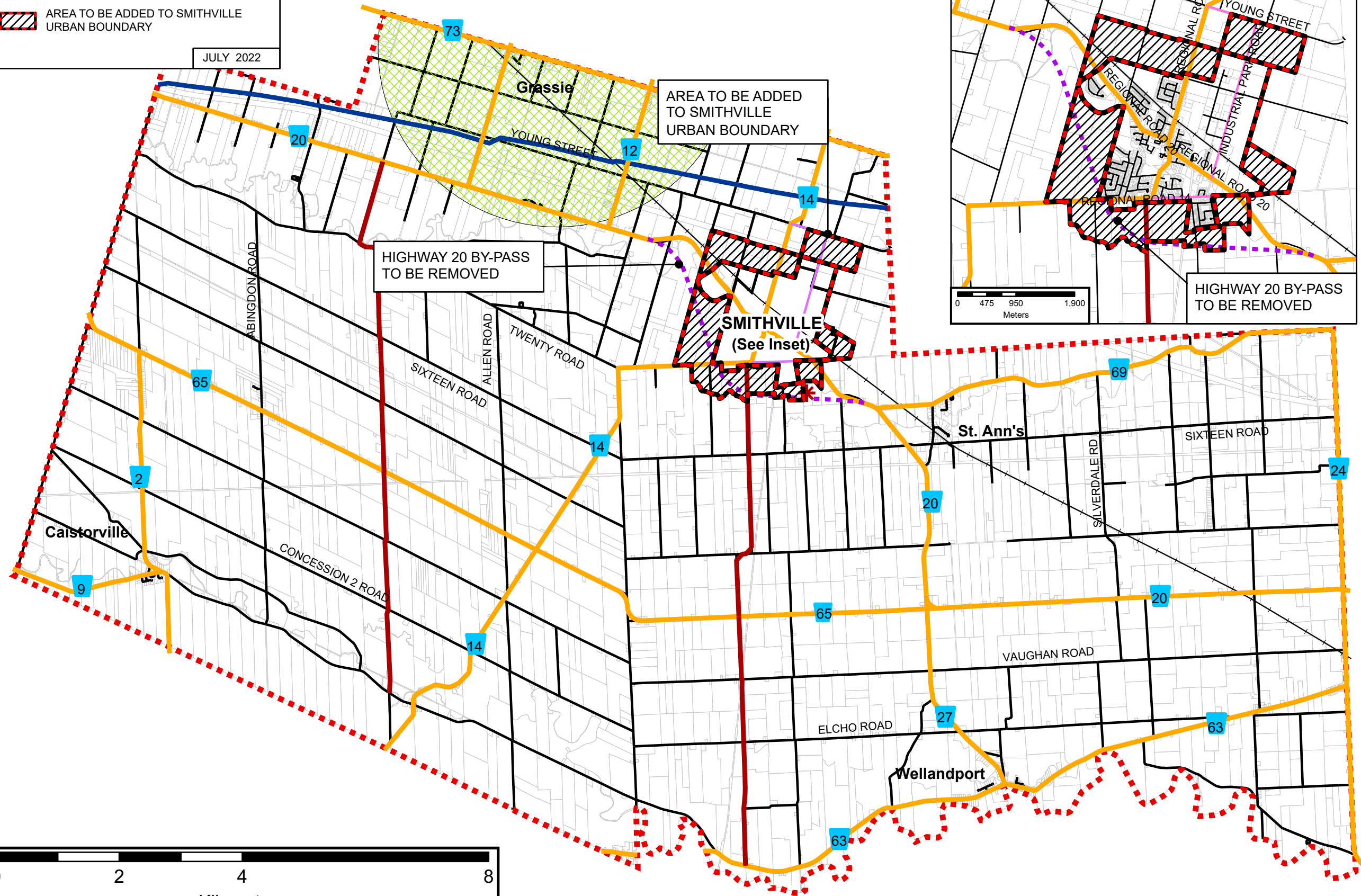
Detail on some features may be lost at this scale.

Date: March 2014

**OPA NO. 62**  
**SCHEDULE O**

 AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY










JULY 2022



**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'F'**  
**INFRASTRUCTURE & TRANSPORTATION**

**Legend**

-  Smithville Sewage Lagoons
-  Highway 20 By-pass
-  Arterial
-  Township Arterial
-  Collector
-  Smithville Urban Boundary
-  Trans Canada Pipeline
-  Municipal Boundary
-  Rail Corridor
-  Airfield Outer Surface
-  Local Road



PLANNING DEPARTMENT



Note:  
This map is to be interpreted in conjunction with the text of the Official Plan.

Date: March 2014



April 20<sup>th</sup>, 2022

To the members of West Lincoln Town Council,

We are writing with respect to the PROPOSED OFFICIAL PLAN AMENDMENT NO. 62 – SMITHVILLE MASTER COMMUNITY PLAN.

Having reviewed the documents provided, we wish to state that we are in support of the plan as outlined.

There appears to be careful consideration in designated residential areas of various housing types, with some more affordable options and attention to infill within the existing boundaries. There appears to be a balance of growth requirements for commercial, industrial, residential and recreational areas along with respect for significant natural habitats, both in size and location, including watershed zones.

It appears best practices have been respected in planning and we therefore lend our support to this amendment to the official plan.

Sincerely,

Richard and Linda Sivyer

6562 Townline Road, Smithville



Scott Antonides - 23 Golden Acres Drive, Smithville ON, L0R2A0

April 20<sup>th</sup>, 2022

To the members of West Lincoln Town Council and Planning Dept.

I am writing with respect to the **Proposed Official Plan Amendment 62- Smithville Master Community Plan**, specifically to the proposed **Natural Heritage System** areas as they appear on Schedule B-4. I support the protection and further development of natural ecosystems in around the town of Smithville.

Over the last 200 years, the forest cover of the Niagara region has decreased from 80% to approximately 15%. Rapid human development has resulted in forests and wetlands being replaced by roads, cities, industry, agriculture and lawns. Although prosperous growth is a reason to celebrate, the loss of healthy forests has resulted in a loss of the services they provide; flood control, soil retention, water purification, improved air quality, pollination, climate change mitigation, wildlife habitat, and places for outdoor recreation and activities. The services that nature provides in Southern Ontario alone are estimated to be worth 85 billion annually. The benefits of nature in close proximity to human development is a well-documented and accepted fact.<sup>1</sup>

I am grateful to the Town Council for accepting a proposal to reforest 1.9 acres near Golden Acres Park. Recognizing the importance of forests for future generations, various community members will begin restoration work this spring. Although it takes well over 100 years for a forest to fully mature this is a step in the right direction.



In recent months several patches of mature forests in West Lincoln have been cleared. Some clearing ironically has taken place within sight of the new plantation area. Protecting existing ecosystems and the services they provide is far more efficient and effective than attempting to build new ones. I appreciate the efforts of Council and town staff members to protect and where possible regenerate natural areas that will be a benefit to everyone for generations to come.

Lastly I wish to refer council to the resource *Best Practices Guide to Natural Heritage Systems Planning* found in the link below. This guide contains principles and best practices used by cities around Ontario.

*"The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features." p. 6*

Sincerely,

Scott Antonides

1. *Best Practices Guide to Natural Heritage Systems Planning - 2014* <https://ontarionature.org/wp-content/uploads/2017/10/nhs-guide-web-1.pdf>

**Turkstra Mazza**

Hamilton London Toronto

**Jennifer Meader**

Turkstra Mazza Associates  
15 Bold Street  
Hamilton Ontario Canada L8P 1T3  
Office: 905.529.3476 x2740  
Cell: 416.605.0508  
[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)

**VIA EMAIL**

April 27, 2022

Township of West Lincoln  
318 Canborough Street  
Smithville Ontario LOR 2A0

Attention: Mayor & Members of Council

Dear Messrs and Mesdames:

**Re: OFFICIAL PLAN AMENDMENT NO. 62 (“OPA 62”)  
Phelps Homes Ltd. & JTG Holdings Incorporated**

We are counsel to Phelps Homes Ltd. and JTG Holdings Incorporated (“**clients**”). Our clients own land bordering the existing Smithville settlement area and are proposed to be added to the Smithville Urban Boundary through proposed OPA 62. Our clients support the inclusion of their lands within the urban boundary as proposed. However, certain concerns have been identified in respect of the associated policies and mapping proposed by OPA 62. Those concerns are set out below. We would welcome the opportunity to meet with Staff to discuss these matters in detail before the proposed Recommendations Report is presented to Council.

1. OPA 62 proposes to amend the Urban Settlement Area Structure policies in Section 5 of the Official Plan to replace the existing Greenfield Areas policies with a revised policy indicating that Future Greenfield Areas will be designated for specific land uses through a future Township-initiated OPA to implement the Smithville Master Community Plan (“**SMCP**”). This policy should be revised to allow for privately-initiated OPAs to implement the SMCP. This will give the landowners the ability to move the process forward, if necessary, and ensure residential land supply can be brought to market as expeditiously as possible.
2. OPA 62 proposes to amend the Secondary Plan policies in Section 6.11 of the Official Plan by adding a new section 6.11.7 – Smithville Community Plan. Policies state that the intent for the area is to be designated for appropriate future urban land uses, to be incorporated in the Official Plan through a future Township initiated OPA. Until such time as the OPA is approved and incorporated by amendment to the Official Plan, the permitted uses within the Secondary Plan Area are limited to only uses “of an interim nature” and would essentially limit the use of the subject lands to certain existing uses that are not defined. Given the time it may take to fully implement the SMCP, this policy should allow a broader range of uses in the interim, such as for

JENNIFER J MEADER, PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES



the adoption of OPAs for portions of the Secondary Plan Area to implement appropriate future urban land uses.

3. In addition, new Policy 6.11.7 proposes that the Natural Heritage System (“**NHS**”) designation and policies shall continue to apply to the land within the Smithville Master Community Plan. As noted below, these designations should be deleted and determined as part of the future comprehensive planning process required to implement planned development.
4. With respect to mapping changes, OPA 62 proposes to remove the impacted lands from Schedule B-3 and add them to Schedule B-4. At the same time, it proposed to remove all the existing land use designations currently applying to the lands on Schedule B-3 and redesignate them “Smithville Master Community Plan” on Schedule B-4, with one exception. It proposes to remove all existing land use designations except those lands designated NHS. All lands proposed for inclusion in the Urban Boundary should be treated consistently. This would entail designating all the lands with the singular Smithville Master Community Plan designation, so that all lands can be planned comprehensively and in a balanced manner.
5. OPA 62 proposes to carry forward existing environmental overlays on Schedules C-1: Natural Heritage System, C-2: Environmental Protection Area, C-3: Environmental Conservation Area, and C-4: Natural Heritage System Other Features. As noted in comment 3 above, these overlays should be deleted and determined as part of a comprehensive planning solution through the secondary plan process, or preferably, through site-specific development applications.
6. The polygon designated NHS on the lands owned by JTG Holdings Incorporated should be removed. This polygon’s designation is inaccurate and inappropriate, as most of it is active farm field. It has been studied extensively by our clients’ ecologists. They have determined that there is no scientific rationale for its designation as part of the NHS.

We thank you in advance for your consideration of these comments and look forward to discussing these concerns further with staff.

Yours truly,



Jennifer Meader

JENNIFER J MEADER, PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES

April 25, 2022

Dear Members of West Lincoln Council and the Region of Niagara,

We are the owners of 3031 & 3093 Thirty Road & a vacant lot on the west side of Thirty Road (Part 1 of 30R9026). Our properties are in the study area for the Smithville urban expansion and together are almost 80 acres of land. We have been following the expansion process closely as we wish to have our lands included into the new urban boundary of Smithville.

However, since the last public information center in the fall of 2021, our lands are no longer included in the proposed urban boundary. Back then they were still being discussed to be added in. There didn't appear to be any explanation of why our lands have been removed from possible expansion and this has been a surprise to us. This is the first time we have been made aware of this. In speaking with the planning department, it seems as if it was because of chicken barns along Young Street and South Grimsby Road 5.

We have only been able to find one map on the Plan Smithville website that shows the buffers from livestock barns. No further explanation was given on the Plan Smithville website that we could find.

Shown on our properties are two livestock barns (3093 & 3031 Thirty Road) however, the barn on 3093 is only a small hobby horse barn with very few horses and the barn on 3031 is not a livestock barn. Sometimes a few sheep are in the barn during the winter, but the barn is not intended for livestock.

We also have looked at the barn map, and the proposed new boundary and see lots of livestock barns both within and just outside of the new boundary, with buffers going into the boundary. These lands are still being included in the expansion area, but we wonder why our properties are no longer being considered.

We did not join the group of landowners at the beginning of the process since we are not developers and did not fully understand the project. We hope that that didn't affect the review of our lands.

We would like to see our lands added to the boundary as:

1. The majority of our properties are outside of the livestock buffers
2. The lands abutting us to the east are proposed to be added to the boundary, so this would square up the boundary
3. Our properties could help provide more houses to help with the housing crisis
4. Adding lands north of Smithville do not create traffic problems as most people would head to the QEW

We would appreciate if Council would re-consider adding our lands to the urban boundary of Smithville.

Sincerely,

James and Zoë Gunn

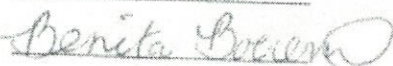
  
\_\_\_\_\_  


Bryan Las ~~Boerema~~

  
\_\_\_\_\_

Peter and Benita Boerema

  
\_\_\_\_\_



*Merit  
for Apr 27/22  
Special Council Mtg*

Elizabeth Abonyi  
6392 Townline Road  
Smithville, Ontario L0R 2A0

April 18, 2022

Township of West Lincoln  
318 Canborough Street  
Smithville, Ontario L0R 2A0

*Received  
Apr 19/22  
Jame*

Attention: Jessica Dyson, Deputy Clerk

To Whom It May Concern:

Re: Smithville Master Community Plan

I am the property owner of what is now known as 6392 Townline Road. I have lived there since 1956. After my mother and father passed away, I continued running the chicken farm at that address; first by myself, then with the help of my husband and my two sons.

I had understood that existing farms in the urban boundary expansion area would be allowed to continue operating as before. I was not bothered by what other landowners might choose to do with their own properties, so long as my family and I were free to keep the farm.

However, looking at the newly released "Draft Preferred Concept Plan - Transportation Map", I was shocked to discover that Port Davidson Road is to be rerouted through one of my barns, my storage garage, and only a few metres from my house. This "Transportation Map" also proposes a recreational trail across my property, immediately behind the other two barns.

Naturally, I am strongly opposed to these proposals. The previously released concept plans had left Port Davidson Road where it was and my farm property intact. I respectfully request that, should the bylaw amendment go ahead, the township reject the realignment of Port Davidson Road. I also ask that the proposed recreational trail not be forced through my property.

Yours truly,

*Elizabeth Abonyi*

Elizabeth Abonyi



Begin forwarded message:

**From:** Fred vanderVelde <[fredv@royallepage.ca](mailto:fredv@royallepage.ca)>  
**Date:** April 28, 2022 at 6:34:23 AM EDT  
**To:** Brian Treble <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>  
**Cc:** Jonathan Kingma <[jonathan.kingma@outlook.com](mailto:jonathan.kingma@outlook.com)>, Kathy Varner <[kathykayvarner@gmail.com](mailto:kathykayvarner@gmail.com)>  
**Subject: Meeting last night**

Hi Brian,

Hoping all is well.

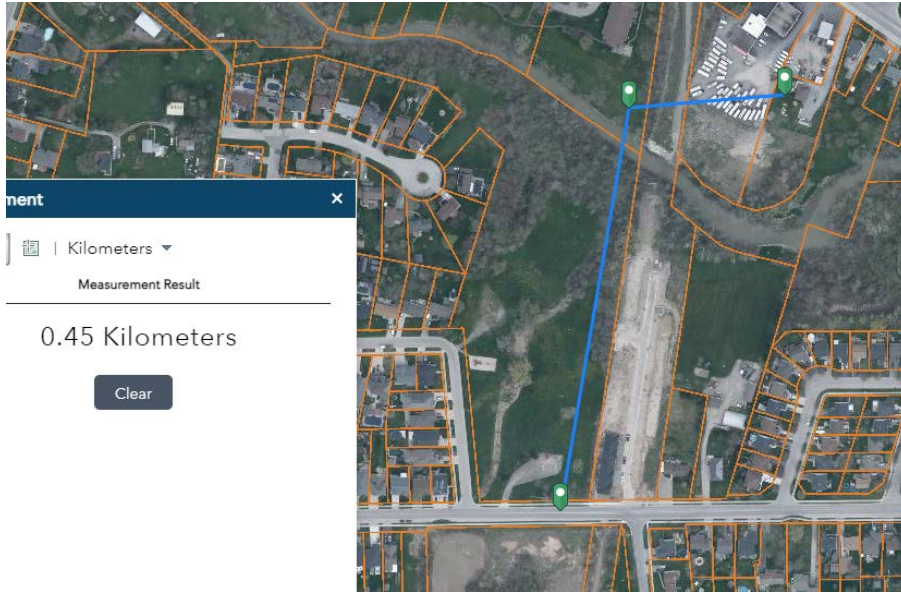
Last night certainly was another big step in the progress toward a UBE.

I note that there were a few improvements made to the water distribution going south from the water tower to Townline. The proposal is to use an existing easement to place the 400MM water main from Reg Rd 20 through Anderson Cr to Townline instead of looping through the new employment lands east of Harbison Walker.

The proposal for sanitary in the south is still of concern to us. I don't know if you caught the remark during the water/wastewater portion from Carl. He mentioned that the strategy was to avoid having new flows going into the existing system to avoid overloading that system. While generally that makes sense, our view is that if there are ways that you can enter the system safely and prove that you can avoid overloading the existing, save up to additional 300M of redundancy, this should be looked at. Please see my sketches below. You can appreciate and understand that to lay a pipe under Townline from Rock St past Andy Alma to Reg Rd 20 at the roundabout location, requires the pipe to cross the creek, forcing the remainder of the pipe from that point to be lower than the creek bed from there to the pumping station. I am certain that it will be in rock and deeper than what is necessary. Our solution is to simply enter the existing system with a pipe north from our lands through Rock St Park, to MH 1, the first MH west of the pumping station. It could even go further, directly into the pumping station following the existing easement across the property of Bert Vis Flooring.

We are engaging the services of an engineering firm to provide evidence that this is a good solution. How much time do we have? Who is the best person to direct this to?





**Fred VanderVelde**

Sales Representative

**D.** 905-719-7489

**O.** 905-957-5000

107 Griffin St S. Smithville ON L0R 2A0



NRC Realty, Brokerage. Independently Owned & Operated

**Gerrit Boerema**

---

**From:** Jessica Dyson  
**Sent:** April 20, 2022 2:11 PM  
**To:** Lyle Killins  
**Cc:** Gerrit Boerema  
**Subject:** RE: Official Plan Amendment #62, Smithville Community Plan

Good afternoon Lyle,

Thank you for your email providing comments and questions regarding the Official Plan Amendment.

I have included our Planner, Gerrit, to this email and ask that he include/answer your comments outlined below.

Thank you kindly,  
Jessica

	<p><b>Jessica Dyson</b></p> <p><b>Deputy Clerk</b></p> <p>Tel: 905-957-6720 Email: <a href="mailto:jdyson@westlincoln.ca">jdyson@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a></p> <p>  </p>
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COVID 19 Update March 1, 2022 – Beginning March 1st, the Township of West Lincoln is continuing to implement next steps in the Province's Next Phase of Reopening.

---

**From:** Lyle Killins  
**Sent:** April 20, 2022 2:05 PM  
**To:** Jessica Dyson <[jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)>  
**Cc:** Lyle Killins  
**Subject:** Official Plan Amendment #62, Smithville Community Plan

Ms. Dyson

Please be advised that clarification would be appreciated regarding the following:

- 1 Given significant historic numerous sewage flow bypasses at the Baker Road Treatment plant during wet weather periods, which improvements would be anticipated ? Would bypass of the treatment facility be anticipated to continue and or increase?
- 2 Would the Baker plant need to have a significant upgrade to handle projected demand?



3 Would wet season effluent be discharged to the Twenty Mile Creek?

4 Would additional pumps be required?

5 Would current sewer flow mains require replacement?

6 What would be the anticipated cost for sewer and water upgrades to handle increased loading?

7 Given an anticipated significant servicing cost, who would be expected to be responsible for payment?

I would appreciate a response.

Regards,

Lyle Killins C.P.H.I (c)

Good Morning Marlene,

This is to confirm that we have received your written comments with respect to the above noted matter and thank you for taking the time to voice your comments.

Joanne



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**From:** Marlene Bergsma []  
**Sent:** June 1, 2022 8:22 PM  
**To:** Brian Treble <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>  
**Cc:** Joanne Scime <[jscime@westlincoln.ca](mailto:jscime@westlincoln.ca)>; Jeni Fisher <[jfisher@westlincoln.ca](mailto:jfisher@westlincoln.ca)>; Barb Hutchinson <[BHutchinson@westlincoln.ca](mailto:BHutchinson@westlincoln.ca)>  
**Subject:** comment on proposed boundary expansion for Wellandport settlement area

Dear Joanne and Brian,

If the triangular parcel of land bounded by Collver Road, Freure Road, and Regional Road 27 is indeed added to the Wellandport settlement area, it would be very good if a pedestrian walkway could be included along the southern boundary, running between Regional Road 27 and Collver Road. That way, pedestrians and cyclists could safely travel from the houses along Regional Road 27 towards the hamlet of Wellandport instead of having to walk along the shoulder of Regional Road 27. Currently, the situation is very dangerous, and, while sidewalks, bicycle lanes, and a much slower speed limit along Regional Road 27 would be preferred, a safe corridor is better than nothing.

Niagara Region should be improving pedestrian safety over the bridge over Beaver Creek too, but that will be the subject of another communication to them.

Thank you very much for your consideration, and I hope these comments can still be included.

Marlene Bergsma  
she/her/hers  
Wellandport, Ontario  
On the traditional lands of the Haudenosaunee (Longhouse) Confederacy and the  
Haudenosaunee and the Anishinaabek Nation  
Between The Lakes Treaty, No. 3 (1792)

On Wed, Apr 27, 2022 at 9:21 PM Brian Treble <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)> wrote:  
Marlene:

Please provide comments asap. We are on a timeline, so comments will be too late at a certain point. I cannot clearly say when that is for sure, but my hope is that a recommendation report is being considered in June. Therefore, if we achieve that timeline, comments must be no later than mid May. The sooner the better.

Address comments to either Joanne or myself.

Thanks

Brian

Sent from my iPhone

	<b>Brian Treble</b>
	<b>Director of Planning &amp; Building</b> Tel: 905-957-3346 ext.5138 Email: <a href="mailto:btreble@westlincoln.ca">btreble@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a>
	

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On Apr 27, 2022, at 8:57 PM, Joanne Scime <[jscime@westlincoln.ca](mailto:jscime@westlincoln.ca)> wrote:

Thank you for your email and I have included the Director of Planning & Building and would ask that he respond to your inquiry as noted in paragraph 2.

With respect to receiving notices for future Public Meetings, I have copied the Planning Secretary and Clerk's Secretary to include your name and email address for future notices of meeting as well as decisions relating to the urban boundary expansion and related OPAs.

Joanne Scime



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**From:** Marlene Bergsma [mailto:] **Sent:** April 27, 2022 8:53 PM  
**To:** Joanne Scime <[jscime@westlincoln.ca](mailto:jscime@westlincoln.ca)>  
**Subject:** Request for notification, ability to provide comment

Dear Joanne.

I would like to receive notices of any upcoming public meetings and decisions regarding the urban area boundary expansion and related official plan amendments.

I also have a question about the proposed settlement area boundary expansions, particularly for the hamlet of Wellandport. Is it too late for me to provide comments or questions? If not, to whom and by when should they be made?

Thank you very much.

Marlene Bergsma

she/her/hers

Wellandport, Ontario

On the traditional lands of the Haudenosaunee (Longhouse) Confederacy and the  
Haudenosaunee and the Anishinaabek Nation

Between The Lakes Treaty, No. 3 (1792)



June 15, 2022

Pat Wirth



**Township of West Lincoln**

318 Canborough Street  
Smithville, Ontario, LOR 2A0

Attention: Dave Bylsma, Mayor, Mike Rehner, Jason Trombetta,  
Shelley Bradaric, Harold Jonker, Cheryl Ganann, William Reilly, Councilors and  
Joanne Scime, Town Clerk

Re: Passing of OPA 62 and 63

I have recently been receiving correspondence from Planning regarding the new urban boundary which will come to the edge of the creek on my property at 2428 Tober Road sometime in the future.

I have now been made aware of the passing of OPA 62 and OPA 63 regarding existing green space which is to happen on June 27th. While the passing of OPA62 and OPA63 will protect our existing green space, I am led to believe that this may be contested by existing land owners and developers. I trust that that Council will use their best efforts to see that OPA 62 and OPA 63 remain as prepared and that no changes be made.

It is important that Smithville move forward and at the same time retain its identity as a great place to live with parks, waterways, trails, open space and natural habitat.

Sincerely, Pat Wirth

A handwritten signature in cursive script, appearing to read "Pat Wirth".

Official Plan Team  
Planning and Development Services - Niagara Region

We are the owners of the property located at Regional Rd 20NS, Con 8 PT LOT 33 RP 30R6980 Parts 11 to 13, a map is inserted at the end of this letter. This property is being actively farmed by one of the owners, Frank DeFilippis – Twenty Ridge Farms. Frank DeFilippis is a registered farmer with the OFA (Ontario Federation of Agriculture). We are sending this letter as it has come to our attention that this property is designated as PSW (Provincially Significant Wetlands) as part of the Niagara Region Draft Official Plan.

On September 29, 2020 by invitation of staff at the Township of West Lincoln (Gerrit Boerma) a walk through of this property took place. The walk through took place from the hydro corridor to Highway 20. In attendance at that meeting was Frank DeFilippis, Gerrit Boerma (Township of West Lincoln) and staff from the Niagara Region (Adam Boudens) and the NPCA (Adam Aldworth). The consensus from our discussion that day was that PSW were not evident.

Below you can see the recent email correspondence between myself and Mr. Boerma. Mr. Boerma indicates that in order to have this marking of PSW removed we would most likely need to hire an environmental consultant to do that work.

We have farmed this land for fifty years and want to continue to farm this land. It is very unfair to expect a farmer to hire an environmental consultant just to ensure that land can continue to be farmed without the worry that it could be halted due to a designation that has been discretionarily placed on the property.

We are requesting that the PSW be removed from the portion of land from Highway 20 to the Hydro Corridor, the same portion that we walked on September 29, 2020. At that meeting, all in attendance agreed that there was no evidence of PSW. We will be sending a copy of this letter to Nadine Gill at the OFA as well as our Regional Representative, Councillor Albert Witteveen.

Below is a copy of the email correspondence with Mr. Boerma as well as the map.

Sincerely

Frank DeFilippis  
Nick DeFilippis

**EMAIL CORRESPONDANCE WITH GERRIT BOERMA:**

---

----- Forwarded message -----

From: **Frank DeFilippis** <

Date: Wed, Feb 9, 2022 at 9:06 AM

Subject: Visit from NPCA Niagara Region and West Lincoln

To: Nick DeFilippis >, <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>

Good morning Gerrit

On September 29, 2020, there was a meeting with yourself and staff from the NPCA and Niagara Region at our family-owned property located at Regional Rd 20NS, Con 8 PT LOT 33 RP 30R6980 Parts 11 to 13. I was also in attendance at that meeting. We walked all the way to the Hydro corridor that day so that staff could inspect the property.

I would appreciate it if you could forward the resulting decision that was made by the staff from NPCA and the Region. I recall that after the meeting the consensus was that there really was no reason for the property inspected to be considered PSW. I have noticed that on the Region website that a portion of that property that we walked is still PSW. Based on how the meeting went on September 29th it doesn't make sense.

I look forward to hearing from you.

Thank you,

Frank DeFilippis

**Gerrit Boerema**

Mon, Feb  
14, 9:56  
AM

Good Morning Frank,

There have been no changes made to the natural heritage mapping or Provincially Significant Wetland (PSW) mapping on your property by the NPCA or Region. This is because PSW is mapping that is done by the Province and only the Province can change that mapping (not the NPCA or Region).

The Region and NPCA advised that based on what they saw, mapping changes could be justified to the Province, but that this would require going through an Ontario Wetland Evaluation Study (OWES). I reached out to the Ministry at that time, and even sent them a few of the pictures, and they confirmed that to re-map any PSW, would require going through the OWES process.



This process can be undertaken by a private landowner, but you would most likely need to hire your own environmental consultant to do that work. If you want, I can send you a few contacts from the NPCA, Region and Ministry.

Gerrit,

<p><b>Gerrit Boerema</b></p> <p><b>Planner II</b></p> <p>Tel: 905-957-3346 ext.5133          Email: <a href="mailto:gboerema@westlincoln.ca">gboerema@westlincoln.ca</a>          Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a></p>
---

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COVID 19 Update January 27, 2022 – Starting January 31st, the Township of West Lincoln is proceeding with implementing the Province's steps to cautiously and gradually ease Public Health measures. Please read the latest update on our [website](#)



**Frank DeFilippis**

Mon, Feb  
14, 10:47  
AM

to Gerrit

Thanks for getting back to me Gerrit. If you can send the contacts that would be great

**Gerrit Boerema**

Mon, Feb  
14, 12:03  
PM

to me

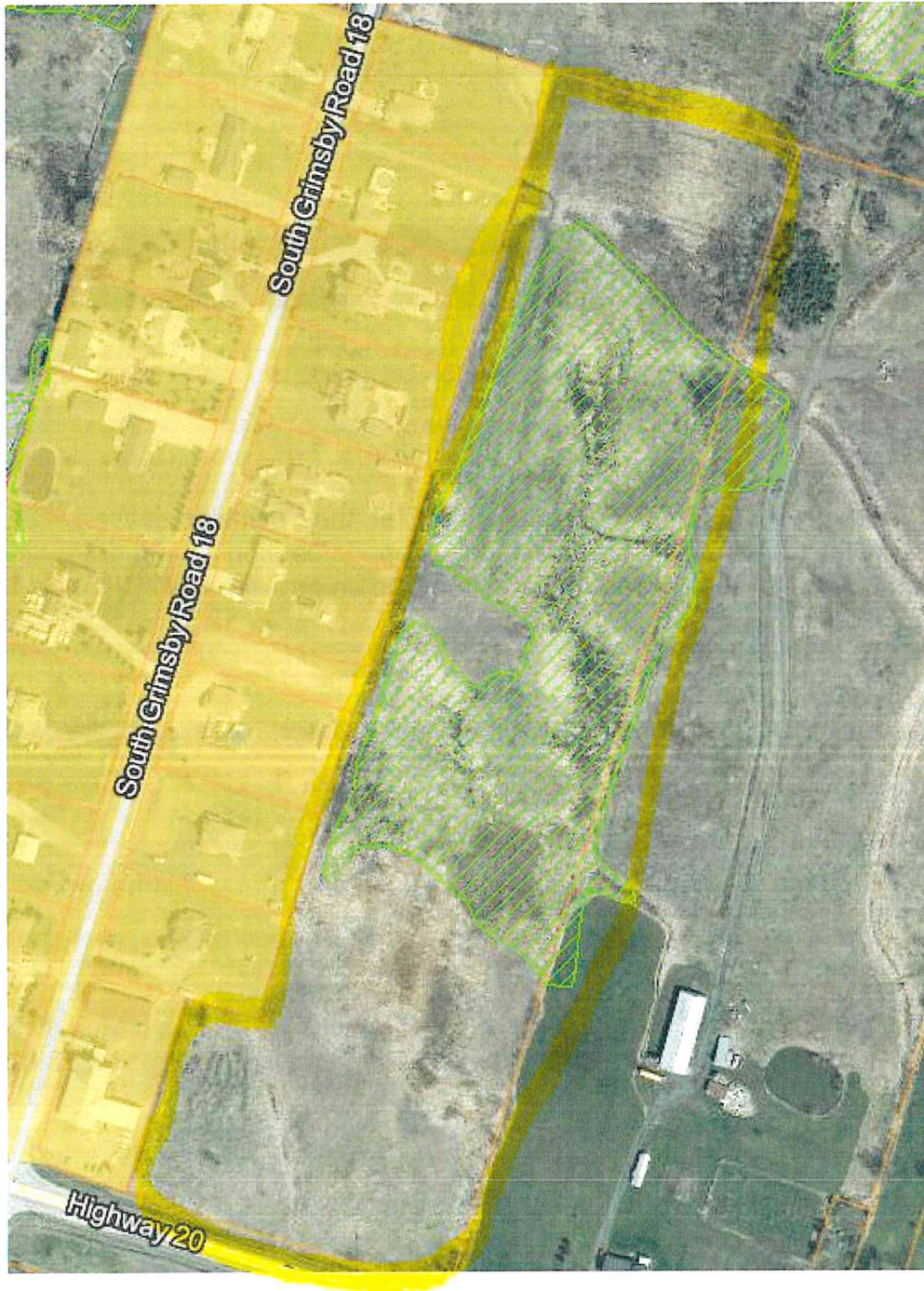
Sure – The Provincial Contact was/is David Denyes - [David.Denyas@ontario.ca](mailto:David.Denyas@ontario.ca)

The NPCA contact who came on the site visit was Adam Aldworth [aaldworth@npc.ca](mailto:aaldworth@npc.ca)

And the Regional staff that came to the site was Adam Boudens [Adam.Boudens@niagararegion.ca](mailto:Adam.Boudens@niagararegion.ca)

Gerrit,

Below is the map of the property, it is being actively farmed from the hydro lines to highway 20, there are no Significant Wetlands in this area, contrary to how the map is coded.





On Jun 15, 2022, at 3:58 PM, Chris <[REDACTED]> wrote:

Hi Joanne:            Wednesday, June 15, 2022

We hope you are in favor of this official plan since to us it seems to be a win/win situation.

There is sensible urban expansion along with good protection for our natural heritage systems.

Our paid experts should know what they are talking about and looking out for the future of our community and its citizens.

We ask that you strongly support the Official Plan Amendment 62 and 63 for the sake of West Lincoln's residents and their physical and mental well-being.

Supporting you on June 27,  
Sid and Chris Frere

**Ron and Sylvie Budenas**

18 Harvest Gate  
Smithville, Ontario  
L0R 2A0

June 7, 2022

**Township of West Lincoln**

318 Canborough Street  
Smithville, Ontario  
L0R 2A0

Attention: *Dave Bylsma, Mayor; Mike Rehner, Jason Trombetta, Shelly Bradaric, Harold Jonker, Cheryl Ganann, William Reilly, Councillors and Joanne Scime, Town Clerk*

Re: **OPA 62 and 63**

We have previously written to Mr. Reilly and Mr. Treble regarding our profound displeasure with the egregious actions initiated by the landowner and a developer that occurred behind our property this past spring. We were very thankful that the actions taken by Mr. Reilly and Mr. Treble halted those actions as swiftly as they did. Our immediate neighbours were equally thankful and appreciative.

Consequently, that left us with the feeling that members of council and our mayor are supportive of the common sense approach to development and expansion of Smithville and we believe that this will continue to be the case.

We are therefore writing again to express our support of Council in passing OPA 62 and OPA 63 on June 27, 2022 with particular protection of our Natural Heritage Systems. We must all remember that while development is inevitable it must be done in a manner that will benefit everyone now and for generations to come so council's responsibility is not just for us but for the future of everyone. Natural Heritage Systems which include waterways, trees and wildlife are critically important for a healthy community and must be protected at all costs.

We trust that our wishes will be given full consideration and remain,

Yours respectfully,

  
Ron and Sylvie Budenas

May 10, 2022

*Sent by e-mail only to [btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)*

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

Dear Mr. Treble:

**Re: Draft Amendment Number 62 to the Official Plan of the Township of West Lincoln (Smithville Urban Area Expansion) Niagara Region Staff Comments**

The following are Regional staff comments on draft Amendment Number 62 to the Official Plan of the Township of West Lincoln (“OPA 62”), circulated to the Region on April 7, 2022.

This letter is in two parts. First we address the process and timing of OPA 62. Second, to provide our formal comments on OPA 62.

Given that the new Niagara Official Plan (“NOP”) is subject to Provincial approval, OPA 62 will not receive Regional approval until the NOP is adopted and in effect. This approach allows for continued cooperation between our planning groups and avoids potential changes or modifications to OPA 62.

If the Town of West Lincoln Council decides to move forward with local adoption of OPA 62 in advance of NOP adoption, Region staff will not be in a position to advance it for approval until after the NOP is in effect. OPA 62 will not come into effect until it receives Regional approval.

**OPA 62 Comments**

Should the Township decide to move forward with local adoption of OPA 62, the Region offers the following summary comments. These represent areas in which OPA 62 could better align with the draft NOP and areas where Region staff are seeking clarity.

More detailed comments are appended to the end of this letter. Because the NOP is still draft, these comments should be considered as a point-in-time. If the policies or proposed Settlement Area boundaries change in the NOP, the Region may have modified or additional comments related to OPA 62.

The following are Region staff summary comments:

1. As discussed with Township staff, the Region is reviewing the proposed Settlement Area boundary for Smithville to account for Minimum Distance Separation concerns associated with agricultural and livestock facilities. The policies/boundary of the Smithville Master Community Plan area must be addressed to deal with MDS.
2. The Region recommends clearly identifying that the interim policies for the Smithville Master Community Plan area limit or preclude development until such time that a Secondary Plan is in effect for the lands. Policies should be implemented to ensure that the area is planned comprehensively.
3. The Township must ensure through its conformity exercise that all parts of the Township of West Lincoln Official Plan are in conformity with the NOP when it is in effect.
4. OPA 62 as drafted identifies that the new Niagara Official Plan directs the Township of West Lincoln to plan for a total population of 38,870 and total employment of 8,730 jobs by 2051. The draft NOP has an employment forecast of 10,480 for the Township of West Lincoln to 2051, as identified in Table 2-1. Please update to an employment forecast of 10,480 jobs.
5. It is unclear whether the Master Community Plan and the Secondary Plan are the same document, or if they are separate documents. Some sections of the OPA refer to the Smithville Master Community Plan area, whereas other sections reference the Smithville Master Community Plan Secondary Plan area. Please revise OPA 62 so that this is consistent.

Staff are available to discuss these comments in more detail at your earliest convenience.

Respectfully,



**Diana Morreale**  
**Director of Community and Long Range Planning, Niagara Region**

## Regional Comments: Township of West Lincoln Draft OPA 62

Section	Regional Comment
1.3 Purpose	<p>The Region must add land to the Settlement Area before the Township can move forward with adding land to the boundary of the Smithville Urban Area, or the Hamlet areas.</p> <p>It is unclear whether the Master Community Plan and the Secondary Plan are the same document, or if they are separate documents. Please clarify.</p>
1.4 Location	<p>Regional staff request inserting a map to clearly identify the lands that the OPA 62 applies to with respect to the area surrounding Smithville.</p> <p>The Township must ensure through its conformity exercise that all parts of the Township of West Lincoln Official Plan are in conformity with the new Niagara Regional Official Plan when it is in effect.</p>
1.5 Basis of the Amendment	<p>OPA 62 will not receive Regional approval until such time that the new NOP is in effect following Provincial approval. The proposed NOP is currently draft and is subject to change.</p> <p>It should be clearly stated whether the Master Community Plan will inform a Secondary Plan, or if the Master Community Plan is the Secondary Plan. The Secondary Plan should be in place in advance of development applications.</p>
2.2.3	Niagara Region's <u>draft</u> consolidated Niagara Official Plan has an employment forecast of 10,480 for West Lincoln to 2051 (see Table 2-1). Please update the employment forecast.
2.2.14	Based on the Growth Plan's definition of "natural heritage features and areas" i) should be significant wetlands.
2.2.15	Interim policies should be focused on limiting or prohibiting development until a Secondary Plan and land use policies are in effect.





250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

June 8, 2022

Via Email Only

Mr. Brian Treble, MCIP, RPP  
Director, Planning & Building  
Township of West Lincoln  
318 Canborough Street, Box 400  
Smithville, ON, L0R 2A0

Our File: PLOTH201800502

Dear Mr. Treble

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments  
OPA No. 62 – Smithville Urban Boundary Expansion  
OPA No. 63 – Smithville Master Community Plan  
Township of West Lincoln**

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Thank you for the opportunity to review the above Official Plan Amendments (OPA). OPA No. 62 facilitates an urban boundary expansion for Smithville, which will help the Township achieve its growth targets while OPA No. 63 implements the Master Community Plan (MCP) for Smithville that provides the guiding land use policies for the urban boundary expansion. The NPCA has reviewed both amendments and offers the following comments.

**OPA No. 62:**

NPCA staff have no objections to OPA No. 62. The main component of the amendment is the expansion of the Smithville urban boundary. The area identified for inclusion into the urban boundary has undergone extensive review and is supported by technical studies such as the Smithville Subwatershed Study (SWS). The SWS has identified natural heritage features, natural hazards, restoration areas and a natural heritage system within Smithville and will be implemented as part of the MCP. NPCA staff are satisfied that the location of natural heritage features and natural hazards have been well documented for the Smithville urban boundary expansion.

OPA No. 62 includes several Hamlet boundary expansions. While the NPCA has no objection to any of the proposed Hamlet boundary expansions, several of the areas to be included in the various Hamlets contain potential NPCA-Regulated watercourses. These features would have to be reviewed at the time of future development/site alteration. Also, the lands identified for inclusion into the Fulton Hamlet boundary contain Provincially Significant Wetlands (PSW). Both NPCA

Policies and the Provincial Policy Statement (PPS) do not allow for development within PSWs. Any future development/site alteration adjacent to these PSWs will require review by the NPCA.

### **OPA No. 63**

In general, the NPCA is supportive policies in OPA No. 63. One area we want to bring to the Township's attention is the definition of wetland. In the draft policies, wetland is defined using the *Conservation Authorities Act* definition. That definition is:

*Wetland means land that,*

*(a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,*

*(b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,*

*(c) has hydric soils, the formation of which has been caused by the presence of abundant water, and*

*(d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,*

*but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d).*

The PPS definition of wetland is:

*Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.*

*Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.*

The PPS definition has a lower threshold for what constitutes a wetland, whereas the *Conservation Authorities Act* definition requires each component to be present for a feature to be considered a wetland. This could result in a feature being excluded as a wetland that might have otherwise been included if wetlands were defined using the PPS definition. It is also unclear if using the *Conservation Authorities Act* definition for *Planning Act* decisions would be consistent with the PPS. This should be reviewed.

NPCA staff are pleased that the Township has taken the time to investigate the Smithville study area for the presence of karst through the SWS and included a comprehensive set of policies in OPA 63. Of note is Section 17 (d) which prohibits development within 50 metres of a high-constraint karst feature and one medium-constraint karst feature. While the NPCA has no objection to the Township's position to prohibit development within these karst features, the NPCA's natural hazard policies presently do not differentiate between levels of constraint for karst features and would allow consideration of development/site alteration within a karst feature subject to satisfying NPCA Policies. We note that the NPCA is currently reviewing its policies and this may change in the near future.

NPCA staff also support the use of Block Plans and Master Environmental Servicing Plans (MESPs) as the planning framework for Smithville. This approach has been used by many municipalities in the Greater Toronto Area and provides a mechanism to ensure coordinated build out of greenfield lands. It also allows for the completion of more detailed environmental and servicing work such as wetland water balances and the necessary pre-development monitoring to occur ahead of individual site applications.

Other minor comments for the policies of OPA No. 63 that we have include:

1. Section 2 (d) makes reference to “ecological buffers”. Since buffers can be provided for hydrologic function as well as ecological function of a feature, consideration should be given to simply using the term buffer.
2. Section 3 (c) and (d) – it may be simpler to define the acronym for each of these ministries e.g. MNDMNR means the Ministry of Northern Development, Mining, Natural Resources and Forestry/MECP means the Ministry of Environment, Conservation and Parks.
3. Section 5 (e)(iv) allows for small-scale structures for recreational uses within the Smithville Natural Heritage System. Consideration should be given to specifying active vs. passive recreational uses.
4. Section 6 (b) requires the completion of a wetland water balance assessment for applications adjacent to wetlands. NPCA staff support this and note that the policy should require that the wetland water balance be completed at the block plan stage through the MESP, to the extent possible.
5. Section 6 (c) should specifically mention the Niagara Peninsula Conservation Authority.
6. Section 6 (f) pertains to Wetlands for Further Review that have been evaluated and determined not to be significant and potentially allows for development and site alteration subject to the applicable Official Plan policies and approval by the Township. Please note that such wetlands may be regulated by the NPCA.
7. Section 14 (b) makes referent an ecologically appropriate width for buffers. Consideration should be given to including the term “and hydrologically” after the word ecologically.

I trust this information is helpful. If you have any questions, please let me know.

Regards,



David Deluce, MCIP, RPP  
Senior Manager, Environmental Planning & Policy

cc: Mr. Richard Vandezande, MCIP, RPP, (email only)  
Ms. Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, NPCA (email only)  
Mr. Geoff Verkade, NPCA (email only)

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

**BY-LAW 2022-XX**

**BEING A BY-LAW TO ADOPT AMENDMENT NO. 62 (2051 GROWTH FORECASTS AND TARGETS, MAPPING OF SMITHVILLE URBAN BOUNDARY EXPANSION LANDS AND BOUNDARY ADJUSTMENTS IN HAMLETS OF ABINGDON, CAISTORVILLE, FULTON, BISMARCK AND WELLANDPORT) TO THE OFFICIAL PLAN FOR THE TOWNSHIP OF WEST LINCOLN AND TO FORWARD TO THE REGIONAL MUNICIPALITY OF NIAGARA FOR APPROVAL**

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

1. THAT, Amendment No. 62 (2051 Growth Forecasts and Targets, Mapping of Smithville Urban Boundary Expansion Lands and Boundary Adjustments in Hamlets of Abingdon, Caistorville, Fulton, Bismark and Wellandport) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted in the form as found at Schedule 'A'.
2. THAT, staff be directed to forward the adopted Official Plan Amendment No. 62 to the Regional Municipality of Niagara for approval.
3. AND THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18th DAY OF JULY, 2022.**

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

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

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**PLANNING & DEVELOPMENT DEPARTMENT  
MEMORANDUM**

**To:** Council & Clerk  
**From:** Gerrit Boerema, Planner II & Brian Treble, Director of Planning and Building  
**Date:** July 18, 2022  
**Subject:** File No. 2100-072-08 – Crossings on the Twenty Extension Approval

---

Dear Council,

The Township of West Lincoln has received an application for extension to draft plan of condominium approval for the Crossings on the Twenty North and South Communities, owned by DeHaan Homes Inc. The original approval of the draft plan was granted in 2009 and to date there have been five extensions granted, with the latest two-year extension being granted in 2020. The draft plan approval for both the North and South communities will lapse on September 27, 2022.

During the June 13, 2022 Planning, Building and Environment Committee Meeting, the developer's agent, Mr. Jared Marcus stated that they had nearly completed addressing all of the conditions of approval for the south community and that it was expected that one of the last remaining items, being the submission and registration of the final condominium plan, would be completed by July. Due to delays with the surveyor, it is anticipated by the applicants agent, that the completion of the condominium plan will be in August. An amending site plan agreement has been signed and submitted for registration which deals with the risk assessment and record of site condition issues at the north end of the property, which has cleared two other outstanding conditions of approval regarding the ownership of those lands. Parkland dedication, which was another condition not completed at the time of the last update memo has now also been paid.

At this time, the Township is waiting on receipt of a complete clearance of condition package from the applicant, which needs to be submitted along with the condominium plan and declaration and all needs to be reviewed and approved prior to final approval and registration of the condominium.

Township staff will continue to provide Committee and Council with updates until registration is completed.



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Gerrit Boerema  
Planner II



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Brian Treble, MCIP, RPP  
Director of Planning and Building



# THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

## BY-LAW NO. 2022-63

### A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AT ITS REGULAR MEETING HELD ON THE 27<sup>th</sup> DAY OF JUNE, 2022.

**WHEREAS** the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(1), provides that the powers of a municipal corporation shall be exercised by its Council;

**AND WHEREAS** the Municipal Act 2001, S.O. 2001, Chapter 25, as amended, Section 5(3) provides that except where otherwise provided, the powers of any Council shall be exercised by by-law;

**AND WHEREAS** in many cases, action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual by-law;

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

1. That, the minutes of the eighth meeting, regular, held on the 27<sup>th</sup> day of June 2022, of the Municipal Council of the Corporation of the Township of West Lincoln, be and the same are hereby adopted.
2. That, where no individual by-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned minutes or with respect to the exercise of any powers by the Council in the above mentioned minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. That, the Mayor and the proper officers of the Corporation of the Township of West Lincoln are hereby authorized and directed to do all things necessary to give effect to the said action of the Council or to obtain approvals where required and, except where otherwise provided, the Mayor, Clerk, and/or the Administrator are hereby directed to execute all documents necessary on behalf of the Corporation of the Township of West Lincoln and to affix thereto the corporate seal of the Corporation of the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup> DAY OF JULY, 2022.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**

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

**BY-LAW 2022-64**

**BEING A BY-LAW TO APPOINT A MUNICIPAL LAW ENFORCEMENT OFFICER AND PROPERTY STANDARDS OFFICER FOR THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN (JESSE PAUL)**

**WHEREAS** authority is granted to Municipal Councils, pursuant to Subsection 15 of the Police Services Act, R.S.O. 1990, ch.P.15, to appoint persons to enforce the by-laws of the municipality, which persons shall be Municipal Law Enforcement Officer for the purpose of enforcing municipal by-laws;

**AND WHEREAS** authority is granted to Municipal Councils, pursuant to Section 15 of the Building Code Act R.S.O. 1992, as amended, provides for the appointment of a Property Standards Officer to administer and enforce Property Standards By-laws;

**AND WHEREAS** it is deemed desirable to appoint Jesse Paul as a Municipal Law Enforcement Officer and Property Standards Officer for the Corporation of the Township of West Lincoln.

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

1. That, Jesse Paul be and is hereby appointed as a Municipal Law Enforcement Officer and Property Standards Officer for the Corporation of the Township of West Lincoln.
2. That, Jesse Paul shall perform the duties of Municipal Law Enforcement Officer and Property Standards Officer at the rates and on the terms and conditions as agreed to between himself and the Township of West Lincoln.
3. That, this By-law shall come into force and effect on the day it is passed and shall remain in force and effect until repealed by Council.
4. That, By-law 2019-58 be and is hereby repealed

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup>, DAY OF JULY, 2022.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**

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

**BY-LAW NO. 2022-65**

**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 'E4' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 3, Part Lot 2 in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 7330 Concession 3 Road, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'E4' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to a Rural Residential zone with a site specific provision 'RuR-216'.
3. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
  1. RuR-216  
Permitted Uses:  
As per the parent zone plus the existing barn on the property, except that no livestock shall be permitted to be housed in the existing barn.  
  
Regulations:  
As per the parent zone, except to permit an existing accessory building for storage purposes only that is 245 square metres and with a height no more than 10 metres. The total accessory building lot coverage shall not exceed 300 square metres.
4. THAT Map 'E4' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to an Agricultural Purpose Only zone with a site specific provision 'APO-217'.
5. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
  1. APO-217  
Permitted Uses:  
As per the parent zone  
Regulations:  
As per the parent zone, except a minimum lot area of 32 hectares whereas 39 hectares is required.
6. THAT all other provisions of By-law 2017-70 continue to apply.
7. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup>, DAY OF JULY, 2022.**

---

**MAYOR DAVE BYLSMA**

---

**JOANNE SCIME, CLERK**

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-65**

### **Location:**

This By-law involves a parcel of land located on the south side of Concession 3 Road, west side of Caistor Gainsborough Townline Road, and north side of Concession 2 Road, legally known as Concession 3, Part Lot 2 in the former Township of Caistor, now in the Township of West Lincoln, municipally known as 7330 Concession 3 Road.

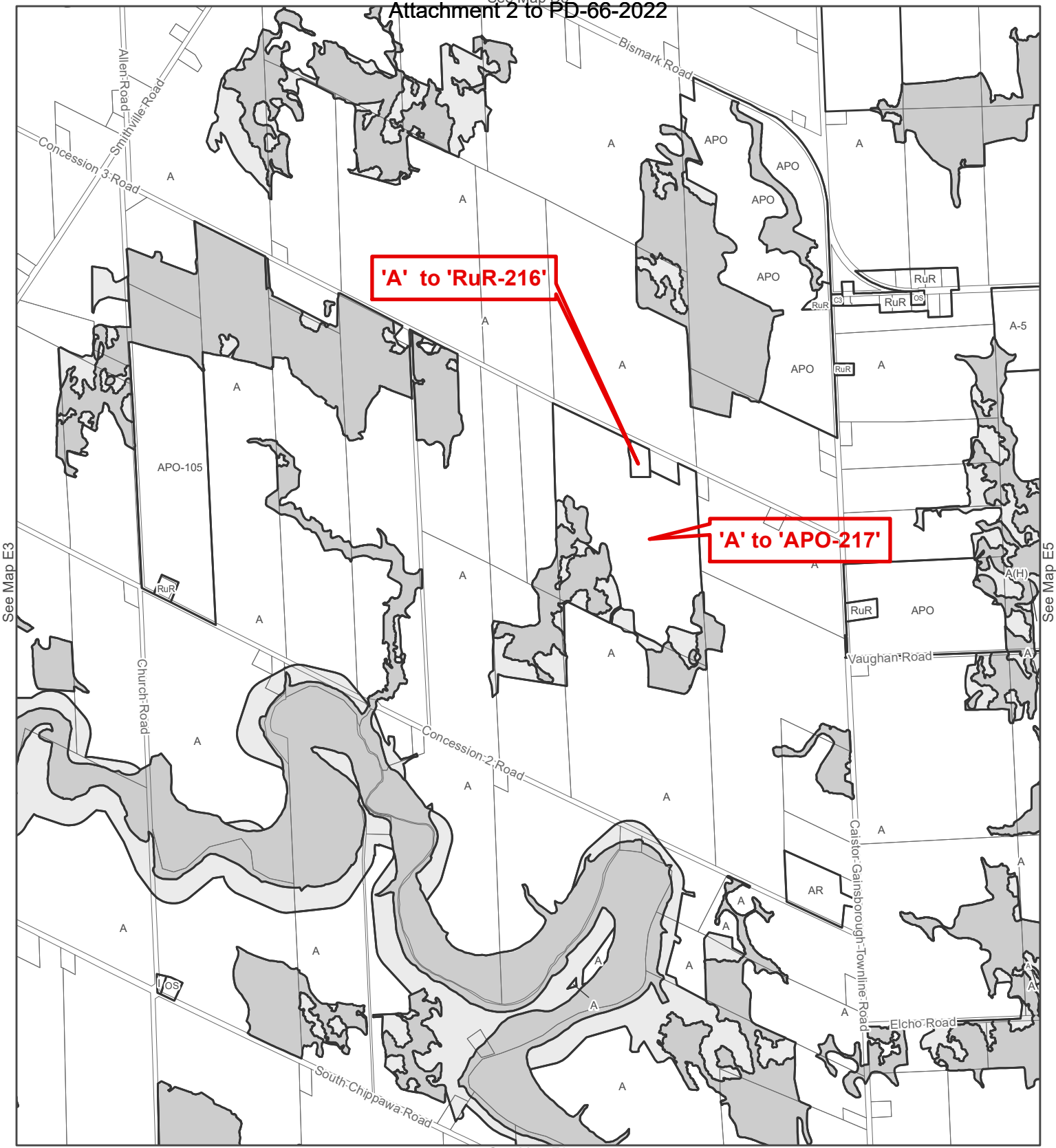
### **Purpose & Effect:**

The subject lands were zoned Agricultural 'A', Environmental Conservation 'EC', and Environmental Protection 'EP'. The rezoning for Parcel 1 rezoned the subject lands that were an Agricultural zone 'A' to a Rural Residential zone 'RuR-###' with a site specific provision to recognize an existing barn that is roughly 245 square meters. The rezoning for Parcel 2 rezoned the subject lands that were an Agricultural zone 'A' to an Agricultural Purpose Only zone 'APO-###' with a site specific provision to recognize a deficient lot size of 32.66 hectares whereas 39 hectares is the required minimum. The Environmental Conservation 'EC' and Protection 'EP' zones are to be maintained.

### **Public Consultation:**

The Public Meeting was held on Monday June 13<sup>th</sup>, 2022. The Township did not receive any verbal or written comments regarding this application.

File: 1601-008-22  
Applicants: Sikkens



See Map E3

See Map E5

See Map F2

**Township Key Map**

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

**Smithville Key Map**

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

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

Map **E4**

1:20,000  
 0 500 m

Last Updated: January 2021



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

**BY-LAW NO. 2022-66**

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

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

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

1. THAT Schedule 'A' Map 'E9' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 3, Part Lot 22 & 23, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 3976 Regional Road 20, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'E9' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to a Rural Residential zone 'RuR-219' with side specific exception.
3. THAT Map 'E9' to Schedule 'A' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Agricultural zone 'A' to an Agricultural Purpose Only zone with a site specific provision 'APO-218'.
4. THAT Part 13 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
  1. APO-218  
Permitted Uses:  
As per the  
parent zone  
Regulations:  
As per the parent zone, except a minimum lot area of 33 hectares whereas 39 hectares is required.
  2. RuR-219  
Permitted Uses:  
As per the parent zone.  
Regulations  
As per the parent zone, except a minimum front yard setback for the existing dwelling of no less than 5.49 metres.
5. THAT all other provisions of By-law 2017-70 continue to apply.
6. 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  
18<sup>th</sup>, DAY OF JULY, 2022.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-66**

### **Location:**

This By-law involves a parcel of land located on the south side of Regional Road 20, west side of Boyle Road, and north side of Vaughan Road, legally known as Concession 3, Part Lot 22 & 23, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 3976 Regional Road 20.

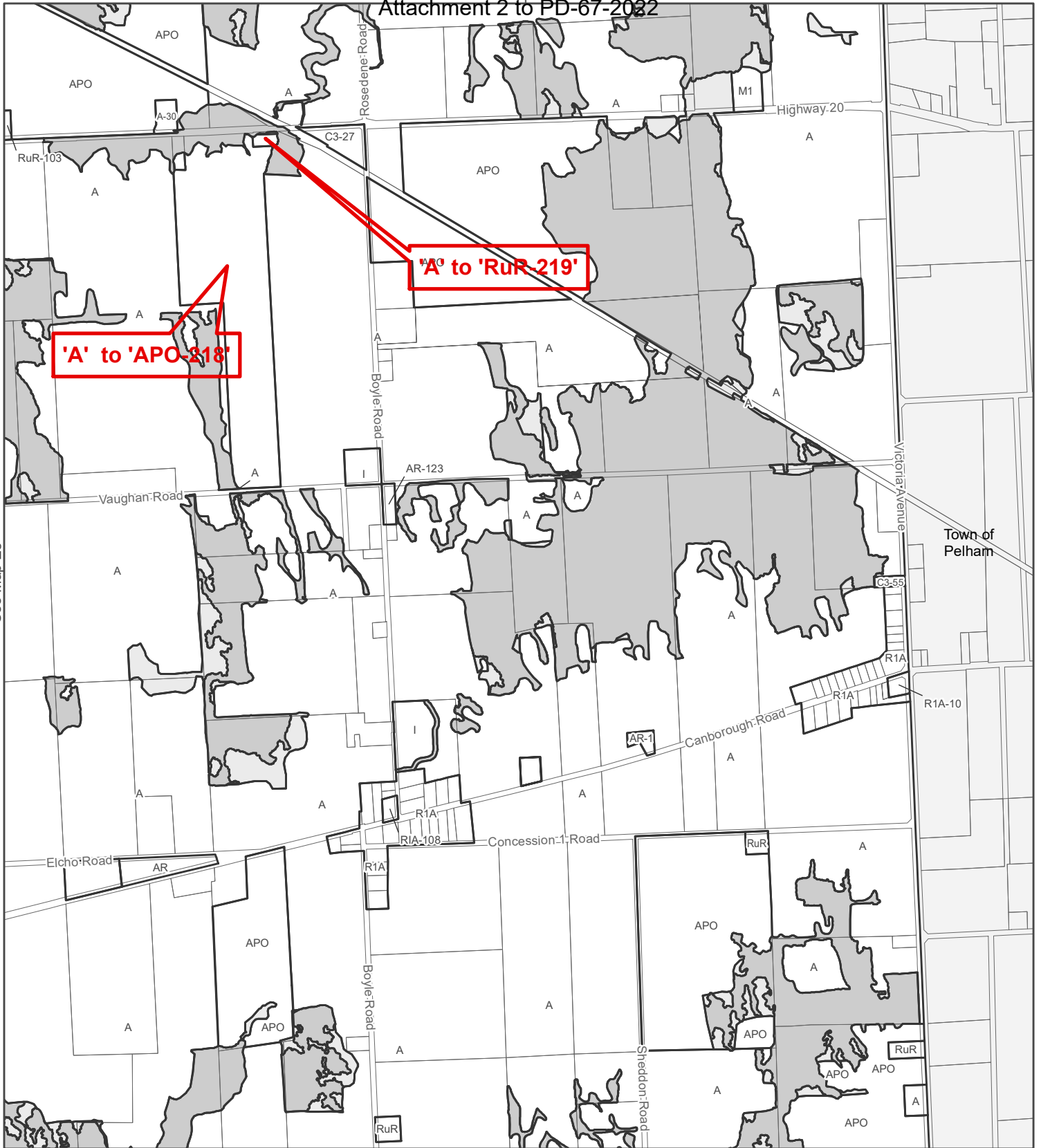
### **Purpose & Effect:**

The purpose of the zoning amendment bylaw is to zone Parcel 2 of the subject lands Agricultural Purpose Only zone 'APO-###' with a site specific provision to recognize a deficient lot size of 33.9 hectares whereas 39 hectares is the required minimum and to zone Parcel 3 of the subject lands to a Rural Residential zone 'RuR-###' to address a deficient front yard for the existing house.

### **Public Consultation:**

The Public Meeting was held on Monday June 13<sup>th</sup>, 2022. The Township did not receive any verbal or written comments regarding this application.

File: 1601-006-22  
Applicants: B & A Heaslip Farms Ltd.



See Map E8

See Map F7

Town of Pelham

Township Key Map

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

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

Map E9

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Last Updated: January 2021

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

**BY-LAW NO. 2022-67**

**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, AS AMENDED;**

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

1. THAT, Part 2 “Definitions” of Zoning Bylaw 2017-70 as amended, is hereby amended by amending the definition of “Lot” as highlighted:

LOT means one parcel or tract of land that is registered as a legally conveyable parcel of land in the Land Registry Office which is:

- a whole lot as shown on a Registered Plan of Subdivision except those which have been deemed not to be a Registered Plan of Subdivision under a by-law enacted pursuant to the Planning Act; or
- a separate parcel of land shown on a Registered Plan of Condominium that is individually owned and conveyed as a single unit with associated private outdoor areas excluding common elements and other shared facilities that have common ownership;
- a separate parcel of land held under distinct and separate ownership from all abutting lots as shown by a registered deed or transfer in the records of the land registry office as of as of March 5, 1979 (Bylaw 2018-89); or
- a separate parcel of land, the description of which is the same as in a deed which has been given consent pursuant to the Planning Act; or
- a separate parcel of land being the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the Planning Act;

and which:

- fronts on a public street; or
- fronts on, and is legally tied to, a private street within a Registered Plan of Condominium which provides direct access to a public street or which connects to another private street(s) in Registered Plan(s) of Condominium having access to a public street; or
- for an existing lot, the existing lot has access to an existing private street which provides direct access to a public street or which connects to another existing private street(s) having access to a public street.

For the purposes of this By-law, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it had or have been conveyed to or acquired by any public agency; and,

For greater certainty, a lot created through testamentary devise or by a navigable waterway is not a lot for the purposes of this by-law unless it meets the requirements of this definition and By-law 2017-70.

2. THAT, Part 7 “Commercial Zones” of Zoning By-law 2017-70, as amended, is hereby amended by changing Subsection 7.2 Table 16: Permitted Uses in Commercial Zones, as illustrated as highlighted in the table below:

Uses	Zones where Permitted			
<b>Principal Uses</b>				
<i>Apartment dwelling</i>	C1			
<i>Art gallery</i>	C1			
<i>Commercial kennel (see s. 3.8)</i>			C3	
<i>Commercial school</i>	C1	C2	C3	C4
<i>Communications establishment</i>	C1		C3	C4
<i>Contractors establishment</i>			C3	
<i>Day care</i>		C2		C4
<i>Drive-through facility (see s. 3.12)</i>			C3	C4
<i>Dry cleaning/ laundry depot</i>	C1	C2	C3	C4
<i>Financial institution</i>	C1		C3	C4
<i>Funeral home</i>	C1		C3	
<i>Garden centre</i>			C3	C4
<i>Hotel/ motel</i>			C3	
<i>Motor vehicle dealership</i>			C3	
<i>Motor vehicle gasoline bar</i>			C3	C4
<i>Motor vehicle repair establishment</i>			C3	
<i>Motor vehicle service station</i>			C3	C4
<i>Motor vehicle washing establishment</i>			C3	C4
<i>Office, including a medical office</i>	C1	C2	C3	C4
<i>Personal service shop</i>	C1	C2	C3	C4
<i>Pet care establishment (see s. 3.8)</i>			C3	C4
<i>Place of entertainment</i>	C1		C3	C4
<i>Private club</i>	C1		C3	C4
<i>Recreation facility</i>	C1		C3	C4
<i>Restaurant</i>	C1	C2	C3	C4
<i>Retail store</i>	C1	C2	C3	C4
<i>Service shop</i>	C1		C3	C4
<i>Shopping center</i>				C4
<i>Studio</i>	C1	C2	C3	C4
<i>Veterinary clinic</i>	C1		C3	C4
<i>Wayside pit or quarry (see s. 3.27)</i>			C3	C4
<b>Accessory Uses <sup>(1)</sup></b>				
<i>Accessory buildings or structures and accessory uses (see s. 3.1)</i>	C1 <sup>(1)</sup>	C2 <sup>(1)</sup>	C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Accessory dwelling units (see s. 3.2)</i>	C1 <sup>(1)</sup>			
<i>Outside display and sales area</i>			C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Outside storage</i>			C3 <sup>(1)</sup>	C4 <sup>(1)</sup>
<i>Renewable energy system (see s. 3.15)</i>	C1 <sup>(1)</sup>	C2 <sup>(1)</sup>	C3 <sup>(1)</sup>	C4 <sup>(1)</sup>

3. THAT, Part 8 “Employment Zones” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 8.3 Table 19: Regulations for Permitted Uses in Employment Zones, as shown as highlighted in the table below:

Regulation	Zone Requirements		
	M1	M2	M3
Minimum lot area	2,000m <sup>2</sup>		-
Minimum lot frontage	30m		-
Minimum front yard	15m		30m <sup>(1)</sup>
Minimum exterior side yard	7.5m		30m <sup>(1)</sup>
Minimum interior side yard	Adjoining a lot in a Residential Zone	15m	30m
	Other	5m	
Minimum rear yard	Adjoining a lot in a Residential Zone	15m	30m
	Other	7.5m	
Maximum lot coverage	50%		-
Maximum height	10m		15m <sup>(1)</sup>
Minimum landscaped open space	10% <sup>(2)</sup>		-



Regulation	Zone Requirements		
	M1	M2	M3
Maximum <i>outside storage</i>	25% <sup>(3)</sup>		-
Maximum accessory <i>retail gross floor area</i>	10% of <i>gross floor area</i>		-

4. THAT, Part 13 “Special Provisions” of Zoning By-law 2017-70, as amended, is hereby amended by amending Subsection 13.2 Table 29: Site Specific Provisions, Provision ‘A-111’:

			Permitted Uses	Regulations
111	C6	A	As per the parent <i>zone</i> , plus: <i>Contractors establishment</i> including <i>outside storage</i> of associated materials, machinery and other products used, and related <i>buildings and structures</i> that are adequately serviced by private services.	As per the parent <i>zone</i> ; plus access to the ‘A-111’ zone must be established and necessary approvals obtained prior to any non-agricultural use of the ‘A-111’ zone.

5. THAT, Map C6 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on a portion of Concession 9, Part Lot 4, PIN 46049-0044 LT, (Griffin Lands) shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural ‘A’ zone to an Agricultural ‘A-111’ zone.
6. THAT, Maps C1 & C2 to Schedule ‘A’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on a portion of 9558 Regional Road 65, 9578 Regional Road 65, 9522 Regional Road 65 and 1461 Regional Road 2, Caistor Center, shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural zone with site specific exception ‘A-5’ and Agricultural ‘A’ to a Rural Residential ‘RuR’ zone, from an Agricultural ‘A’ and Agricultural zone with site specific exception ‘A-5’ zone to an Industrial Employment with site specific exception ‘M2-5’.
7. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
8. 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 18<sup>th</sup>  
DAY OF JULY, 2022.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2022-67**

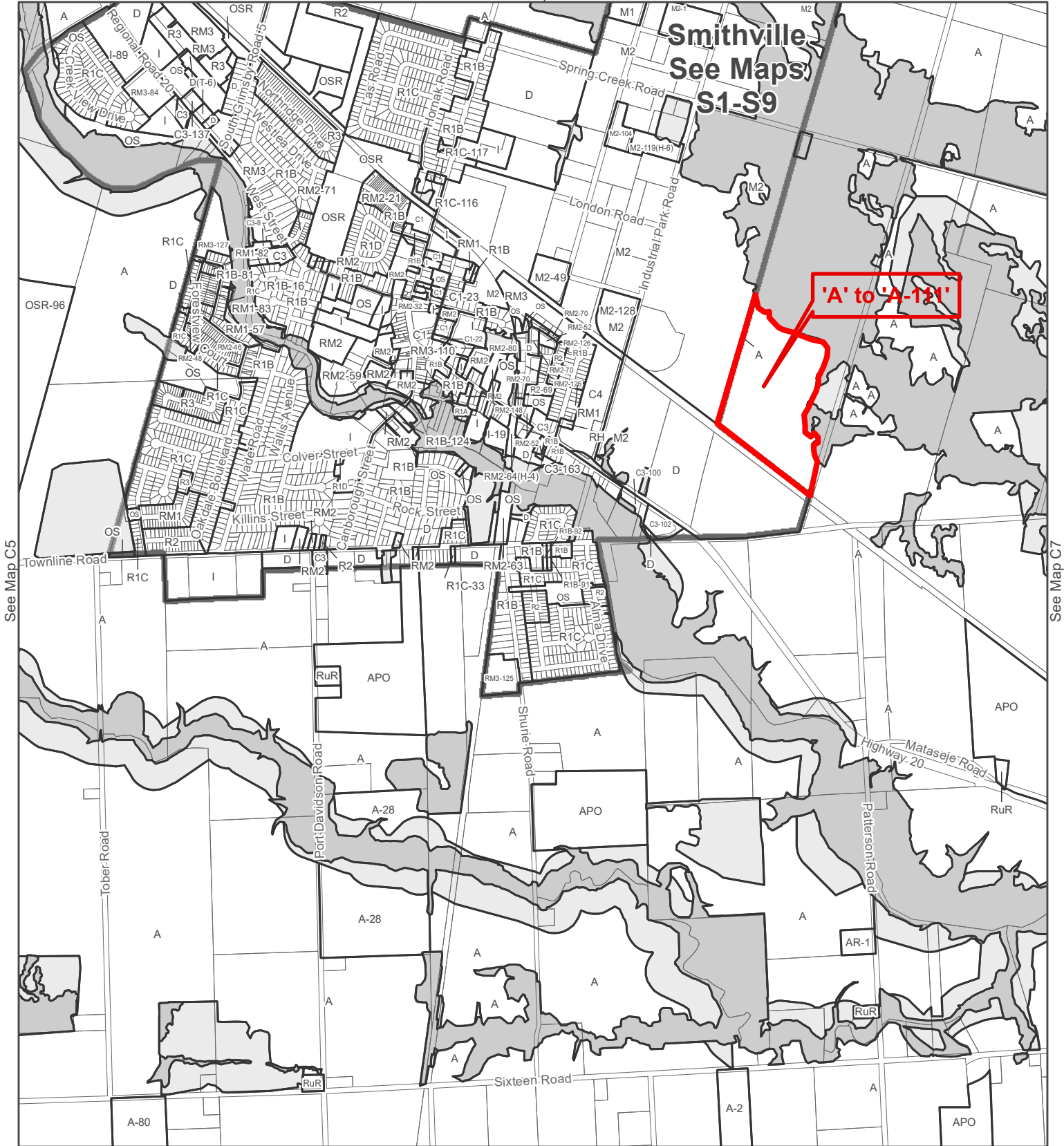
The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues that have become apparent during its first few years of implementation.

A Public Meeting was held on June 13, 2022 and one member of the public provided oral comments. One written comments was additionally received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-003-22  
Township of West Lincoln

# Smithville See Maps S1-S9

'A' to 'A-121'



See Map C5

See Map C7

**Township Key Map**

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

**Smithville Key Map**

S1	S2	S3
S4	S5	S6
S7	S8	S9

**Legend**

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

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

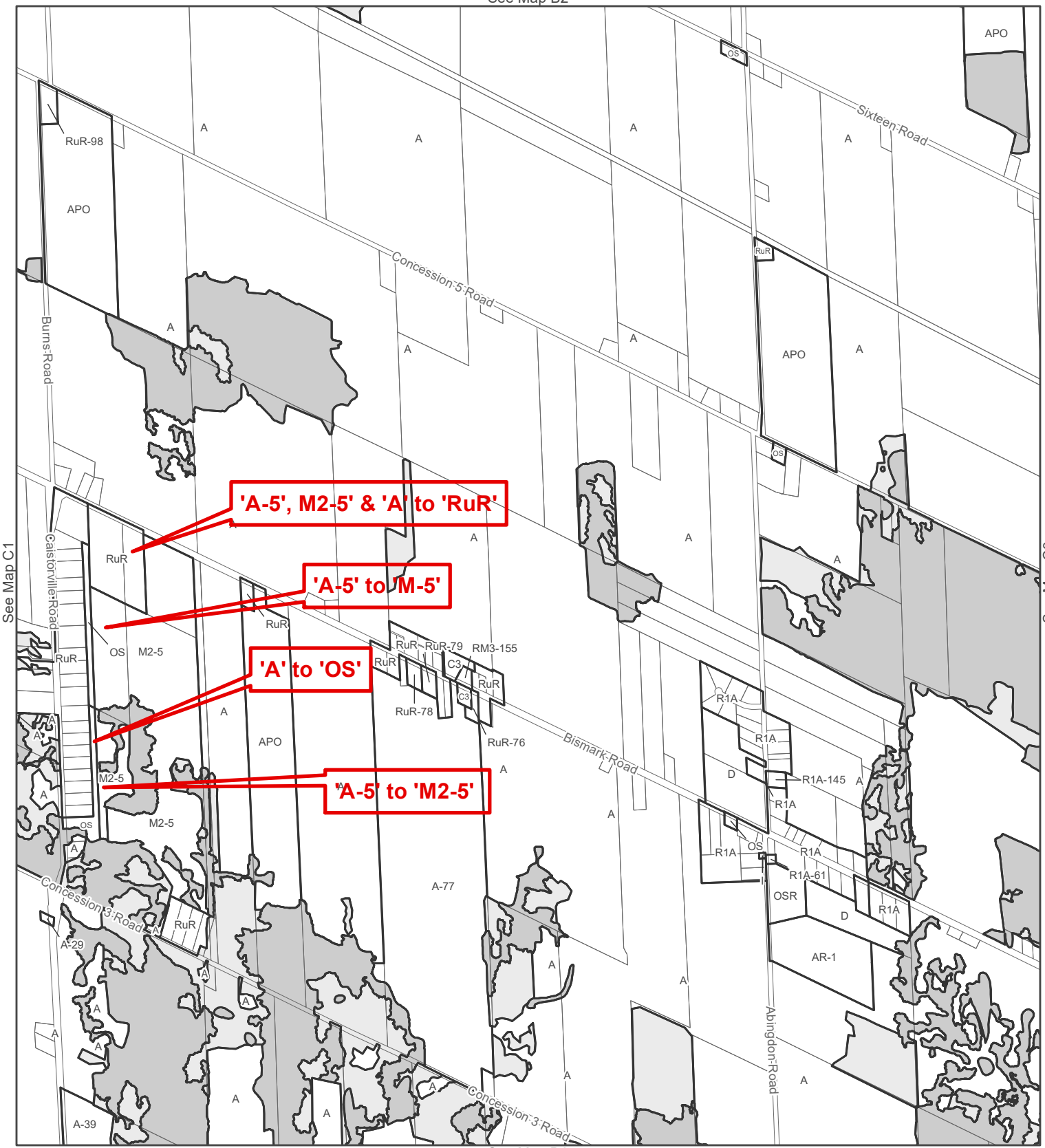
Map **C6**

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Last Updated: January 2021

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See Map C1

See Map C3

See Map D2

Township Key Map

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

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

Map  
**C2**

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Last Updated: January 2021

Page 449 of 478

Page 13 of 56

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

**BY-LAW NO. 2022-68**

**BEING A BY-LAW TO AMEND BY-LAW NO. 2020-54, AS AMENDED, A BY-LAW TO REGULATE SIZE, USE, LOCATION AND MAINTENANCE OF SIGNS IN THE TOWNSHIP OF WEST LINCOLN**

**WHEREAS** the Township of West Lincoln has adopted By-law No. 2020-54, as amended, being a By-law to regulate size, use, location and maintenance of signs in the Township of West Lincoln;

**WHEREAS** the Township of West Lincoln considers it desirable and necessary to amend By-law No. 2020-54, as amended (by By-law 2021-72 and 2021-91), being a by-law to regulate size, use, location and maintenance of signs in the Township of West Lincoln, to remove the sentence/subsection 2.1.1(5) as to not conflict with the right to free speech;

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

1. That By-law No. 2020-54, as amended, being a By-law to Regulate Size, Use, Location and Maintenance of Signs in the Township of West Lincoln, be further amended by deleting the following section:

**2.1.1**

- (5) any sign which in the opinion of the Chief Building Official or designate is indecent or may tend to corrupt or demoralize;**

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup> DAY OF JULY 2022.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**



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

**BY-LAW 2022-69**

**BEING A BY-LAW TO ADOPT AMENDMENT NO. 62 (2051 GROWTH FORECASTS AND TARGETS, MAPPING OF SMITHVILLE URBAN BOUNDARY EXPANSION LANDS AND BOUNDARY ADJUSTMENTS IN HAMLETS OF ABINGDON, CAISTORVILLE, FULTON, BISMARCK AND WELLANDPORT) TO THE OFFICIAL PLAN FOR THE TOWNSHIP OF WEST LINCOLN AND TO FORWARD TO THE REGIONAL MUNICIPALITY OF NIAGARA FOR APPROVAL**

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

1. THAT, Amendment No. 62 (2051 Growth Forecasts and Targets, Mapping of Smithville Urban Boundary Expansion Lands and Boundary Adjustments in Hamlets of Abingdon, Caistorville, Fulton, Bismarck and Wellandport) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted in the form as found at Schedule 'A'.
2. THAT, staff be directed to forward the adopted Official Plan Amendment No. 62 to the Regional Municipality of Niagara for approval.
3. AND THAT, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
18th DAY OF JULY, 2022.**

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**DAVE BYLSMA, MAYOR**

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**JOANNE SCIME, CLERK**

**AMENDMENT NUMBER 62  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN  
(SMITHVILLE URBAN AREA EXPANSION)  
2022**

**AMENDMENT NUMBER 62**  
**TO THE**  
**OFFICIAL PLAN**  
**OF THE**  
**TOWNSHIP OF WEST LINCOLN**

**PART 1 – THE PREAMBLE**

**1.1 TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 62 (Smithville Urban Area Expansion) to the Official Plan of the Township of West Lincoln.

**1.2 COMPONENTS**

This Amendment consists of Part 1 – The Preamble and Part 2 – The Amendment. The preamble does not constitute part of the actual amendment but is included as background information.

**1.3 PURPOSE**

The purpose of this Amendment is to revise specific policies and schedules of the Official Plan to:

- Update the population and employment growth forecasts and the greenfield density and intensification targets of the Official Plan consistent with those of the Niagara Region Official Plan, pursuant to the Growth Plan for the Greater Golden Horseshoe, to the 2051 planning horizon;
- Add land to the boundary of the Smithville Urban Area by implementing the settlement area boundary recommended through the Smithville Master Community Plan process and corresponding to the expanded settlement area boundary for Smithville delineated in the Niagara Region Official Plan;
- Designate the land to be added to the boundary of the Smithville Urban Area as “Future Greenfield Area” corresponding to the limits of the Designated Greenfield Area delineated in the Niagara Region Official Plan for the expanded Smithville Urban Area;
- Identify the land to be added to the boundary of the Smithville Urban Area as a Secondary Plan area being the Master Community Plan for Smithville; and,
- Establish interim policies for the Smithville Master Community Plan Secondary Plan area to reserve these areas for appropriate future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems based on land use mapping and policies to be incorporated in the Official Plan through a future/separate Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan. The Smithville Master Community Plan is intended to be implemented as a Secondary Plan via future/separate Township-initiated Official Plan Amendment(s).

## 1.4 LOCATION

The Amendment applies primarily to land surrounding the existing community of Smithville in the Township of West Lincoln within the area shown on the Location Map provided below.

The total land area within Master Community Plan Study Area is approximately 685 hectares, and the total land area to be added to the Smithville Urban Area boundary by this amendment is approximately 540 hectares.

Certain aspects of this amendment relate to matters of Township-wide significance and apply to the Township as a whole, such as the updated Township-wide population and employment growth forecasts to the year 2051; however, the majority of this future growth will be directed to the expanded Smithville Urban Area.

### Location Map



## **1.5 BASIS OF THE AMENDMENT**

The basis of this amendment is the Planning Act which requires the Council of the Township of West Lincoln to, among other things:

- Revise its Official Plan to ensure that it conforms with provincial plans or does not conflict with them (Planning Act s. 26(1)(a)), including the Growth Plan for the Greater Golden Horseshoe (2019, amended in 2020) which establishes population and employment forecasts for the Region of Niagara to the year 2051 as well as intensification targets for delineated built-up areas and minimum density targets for designated greenfield areas;
- Amend its Official Plan to conform with the Niagara Region Official Plan (Planning Act s. 27(1)) which establishes a settlement area boundary and the geographic limits of the delineated built-up area and designated greenfield area for the Smithville Urban Area, the boundaries of rural settlement areas (hamlets) in the Township of West Lincoln, as well as population and employment growth forecasts and intensification and greenfield density targets to the year 2051 for the Township of West Lincoln.

The need to add land to the Smithville Urban Area and to a lesser extent to certain hamlets within the Township of West Lincoln has been established through a Municipal Comprehensive Review completed by Niagara Region leading to the creation of a new Niagara Region Official Plan providing a basis for planning to accommodate growth and for directing and managing land use changes and development in the Region to the year 2051. The new Niagara Region Official Plan was adopted by Regional Council on June 23, 2022 and is subject to approval by the Ministry of Municipal Affairs and Housing. Niagara Region is the approval authority for this amendment to the Township of West Lincoln Official Plan and the Region's approval of this amendment is subject to the Region's receipt of Ministry approval of the new Niagara Region Official Plan.

A Master Community Plan for the land to be added to the Smithville Urban Area has been developed under the Planning Act and is integrated with related infrastructure planning in accordance with the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment (EA) for Water, Wastewater and Roads (as amended in 2015) Master Plan Approach #4. A Subwatershed Study has also been undertaken to address environmental and stormwater considerations associated with the Twenty Mile Creek watershed and support the Master Community Plan Study including the EA process. The Master Community Plan is intended to be adopted as a Secondary Plan for the Smithville urban expansion lands, and to be implemented via the approval of separate Township-initiated Official Plan Amendment(s) to incorporate the Secondary Plan in the Township's Official Plan, prior to the considerations and acceptance of applications for urban development in the area.

As this Official Plan Amendment implements changes to the Smithville Urban Area boundary in anticipation of further amendment(s) to incorporate a Secondary Plan for the urban expansion area, it includes interim policies to establish the applicable land use designations, permitted uses and policies until such time as a Secondary Plan is approved and implemented via separate amendment(s) to the Official Plan. The Master Community Plan process includes the development of a Secondary Plan for the urban expansion area. Official Plan Amendment No. 63 has been drafted to implement the Secondary Plan for the urban expansion area subsequent to the approval of this Official Plan Amendment No. 62.



The interim policies included in this Official Plan Amendment No. 62 are intended to apply to land within the urban expansion area until Official Plan Amendment No. 63 is approved to implement the Secondary Plan. The interim policies permit limited land use changes and development of an interim nature and those permitted by the implemented Zoning By-law, to recognize that there are existing land uses in the area and some limited changes of use and/or expansion of existing uses may be appropriate prior to the development and redevelopment of the area for urban land uses in accordance with an approved Secondary Plan.

Alongside this recognition of and flexibility for existing uses and those of an interim nature, the conservation, protection, restoration and enhancement of the existing natural features on the landscape is required and will support the longer-term planning objectives for the area as well as maintaining conformity with the applicable Provincial and Regional policies. Therefore, the existing Natural Heritage System designations and policies of the Official Plan will remain in place for the urban expansion area until an updated Natural Heritage System is incorporated as part of the Secondary Plan through the approval of Official Plan Amendment No. 63.

The Township initiated the Master Community Plan process in 2019 and the process is nearing completion including the advancement of Official Plan Amendment No. 63 to establish a Secondary Plan for the urban expansion area, in parallel with the Niagara Region Municipal Comprehensive Review and creation of the new Niagara Region Official Plan. Through the Master Community plan process, the Township has initiated and prepared a draft Secondary Plan for the area in keeping with the policies of the new Niagara Region Official Plan through a comprehensive, watershed-based, integrated land use and infrastructure planning approach involving extensive consultation and engagement with the public and key stakeholders including public agencies and partners, area landowners and their consultant representatives and advisors. This amendment anticipates the completion of the Township-initiated Master Community Plan process in due course. Privately initiated Secondary Plans and related Official Plan Amendments are not contemplated nor supported by this Official Plan Amendment.

## **PART 2 – THE AMENDMENT**

### **2.1 PREAMBLE**

All of this part of the document entitled PART 2- THE AMENDMENT, consisting of the text amendments and mapping amendments constitute Amendment No. 62 to the Official Plan of the Township of West Lincoln.

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

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the reference in section 2.3 to a population of “13,170” and associated footnote number 1 citing the “2006 Census Population” with a population of “15,454” and revising the footnote to read “2021 Census Population”.

2.2.2 The text of the Township of West Lincoln Official Plan is hereby amended by rewording the first sentence of section 2.5 to read as follows:

“The policies and designations of the Plan are intended to guide development in the Township to the year 2051.”

2.2.3 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the first paragraph of section 3.2 with the following:

“Through this Official Plan, the Township intends to accommodate the population and employment growth forecasts provided for the Township of West Lincoln in the Niagara Region Official Plan which are based on projections to the year 2051 provided in the Growth Plan. The Niagara Region Official Plan directs the Township of West Lincoln to plan for a total population of 38,370 people and for total employment of 10,480 jobs by 2051.”

2.2.4 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the first sentence of the second paragraph of section 3.4(b) with the following:

“The majority of the forecast population and employment growth in the Township will be directed to land within the Smithville Urban Settlement Area via urban development on full municipal services.”

2.2.5 The text of the Township of West Lincoln Official Plan is hereby amended by rewording section 5.2(a) to read as follows:

“a) To ensure that Settlement boundaries contain sufficient land to accommodate the growth forecasts of this Official Plan.”

2.2.6 The text of the Township of West Lincoln Official Plan is hereby amended by deleting section 5.3 in its entirety and replacing it with the following new section 5.3:

#### **“5.3 Population and Employment Growth Targets**

a) This Plan is intended to accommodate the population and employment growth forecasts set out in section 3.2 primarily within the Smithville Urban Settlement Area while limited growth may occur within the Hamlet Settlement areas.

- b) Population growth in the Township will be primarily accommodated within the Smithville Urban Settlement Area through the provision of a range and mix of housing types, as follows:
  - i. Through intensification within the Built Boundary, focussed primarily within Downtown Smithville, by planning to achieve a target of 13% of new residential units to be accommodated within this area over the planning horizon; and,
  - ii. Through the development of complete communities within designated Greenfield areas, by planning to achieve a target density of 50 people and jobs combined per hectare.
- c) A limited amount of new housing may be accommodated in the Hamlet Settlement Areas by infilling and rounding out of existing development.
- d) Outside of settlement areas, new non-farm housing will be discouraged and limited to locations where new dwellings are permitted by the implementing Zoning By-law.
- e) Employment growth will be primarily accommodated within the Smithville Urban Settlement Area through the development of a range of commercial, industrial and institutional land uses as well as work-from-home employment within existing and new households, as follows:
  - i. Through infilling, redevelopment and expansion of existing commercial, mixed-use and institutional sites and buildings within the Built Boundary to maintain and enhance these areas and support the role of Downtown Smithville as the commercial and mixed-use hub of the Township;
  - ii. Through the development of new commercial, mixed-use and institutional sites within the designated Greenfield areas, by planning to achieve a target density of 50 people and jobs combined per hectare; and,
  - iii. Through the development of compatible employment uses in the Smithville Industrial District (as delineated in the Niagara Region Official Plan), by planning to achieve a target density of 20 jobs per hectare.
- f) A limited amount of new employment may be accommodated in the Hamlet Settlement Areas by infilling and rounding out of existing development.
- g) Outside of settlement areas, a limited amount of rural employment growth will be accommodated through permitted agricultural, agriculture-related and on-farm diversified uses and the limited expansion of existing commercial, industrial and institutional sites and buildings where these uses are permitted by the implementing Zoning By-law.”

2.2.7 The text of the Township of West Lincoln Official Plan is hereby amended by deleting section 5.4 in its entirety.

2.2.8 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.5 as section 5.4 and replacing clause (a) with the following new clause (a):

“a) A diverse range and mix of housing types, unit sizes and densities will be planned for and provided within the Smithville Urban Settlement Area to accommodate the market based and affordable housing needs of the Township’s current and future residents, as follows:

- i. Through intensification within the Built Boundary, focussed primarily within Downtown Smithville, where the majority of new housing will be accommodated in the form of multi-unit residential buildings and apartments within mixed-use buildings, infilling of ground-related housing forms on vacant and underutilized land within low and medium density residential areas, and additional residential units within existing homes and residential accessory buildings;
- ii. Through new residential and mixed-use developments in designated Greenfield areas, by planning to achieve a target housing mix of 60% low density, 35% medium density, and 5% high density.”

2.2.9 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.6 as section 5.5 and re-wording the last sentence of clause (a) to read as follows:

“The structure of the Urban Settlement Area is comprised of: the built-up area, intensification areas within the built-up area, greenfield areas and future greenfield areas, the core natural heritage system, and transportation corridors.”

2.2.10 The text of the Township of West Lincoln Official Plan is hereby amended by replacing section 5.6 (d) (now re-numbered to section 5.5 (d)) with the following:

“(d) Greenfield Areas are intended for the development of new neighbourhoods and will be planned to achieve an overall density target of 50 persons and jobs per hectare. It is realized that not every site will be able to individually achieve that target; however, the Township will closely monitor Greenfield developments to ensure that the Township will meet the overall Greenfield target measured across the Greenfield Area. Future Greenfield Areas are intended to be planned primarily for future residential neighbourhoods as complete communities with a range of housing, commercial and community facilities and services, parks and a linked natural heritage and open space system, to be developed on full municipal services and supported by a local, collector and arterial street network, including complete streets, providing for transportation options and the efficient movement of people and goods. Future Greenfield Areas will be designated for specific land uses, and related policies as well as the required infrastructure, transportation systems and natural heritage systems will be established for these areas, through Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan as a Secondary Plan.”

2.2.11 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.7 to section 5.6.

2.2.12 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.8 to section 5.7.

2.2.13 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.9 to section 5.8 and by re-wording the first two sentences of the first paragraph of this section to read as follows:

“The majority of the intensification will be located within the identified Intensification Area on Schedule B-5 with a target of 13% of new residential units to be constructed within the existing Built-Up Area. Based on the projected growth, the Township will develop an updated Intensification Strategy to address anticipated intensification requirements over the planning period of this Plan and to consider the need for related amendments to this Plan including updates to the Intensification Strategy set out herein.”

2.2.14 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.10 to section 5.9 and by revising the list of features and areas excluded from the calculation of the greenfield density to read as follows:

- i. Natural heritage features and areas, natural heritage systems and floodplains, provided development is prohibited in these areas;
- ii. Rights-of-way for electricity transmission lines, energy transmission pipelines, freeways as defined by and mapped as part of the Ontario Road Network, and railways;
- iii. Employment areas; and,
- iv. Cemeteries.”

2.2.15 The text of the Township of West Lincoln Official Plan is hereby amended by adding the following new subsection to the end of section 6.11:

“6.11.7 Smithville Master Community Plan

The area shown on Schedule “B-4” as the Smithville Master Community Plan Secondary Plan area is intended to be designated for appropriate future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems based on land use mapping and policies to be incorporated as a Secondary Plan through future Township-initiated Official Plan Amendment(s). Until such time as the Smithville Master Community Plan is approved and incorporated herein as a Secondary Plan by amendment to this Plan, the following policies shall apply to this Secondary Plan area:

- a) Permitted uses within the Smithville Master Community Plan area will be limited to those of an interim nature except as otherwise provided in the implementing Zoning By-law.
- b) The Township may amend the Zoning By-law to apply status zoning and/or holding zones to limit and avoid development and changes of land use that may adversely impact the efficient development and servicing of the land for appropriate urban land uses in the future.
- c) New development for urban land uses shall not be permitted until a Secondary Plan is approved for the area by amendment to this Plan.



- d) The submission requirements for Block Plans and for complete applications for development of urban land uses will be determined in accordance with an approved Secondary Plan, and therefore applications submitted prior to approval of a Secondary Plan may be deemed incomplete by the Township.
- e) Notwithstanding clauses (a) through (d) of this subsection, the area designated as Public Parks as shown on Schedule “B-4” may continue to be used for existing and new land uses in accordance with the applicable policies of Section 9 of this Plan.
- f) The Natural Heritage System designation and policies of this Plan shall continue to apply to the land within the Smithville Master Community Plan as shown on Schedules “B-4” and “C-1”, “C-2”, “C-3” and “C-4” and in accordance with the applicable policies of Section 10 of this Plan. It is the intent of this Plan that updated Natural Heritage System designations, policies and mapping will be incorporated as part of a Secondary Plan through future Township-initiated Official Plan Amendment(s), based on subwatershed planning.
- g) The development and improvement of infrastructure and extension of municipal services and transportation systems will be based on the applicable master plans prepared by the Region and the Township. It is the intent of this Plan that infrastructure and transportation system policies and mapping will be incorporated as part of a Secondary Plan through future Township-initiated Official Plan Amendment(s), based on the applicable master plans prepared by the Region and the Township. For greater clarity and certainty, this policy does not restrict the Region and the Township in undertaking public infrastructure and transportation improvements prior to the approval of a Secondary Plan for the area.”

2.2.16 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording subsection 14.5.1 (a)(iv) to read as follows:

“iv. Future development of a Regional Road 20 by-pass around the north and to the east of Smithville, shown as a Conceptual Planned Corridor in the Niagara Region Official Plan, will permit the more efficient movement of heavy traffic through the Township.”

2.2.17 Schedule “A” – Municipal Structure of the Township of West Lincoln Official Plan is hereby amended by:

- a) Adding land to the Smithville Urban Boundary as shown on Schedule A hereto; and,
- b) Adding land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedule A hereto.

2.2.18 Schedules “B-1”, “B-2” and “B-3”, “B-4” – Land Use of the Township of West Lincoln Official Plan are hereby amended by:

- a) Adding the land to the Smithville Urban Boundary and removing the land from Schedules “B-1”, “B-2” and “B-3” as shown Schedules B, C and D hereto, respectively;
- b) Removing the land to be added to the Smithville Urban Boundary from the Good General Agricultural designation on Schedules “B-1”, “B-2” and “B-3” as shown on Schedules B, C and D hereto, respectively;
- c) Adding the land to the Smithville Urban Boundary, designating the land as Secondary Plan (to be mapped as an overlay of the existing Public Parks and Natural Heritage System designations where the area to be designated as Secondary Plan overlaps with these designations) and labelling the area as “SMITHVILLE MASTER COMMUNITY PLAN” on Schedule “B-4” as shown on Schedule E hereto;
- d) Changing the designation of the land north-west of Bismark and north of Wellandport from Good General Agricultural to Hamlet Settlement Area on Schedule “B-1” as shown Schedule B hereto;
- e) Changing the designation of the land north-east of Abingdon and south of Caistorville from Good General Agricultural to Hamlet Settlement Area on Schedule “B-2” as shown on Schedule C hereto; and,
- f) Changing the designation of the land west of Fulton from Good General Agricultural to Hamlet Settlement Area on Schedule “B-3” as shown Schedule D hereto.



2.2.19 Schedule “B-5” – Urban Structure Smithville of the Township of West Lincoln Official Plan is hereby amended by adding the land to the Smithville Urban Boundary and designating the land as Future Greenfield Area as shown on Schedule F hereto.

2.2.20 Schedules “C-1”, “C-2”, “C-3” and “C-4” – Natural Heritage System and Schedule “C-5” – Aggregate & Petroleum Resources of the Township of West Lincoln Official Plan are hereby amended by adding the land to the Smithville Urban Boundary and adding the land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedules G, H, I, J and K hereto, respectively.

2.2.21 Schedules “D-1”, “D-2” and “D-4” – Hamlet Boundaries of the Township of West Lincoln Official Plan are hereby amended by adding the land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedules L, M, and N hereto, respectively.

2.2.22 Schedule “F” – Infrastructure and Transportation of the Township of West Lincoln Official Plan is hereby amended by adding the land to the Smithville Urban Boundary and removing the Highway 20 By-pass from the map as shown Schedule “O” hereto.

**OPA NO. 62  
SCHEDULE A**

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

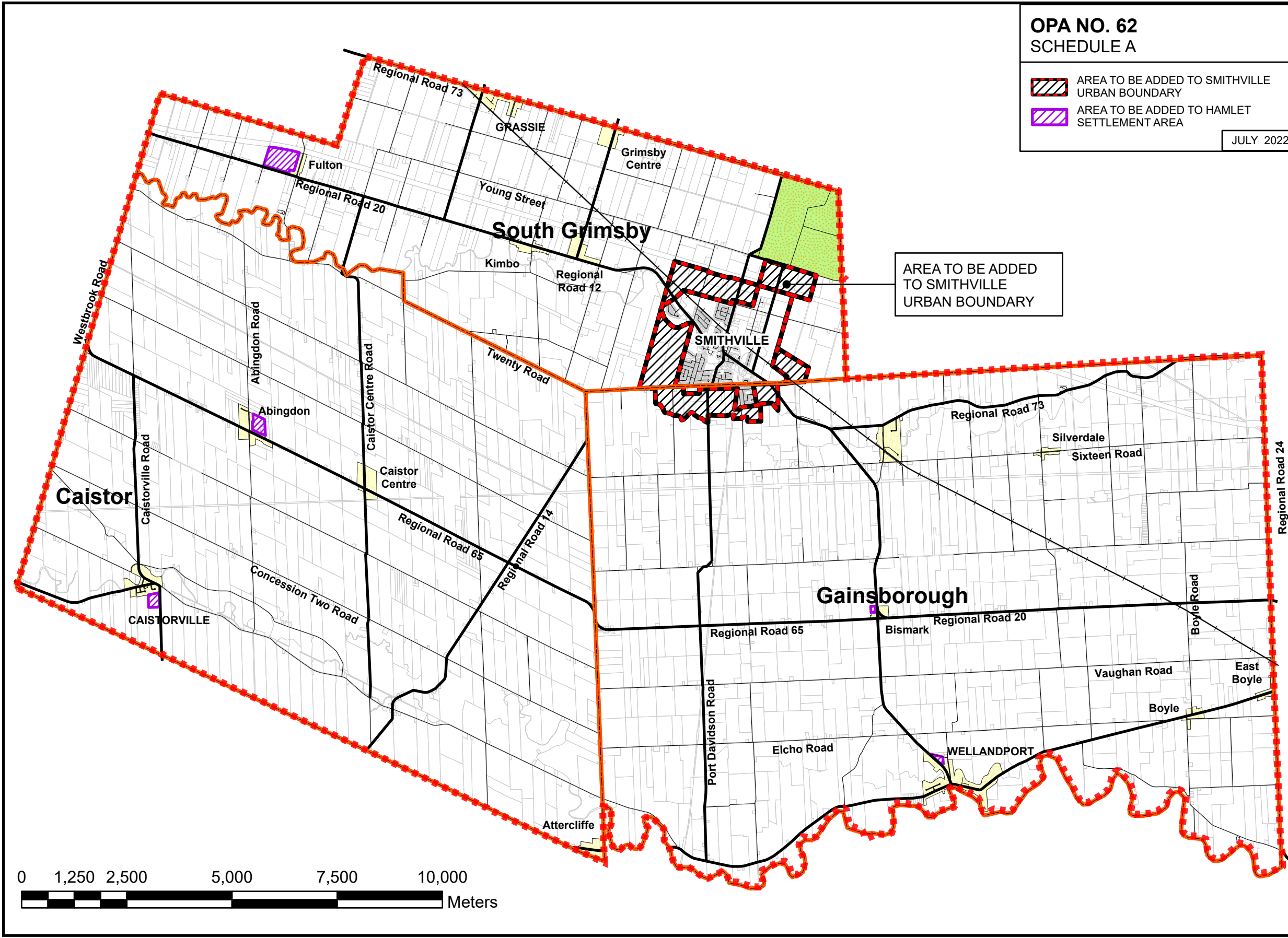
JULY 2022

**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE 'A'  
MUNICIPAL STRUCTURE**

**Legend**

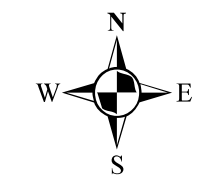
-  Hamlet Settlement Area
-  Greenbelt Lands
-  Smithville Urban Boundary
-  Former Township Boundaries
-  Municipal Boundary



AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



PLANNING DEPARTMENT

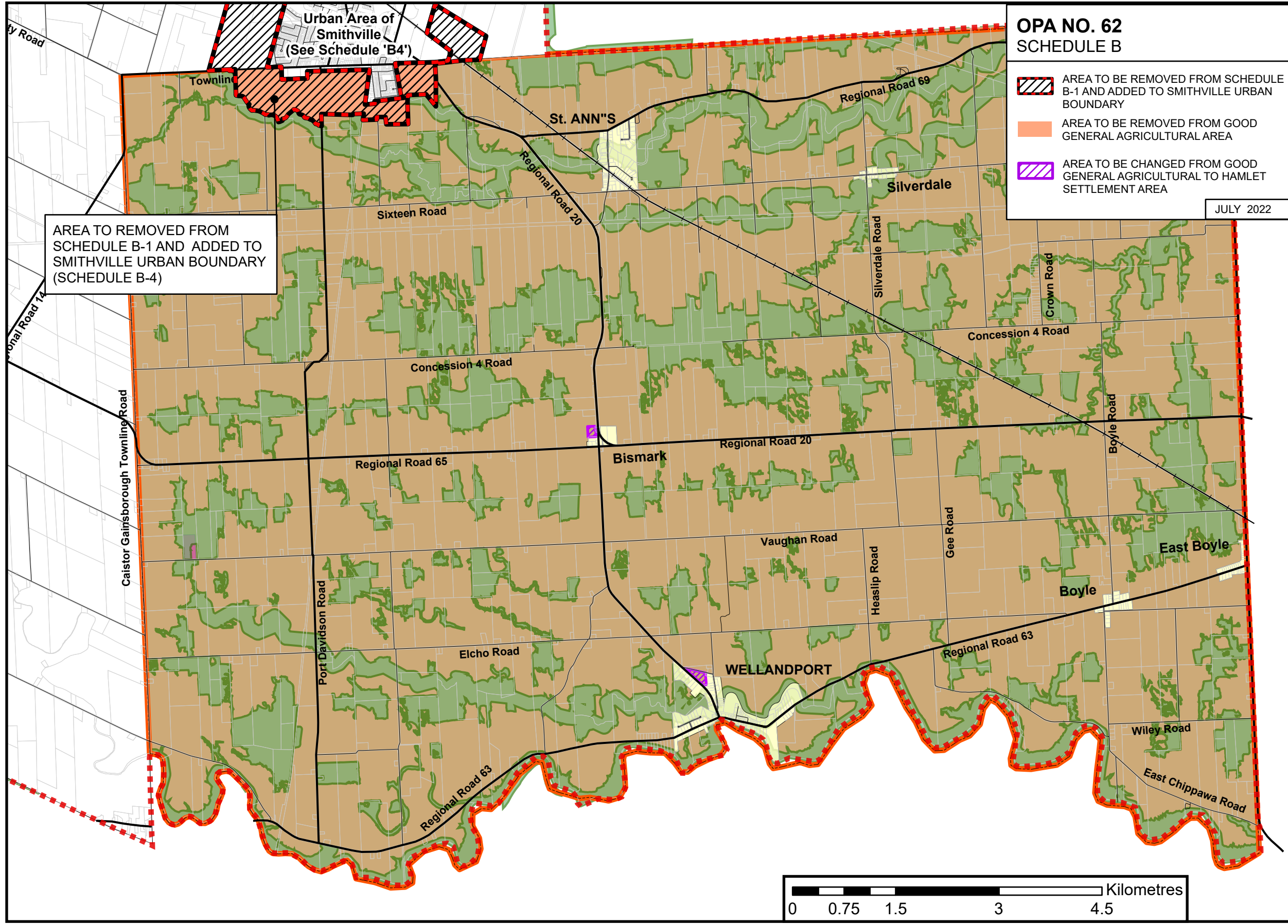


Note:  
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Detail on some features may be lost at this scale.

Date: March 2014











**OPA NO. 62  
SCHEDULE B**

-  AREA TO BE REMOVED FROM SCHEDULE B-1 AND ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE REMOVED FROM GOOD GENERAL AGRICULTURAL AREA
-  AREA TO BE CHANGED FROM GOOD GENERAL AGRICULTURAL TO HAMLET SETTLEMENT AREA

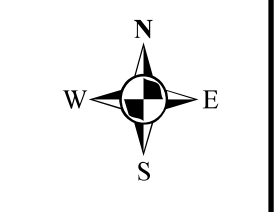
JULY 2022

# TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

## SCHEDULE 'B-1' LAND USE GAINSBOROUGH

- Legend**
-  Smithville Urban Boundary
  -  Hamlet Settlement Area
  -  Good General Agricultural
  -  Natural Heritage System
  -  Landfill Constraint Area
  -  Municipal Boundary

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Date: March 2014

**OPA NO. 62**  
**SCHEDULE C**








-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE CHANGED FROM GOOD GENERAL AGRICULTURAL TO HAMLET SETTLEMENT AREA

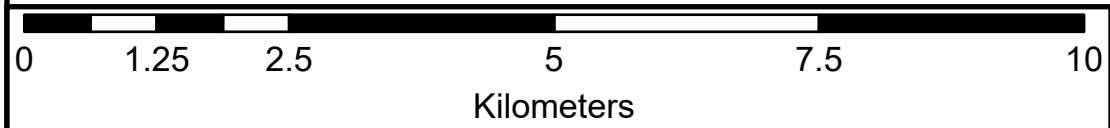
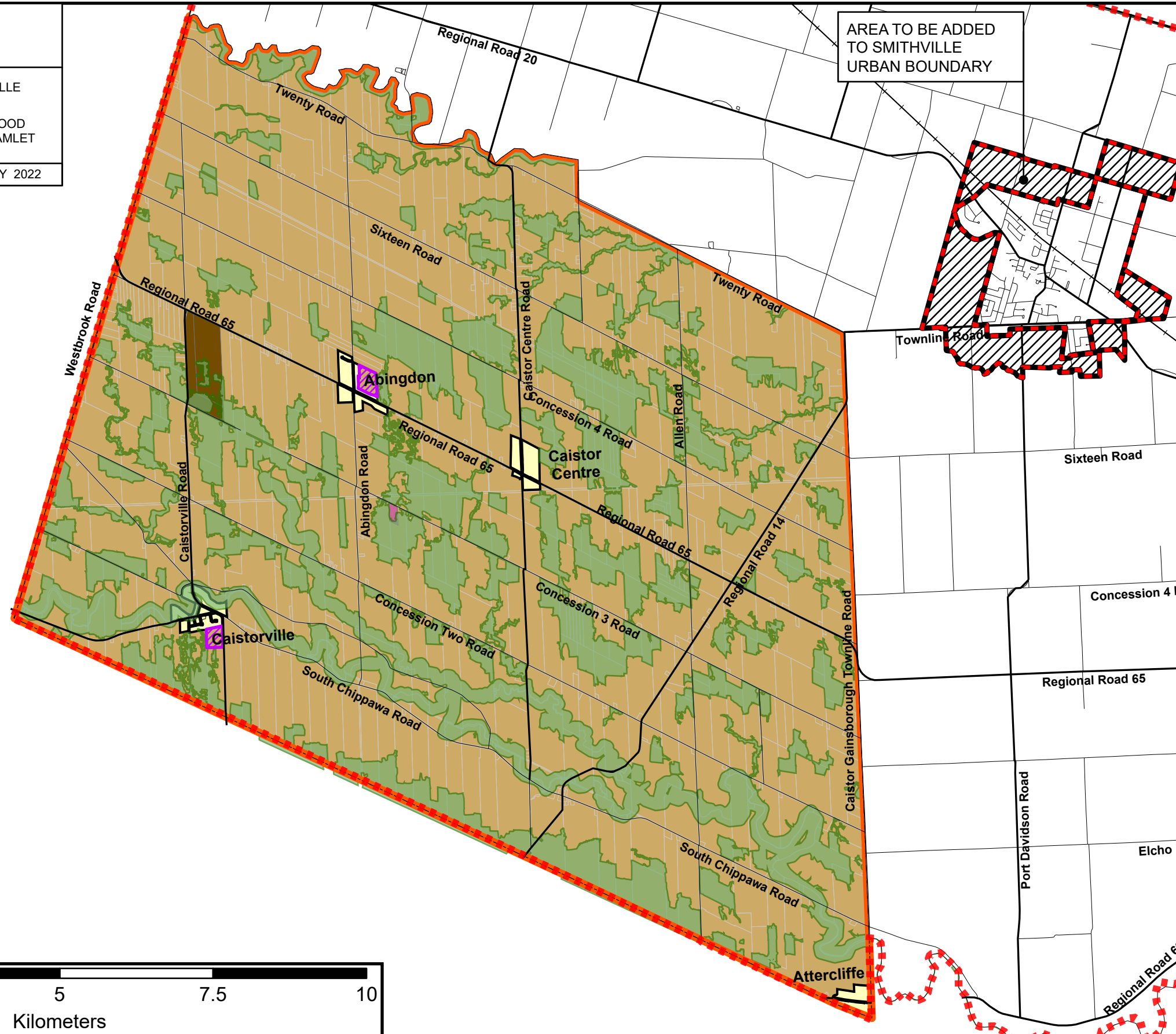
JULY 2022

**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

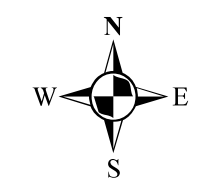
**SCHEDULE 'B-2'**  
**LAND USE**  
**CAISTOR**

**Legend**

-  Smithville Urban Boundary
-  Natural Heritage System
-  Rural Area
-  Hamlet Settlement Area
-  Landfill Constraint Area
-  Good General Agricultural
-  Municipal Boundary



PLANNING DEPARTMENT






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Date: March 2014



**OPA NO. 62  
SCHEDULE D**

-  AREA TO BE REMOVED FROM SCHEDULE B-3 AND ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE REMOVED FROM GOOD GENERAL AGRICULTURAL AREA
-  AREA TO BE CHANGED FROM GOOD GENERAL AGRICULTURAL TO HAMLET SETTLEMENT AREA

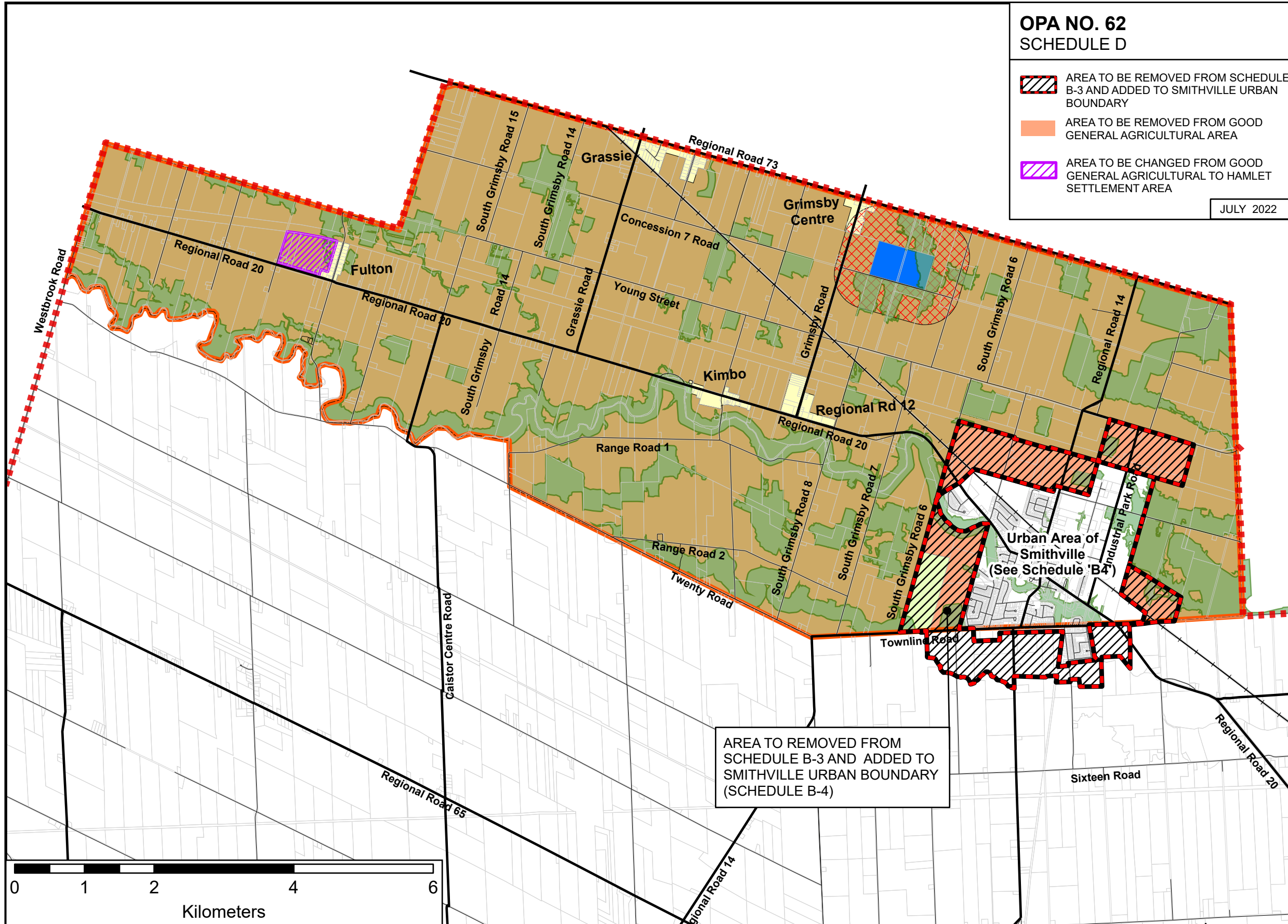
JULY 2022

**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE 'B-3'  
LAND USE  
SOUTH GRIMSBY**

**Legend**

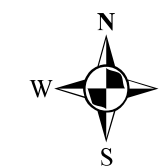
-  Smithville Urban Boundary
-  Hamlet Settlement Area
-  Public Parks
-  Solid Waste Landfill Site
-  Landfill Area of Possible Influence
-  Good General Agricultural
-  Natural Heritage System
-  Municipal Boundary



AREA TO REMOVED FROM  
SCHEDULE B-3 AND ADDED TO  
SMITHVILLE URBAN BOUNDARY  
(SCHEDULE B-4)



PLANNING DEPARTMENT





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may be lost at this scale.

Date: March 2014

**OPA NO. 62**  
SCHEDULE E

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE DESIGNATED SECONDARY PLAN AND LABELLED AS "SMITHVILLE MASTER COMMUNITY PLAN"

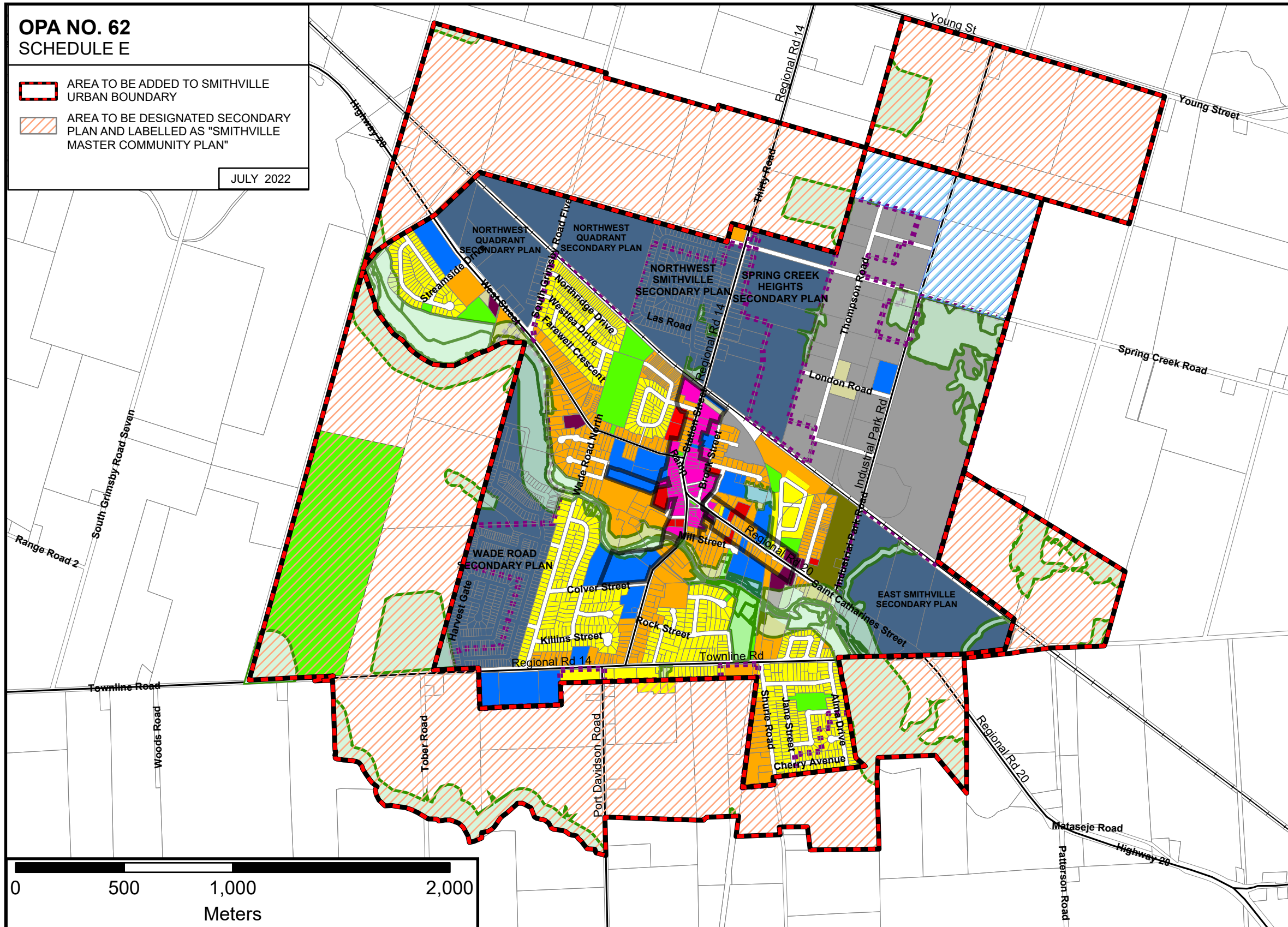
JULY 2022

**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'B-4'**  
**LAND USE**  
**SMITHVILLE**

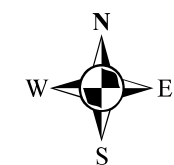
**Legend**

-  Smithville Urban Boundary
-  Mixed Use Corridor
-  Urban Boundary Expansion - Employment
-  Natural Heritage System
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Secondary Plan
-  Commercial Core
-  Commercial Plaza
-  Service Commercial
-  Employment Area
-  Institutional
-  Public Parks
-  Public Use

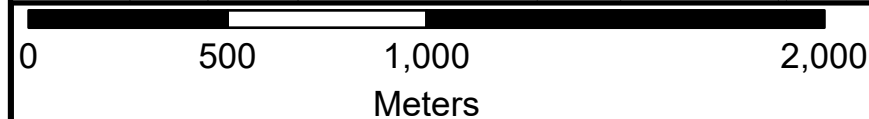


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conjunction with the text.



Date: March 2014



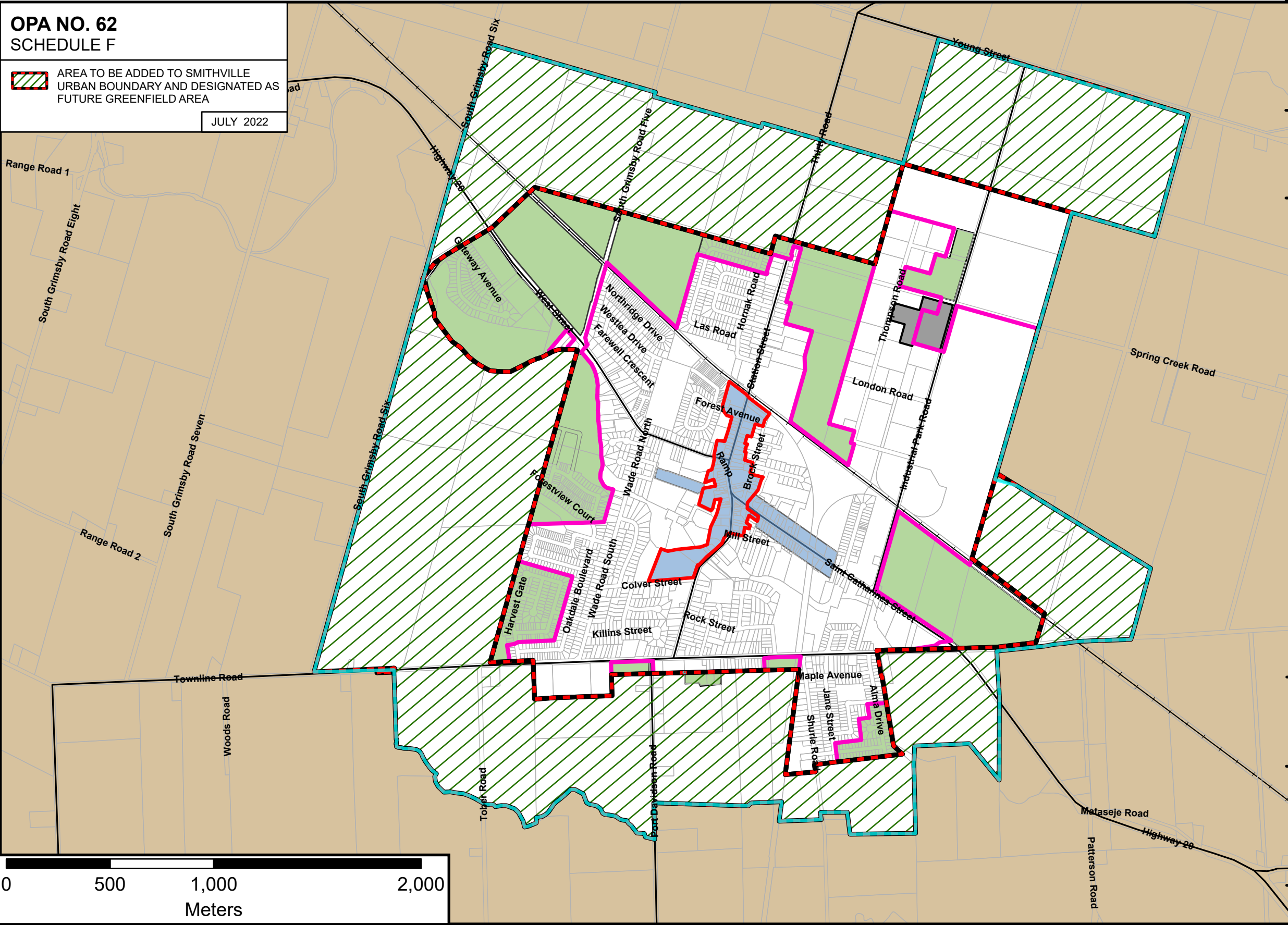
**OPA NO. 62**  
**SCHEDULE F**

 AREA TO BE ADDED TO SMITHVILLE  
 URBAN BOUNDARY AND DESIGNATED AS  
 FUTURE GREENFIELD AREA








JULY 2022

**TOWNSHIP OF WEST  
 LINCOLN  
 OFFICIAL PLAN**

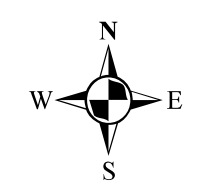
**SCHEDULE 'B-5'  
 URBAN STRUCTURE  
 SMITHVILLE**



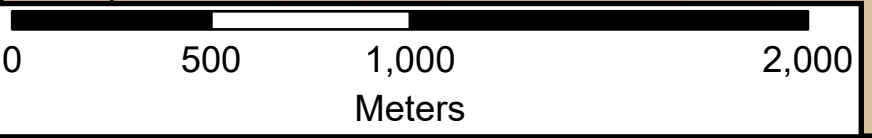
**Legend**

-  Smithville Urban Boundary
-  CIP Boundary
-  Built Boundary
-  PCB Lands
-  Greenfield Area (P2G)
-  Intensification Area
-  Agricultural & Rural Area

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 Plan and must be read in  
 conjunction with the text.



Date: March 2014



**OPA NO. 62  
SCHEDULE G**

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022

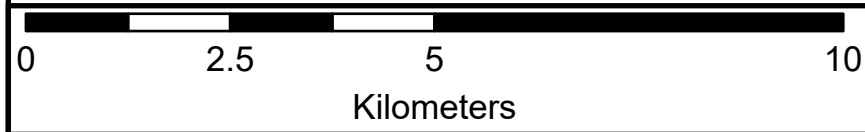
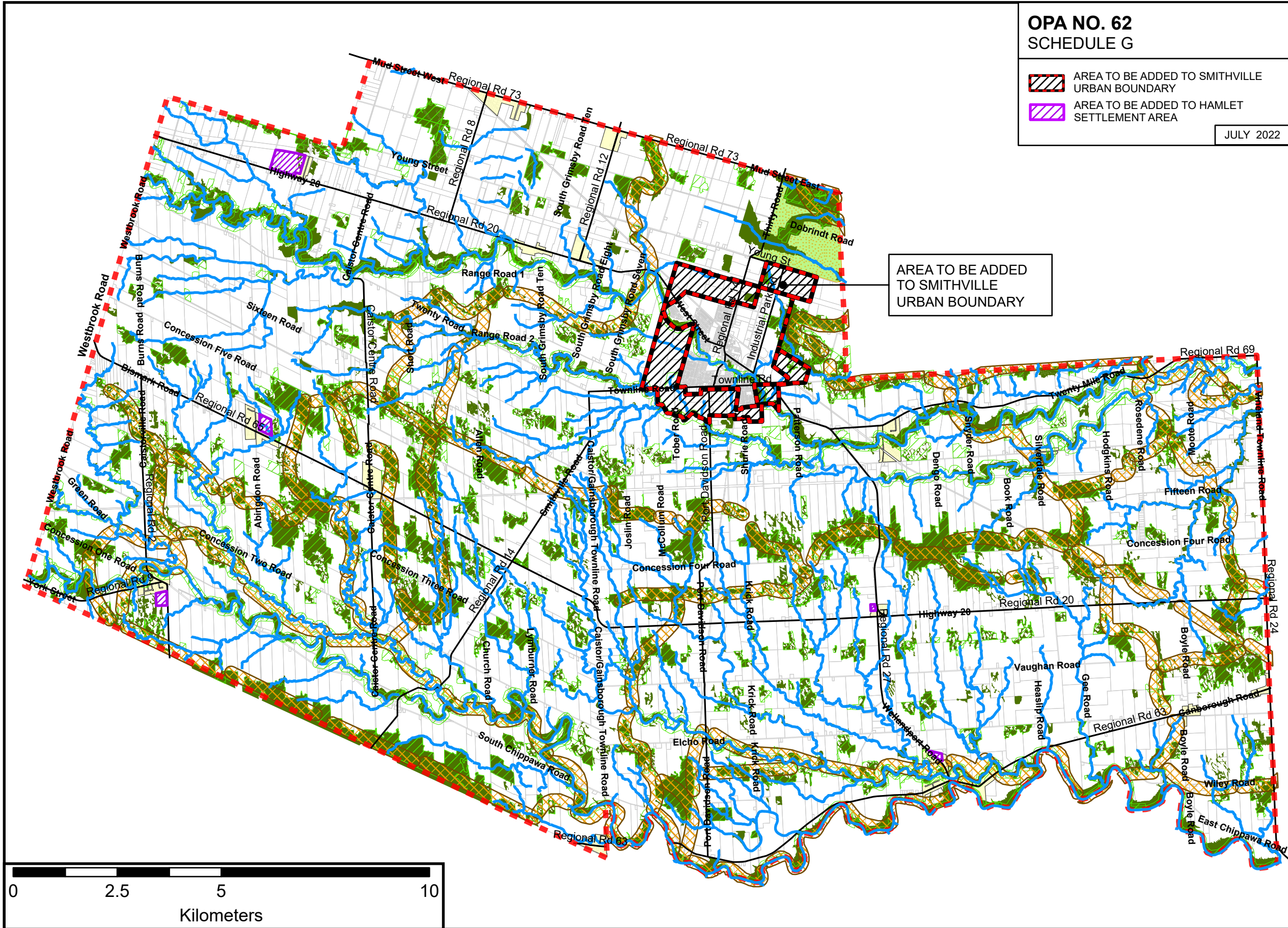
**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

**SCHEDULE 'C-1'  
NATURAL HERITAGE SYSTEM**

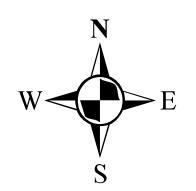
**Legend**

-  Smithville Urban Boundary
-  Hamlet Settlement Area
-  Greenbelt Lands
-  Environmental Protection Area
-  Environmental Conservation Area
-  Potential Corridors
-  Fish Habitat
-  Municipal Boundary

AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



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Date: March 2014



**OPA NO. 62**  
SCHEDULE H




-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022

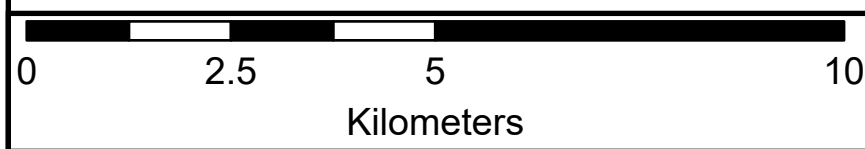
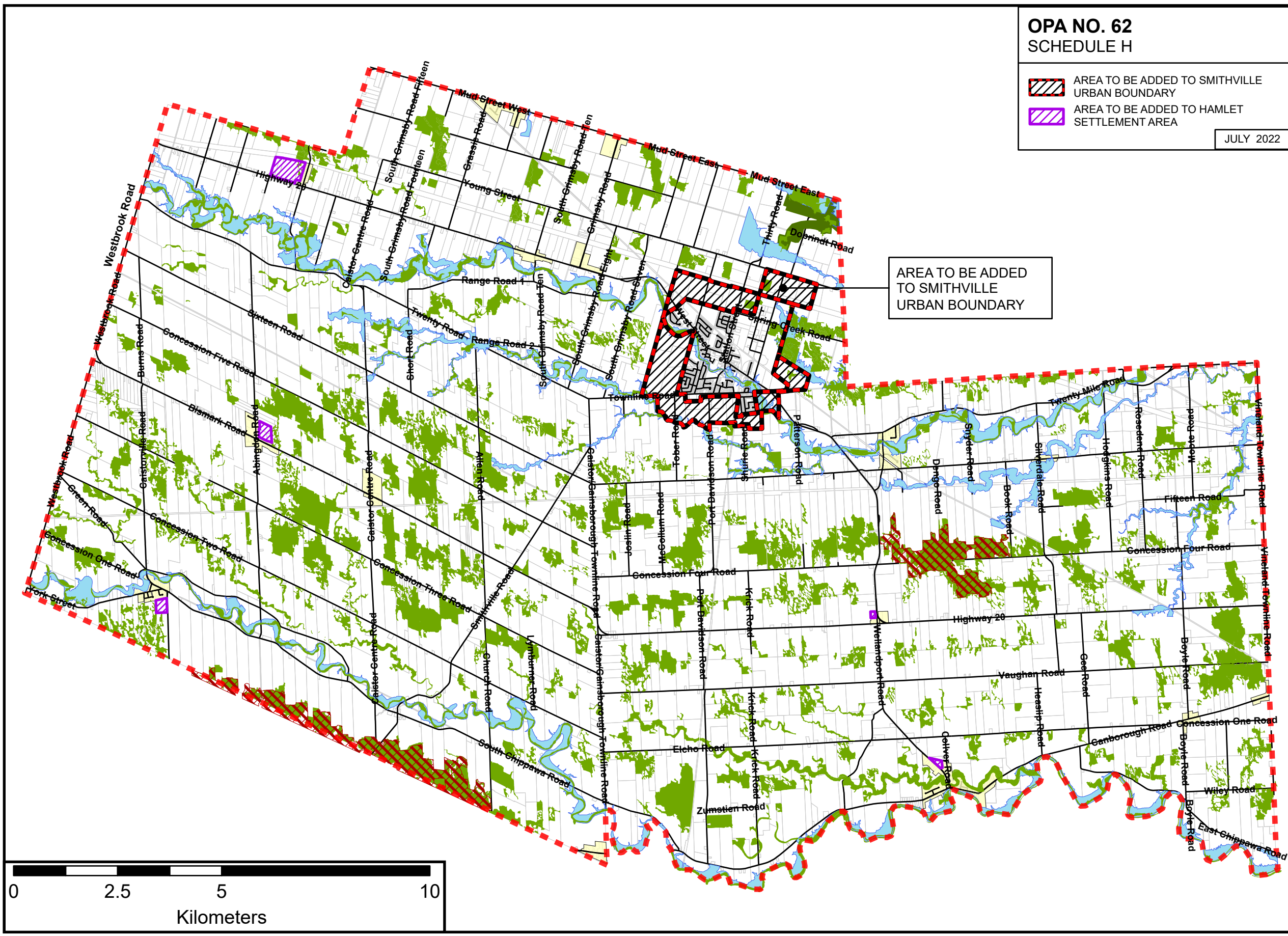
**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'C-2'**  
**NATURAL HERITAGE SYSTEM**  
**ENVIRONMENTAL PROTECTION**  
**AREA**

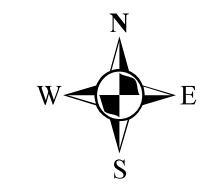
**Legend**

-  Smithville Urban Boundary
-  Areas of Natural and Scientific Interest
-  Greenbelt Natural Heritage System
-  Provincially Significant Wetlands (PSW)
-  Floodplain
-  Municipal Boundary
-  Hamlet Settlement Area

AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



**West Lincoln**  
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PLANNING DEPARTMENT





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Date: March 2014



OPA NO. 62  
SCHEDULE I



JULY 2022

-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

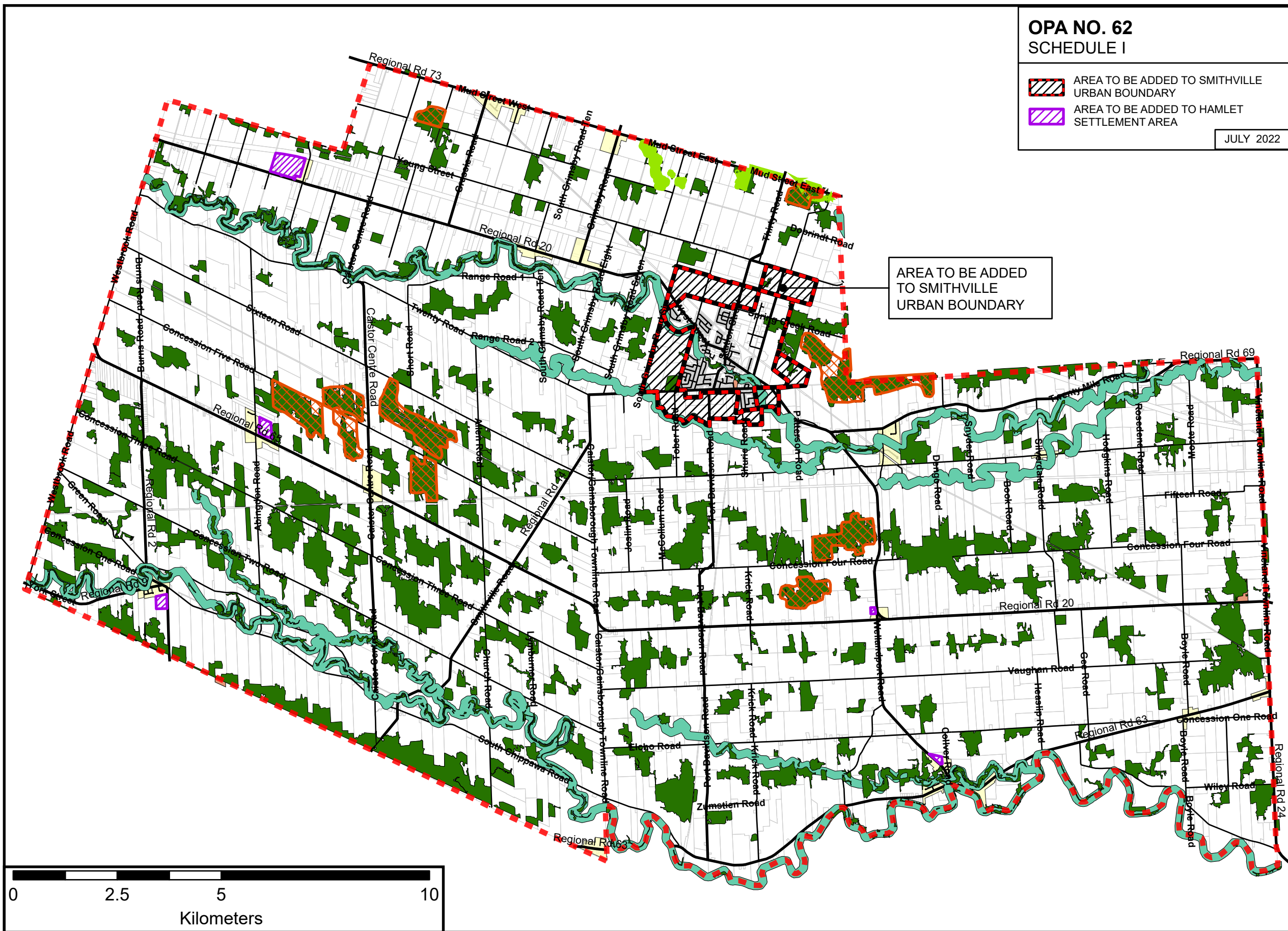
# TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

## SCHEDULE 'C-3' NATURAL HERITAGE SYSTEM ENVIRONMENTAL CONSERVATION AREA

### Legend

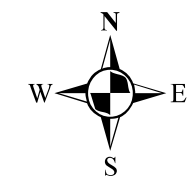
-  Smithville Urban Boundary
-  Regionally Significant Life Science ANSI
-  Other Evaluated Wetlands
-  Significant Woodlands
-  Public Conservation Land
-  Valley Shoreline
-  Municipal Boundary
-  Hamlet Settlement Area

AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



**West Lincoln**  
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PLANNING DEPARTMENT



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Date: March 2014



OPA NO. 62  
SCHEDULE J

JULY 2022

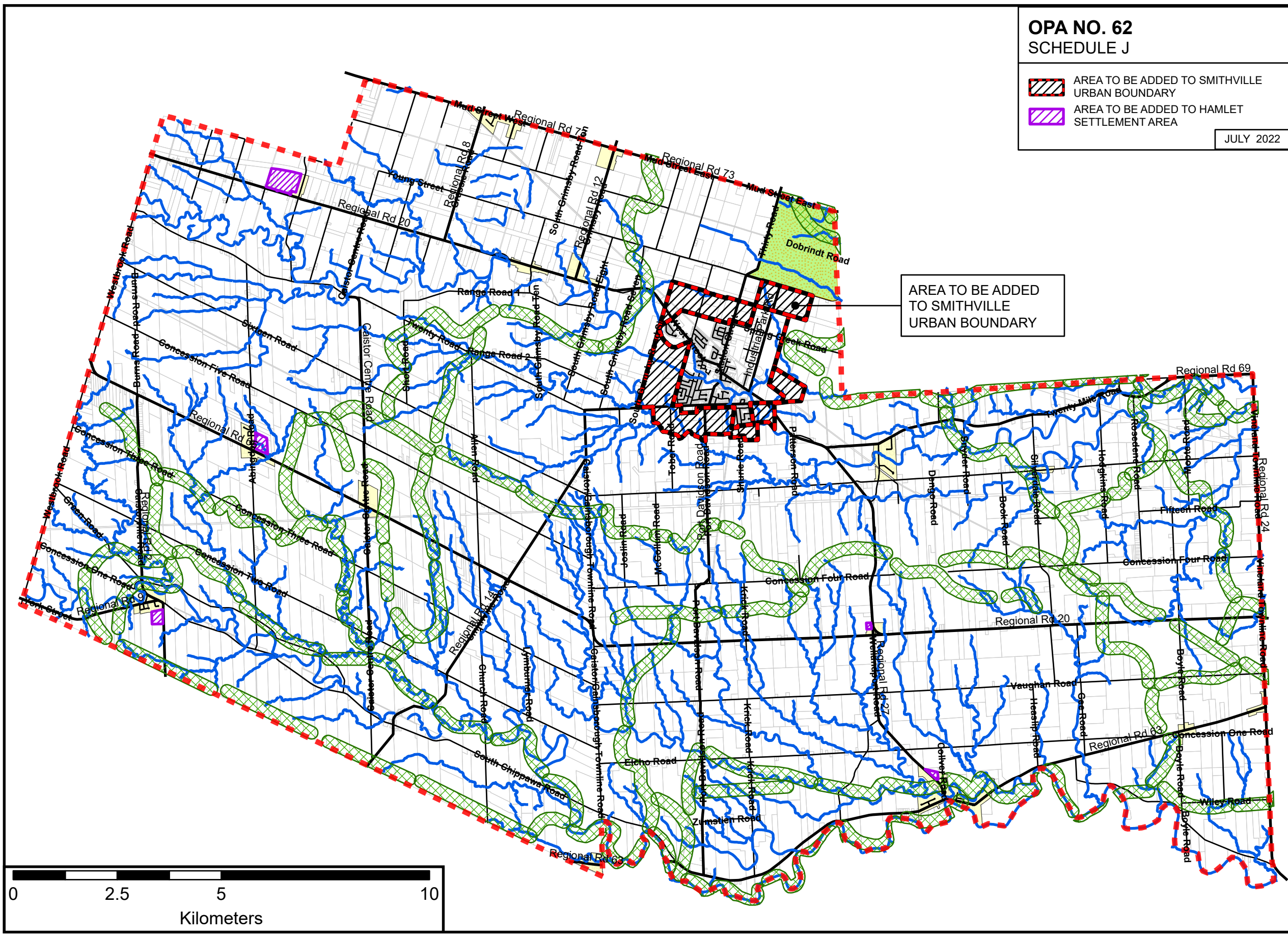
-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

# TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

## SCHEDULE 'C-4' NATURAL HERITAGE SYSTEM OTHER FEATURES

### Legend

-  Smithville Urban Boundary
-  Greenbelt Lands
-  Core Natural Heritage Corridors
-  Fish Habitat
-  Municipal Boundary
-  Hamlet Settlement Area



AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



PLANNING DEPARTMENT





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Date: March 2014



**OPA NO. 62  
SCHEDULE K**





-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

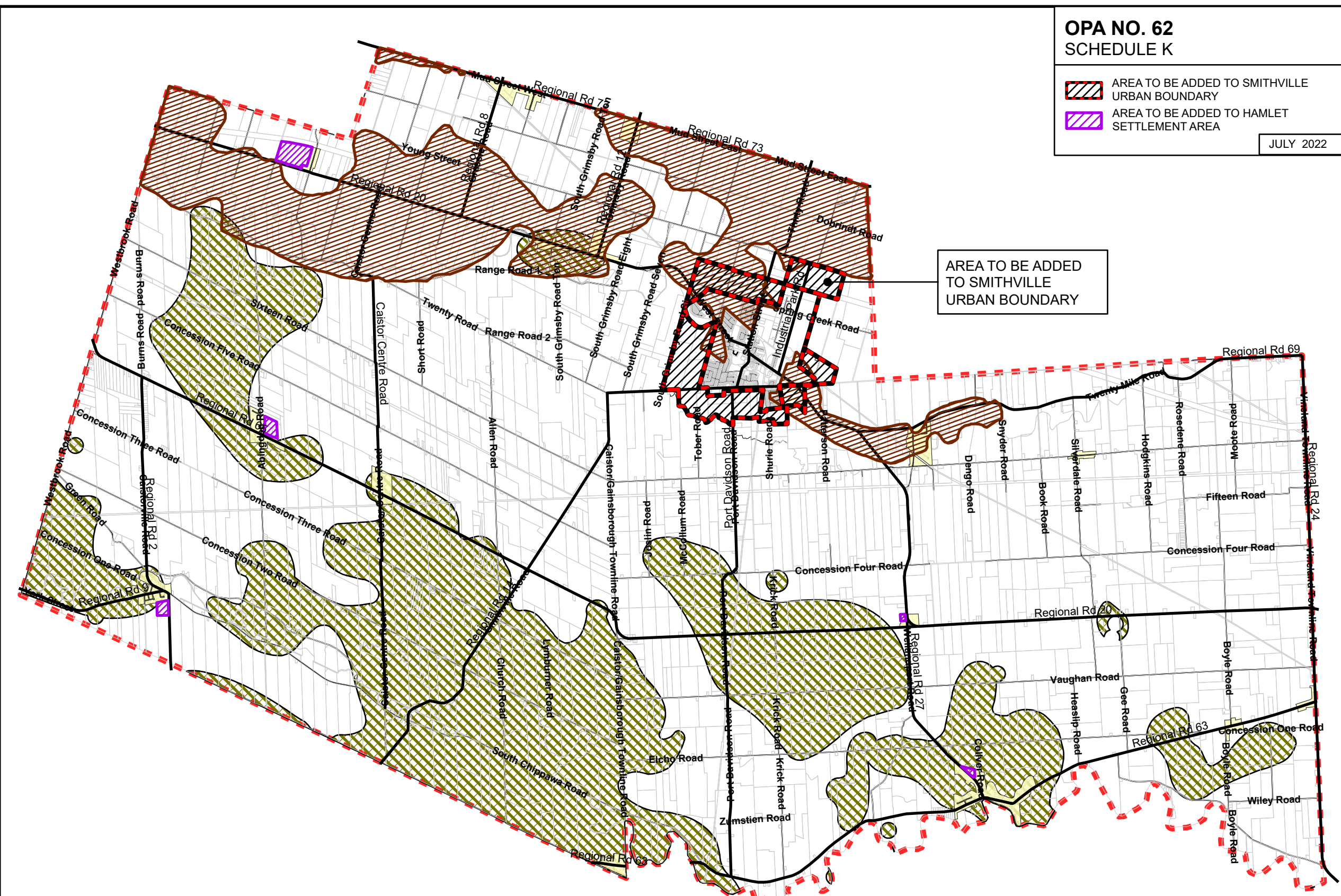
JULY 2022

**TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN**

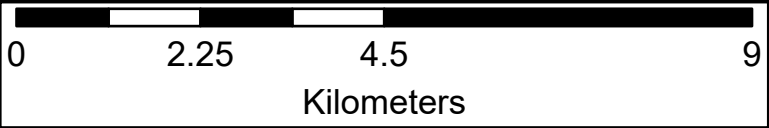
**SCHEDULE 'C-5'  
AGGREGATE & PETROLEUM RESOURCES**

**Legend**

-  Potential Aggregate Resources
-  Smithville Urban Boundary
-  Potential Petroleum Resources
-  Municipal Boundary
-  Hamlet Settlement Area



AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY



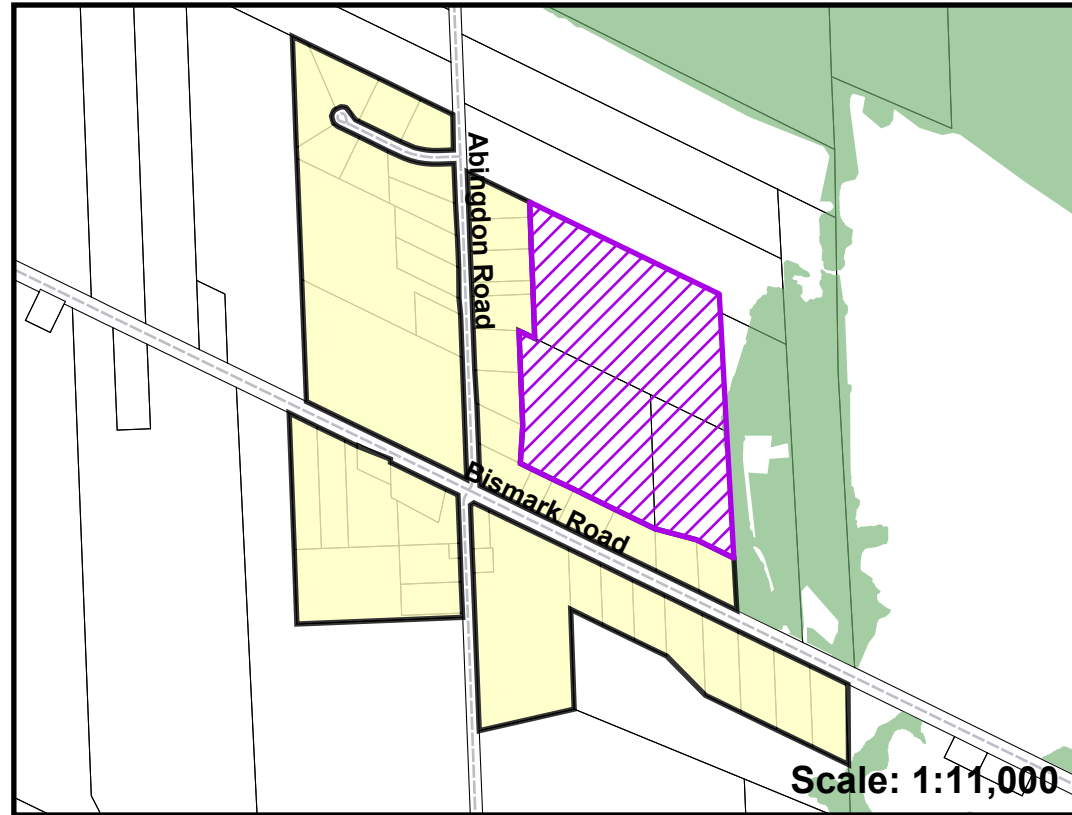
PLANNING DEPARTMENT



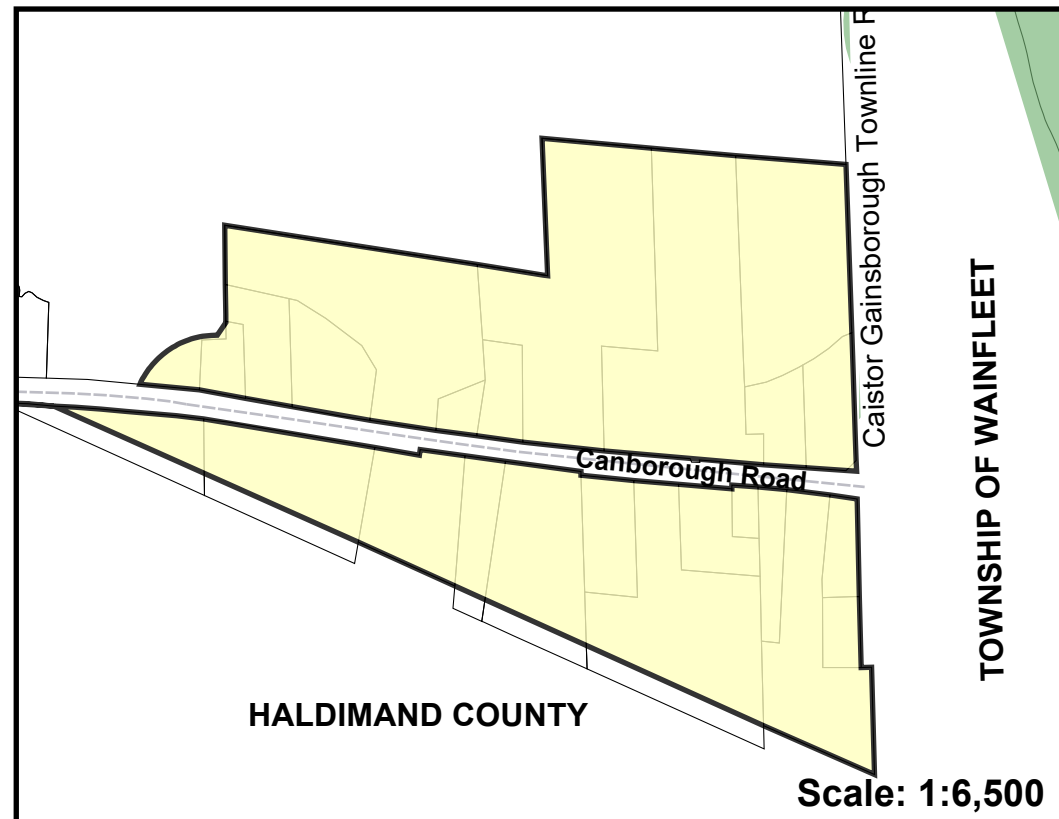
Note:  
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Detail on some features may be lost at this scale.

Date: March 2014

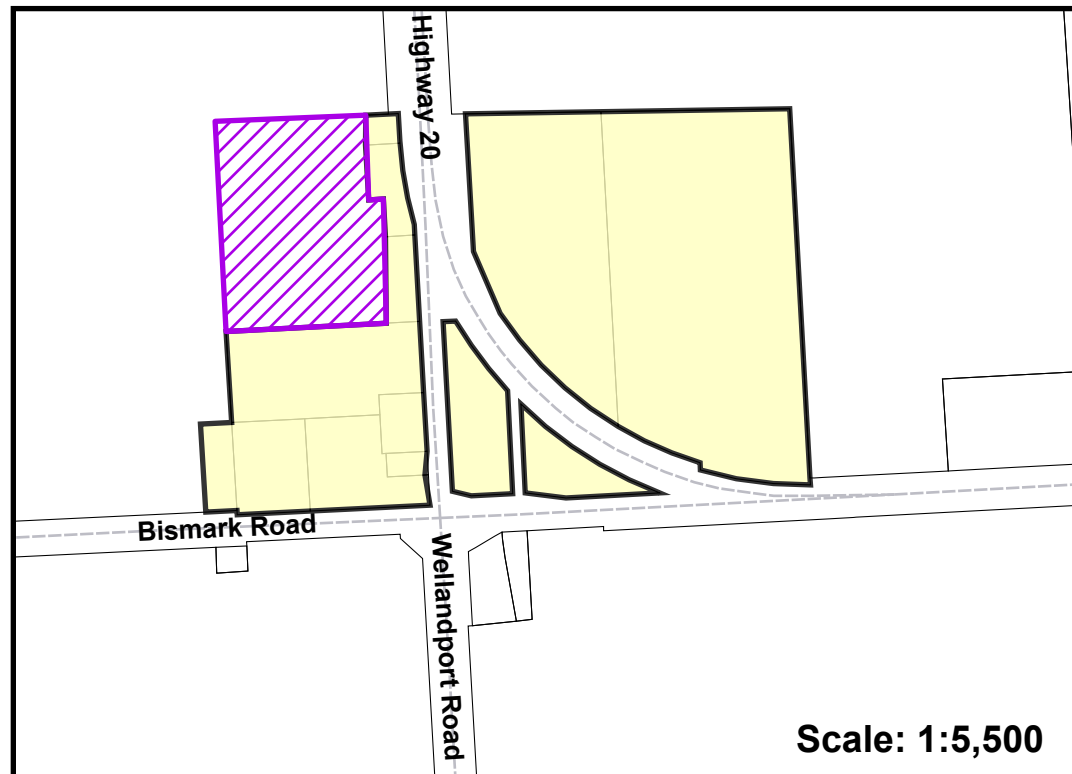
**ABINGDON**



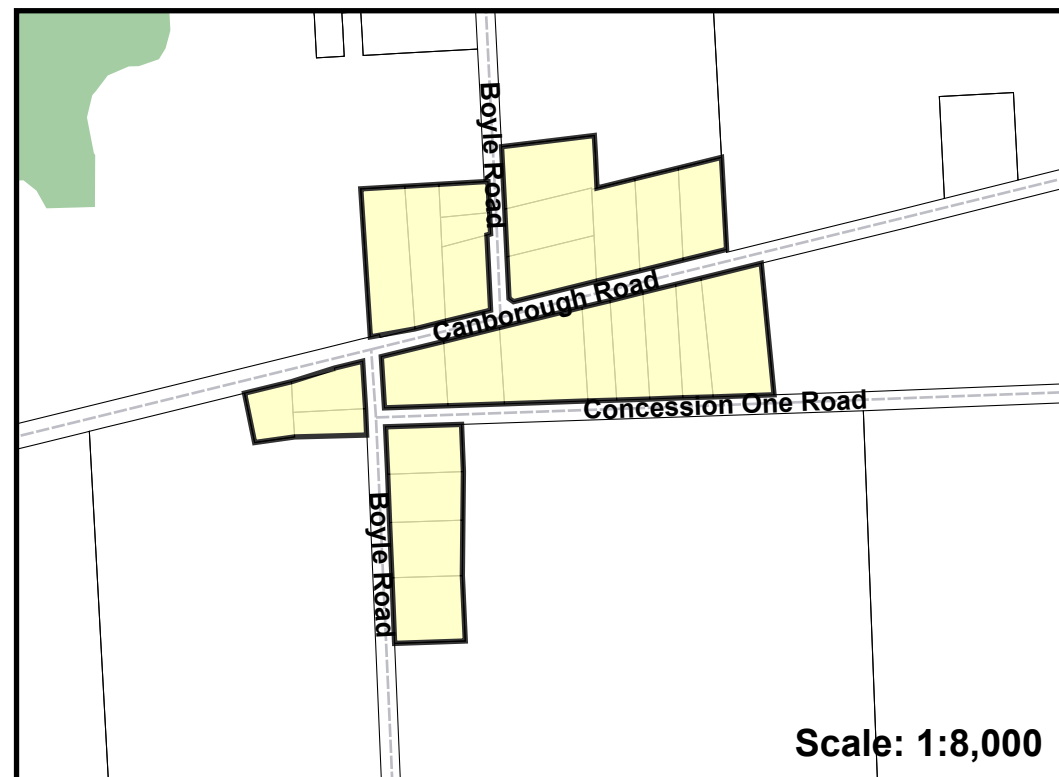
**ATTERCLIFFE**



**BISMARK**






**BOYLE**




**TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN**

**SCHEDULE 'D-1' HAMLET BOUNDARIES**

**Legend**

-  Hamlet Settlement Area
-  Natural Heritage System
-  Municipal Boundary

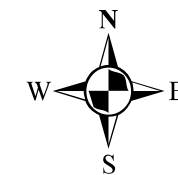
**OPA NO. 62**  
SCHEDULE L

 AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT



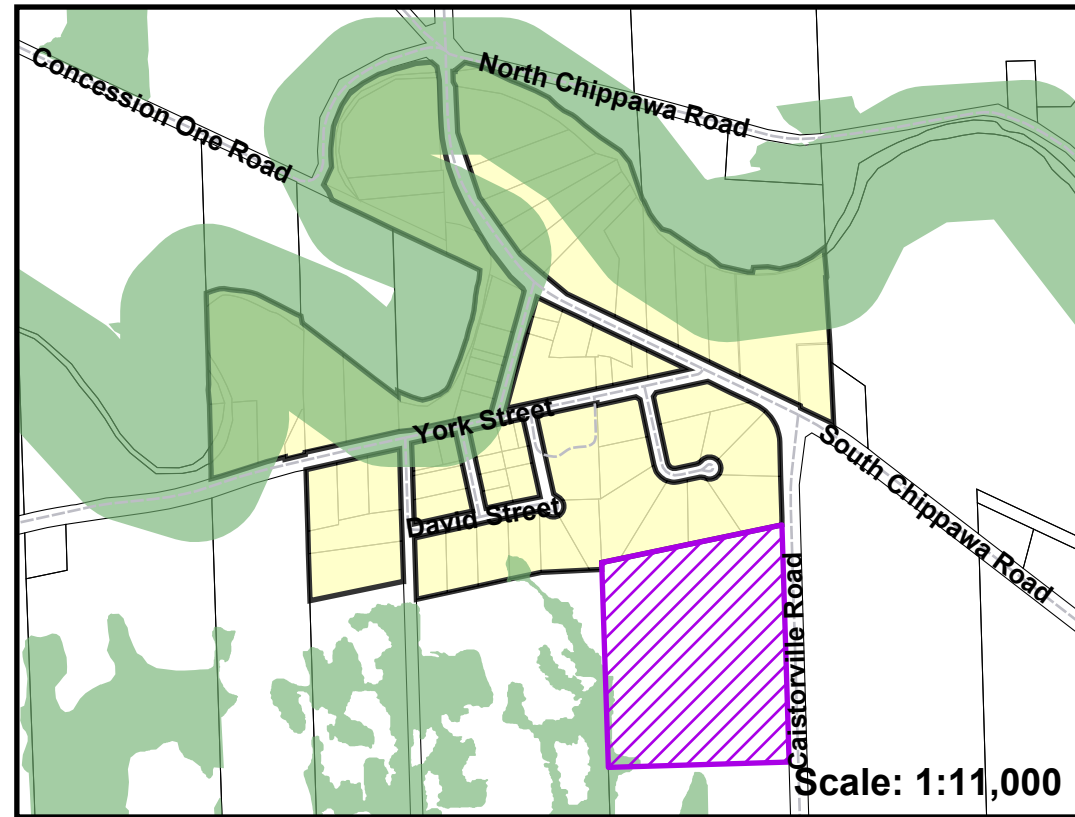
Note:  
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Detail on some features may be lost at this scale.

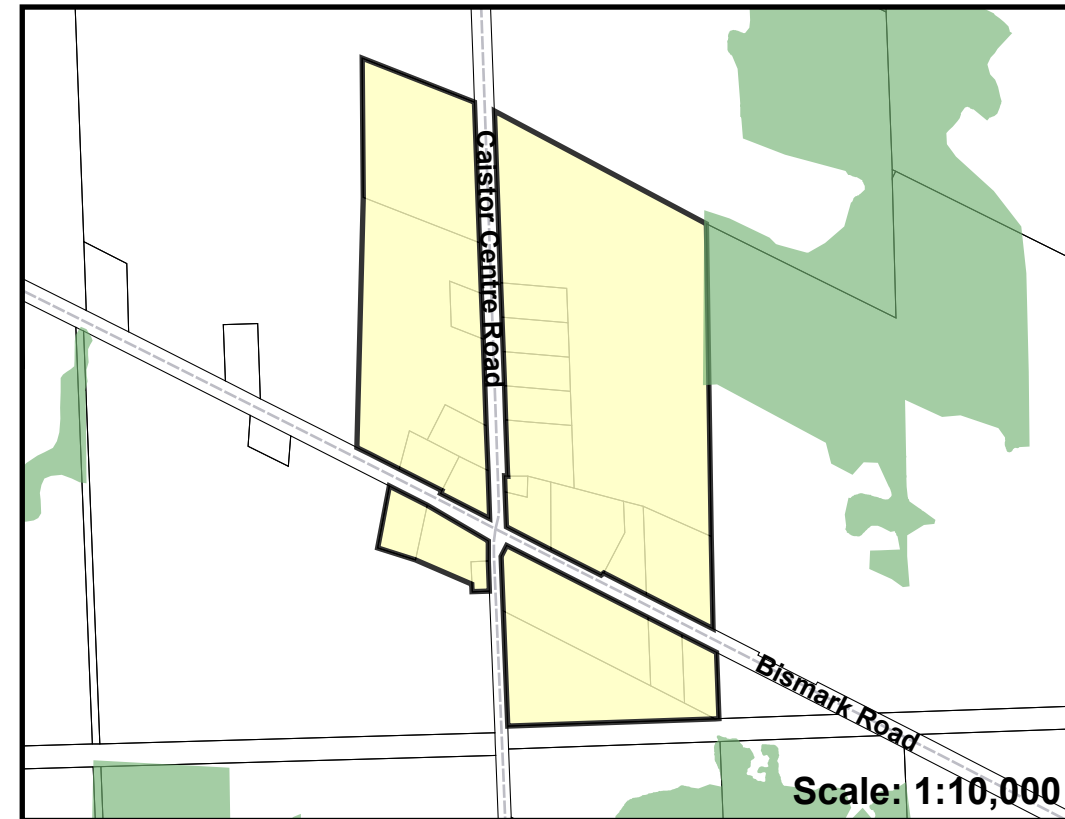
Date: March 2014



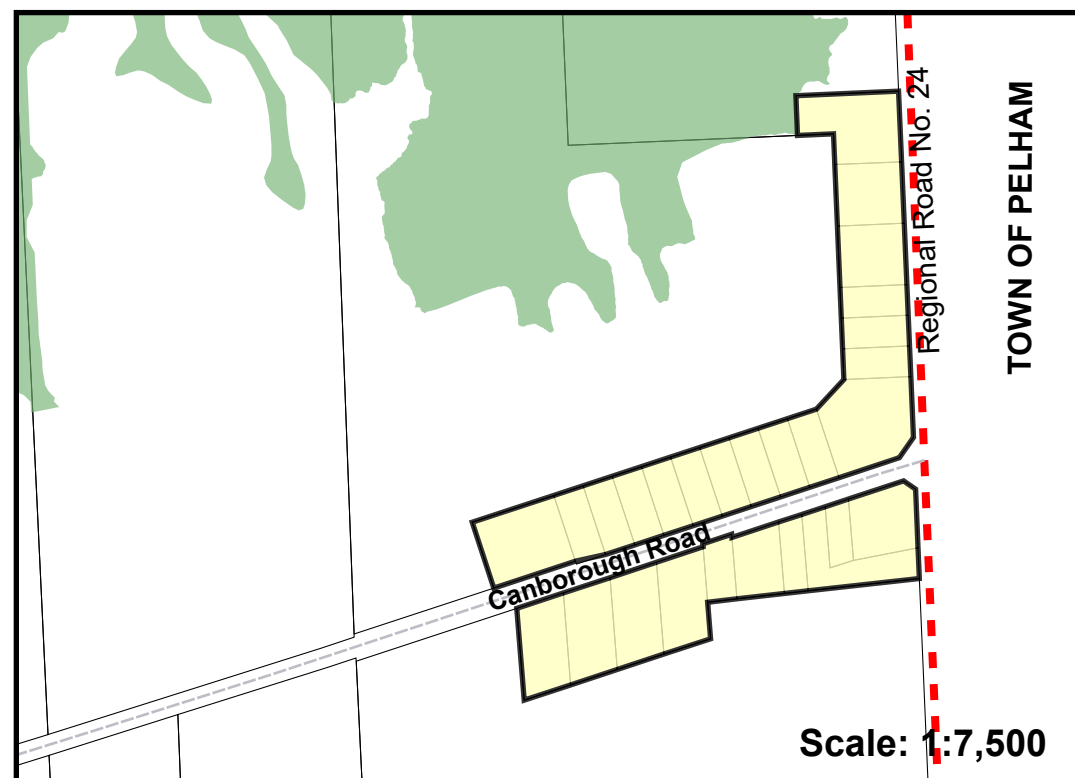
**CAISTORVILLE**



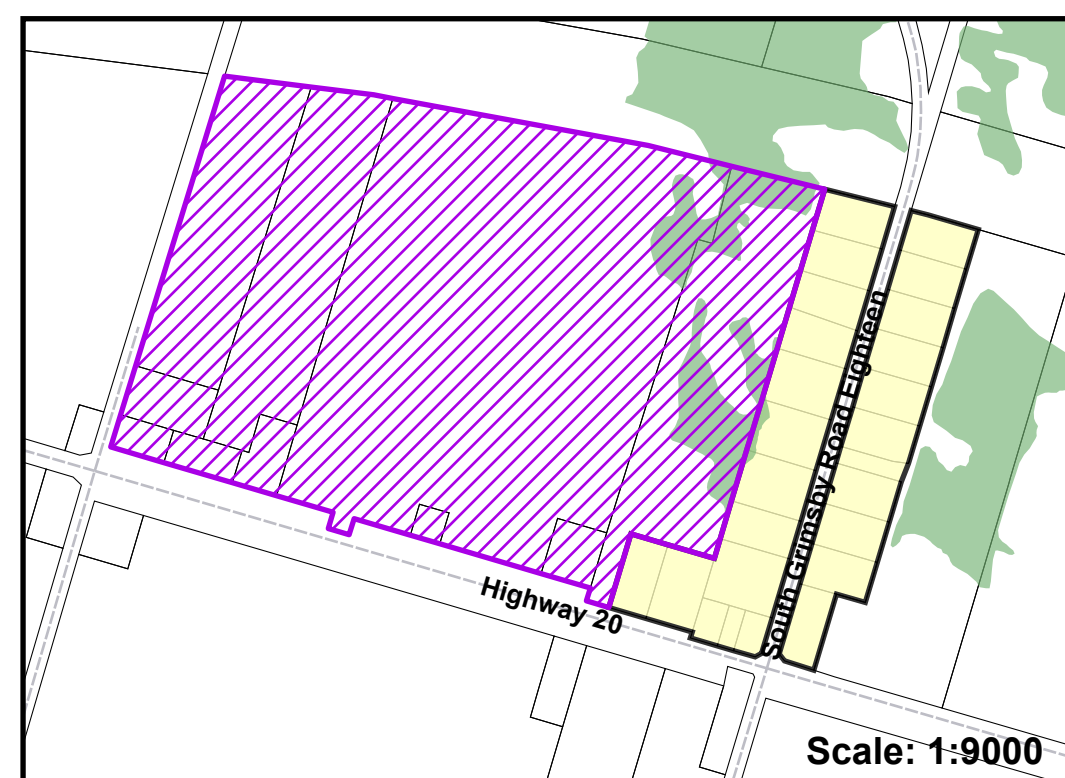
**CAISTOR CENTRE**



**EAST BOYLE**






**FULTON**




**TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN**

**SCHEDULE 'D-2' HAMLET BOUNDARIES**

**Legend**

-  Hamlet Settlement Area
-  Natural Heritage System
-  Municipal Boundary

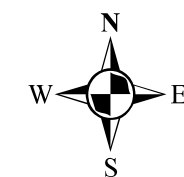
**OPA NO. 62 SCHEDULE M**

-  AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT



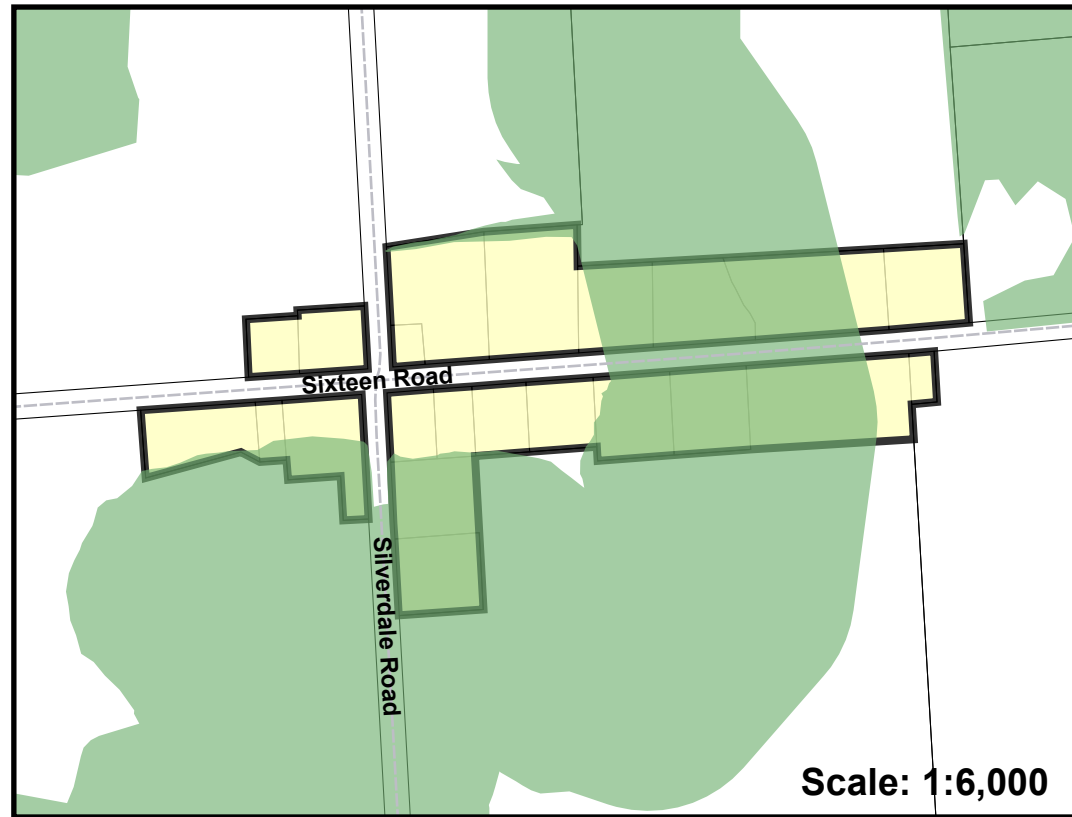
Note:  
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Detail on some features may be lost at this scale.

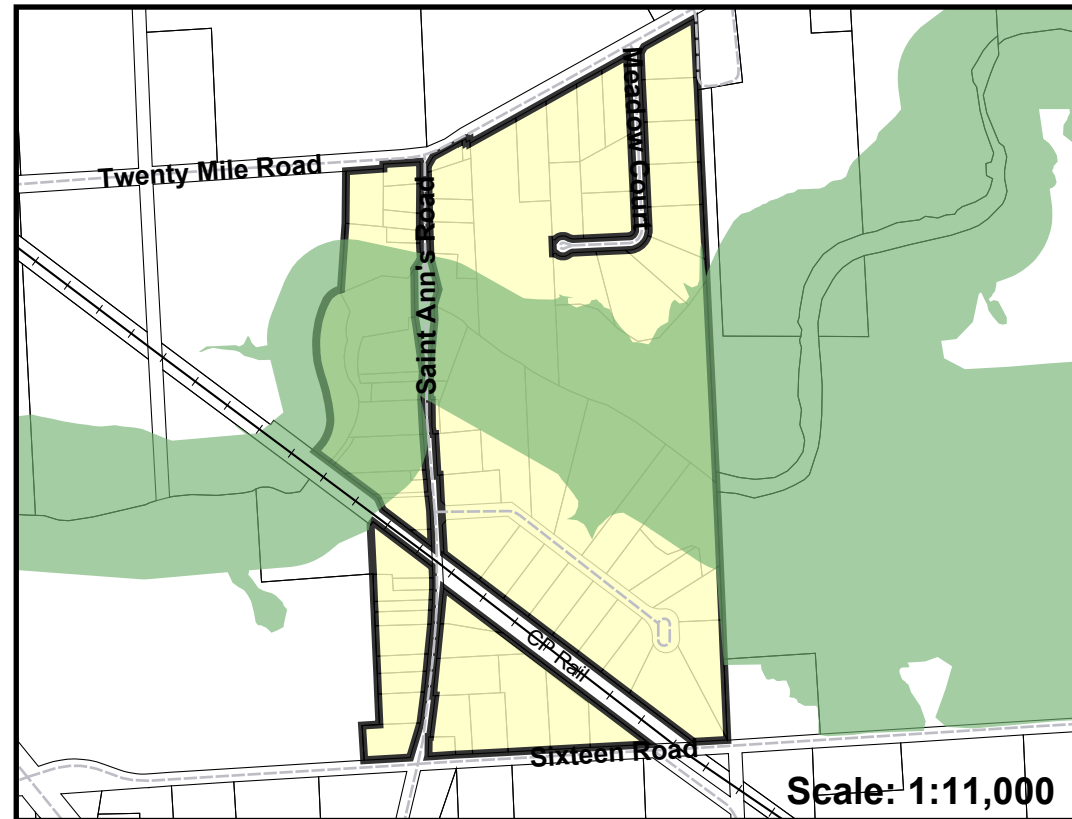
Date: March 2014



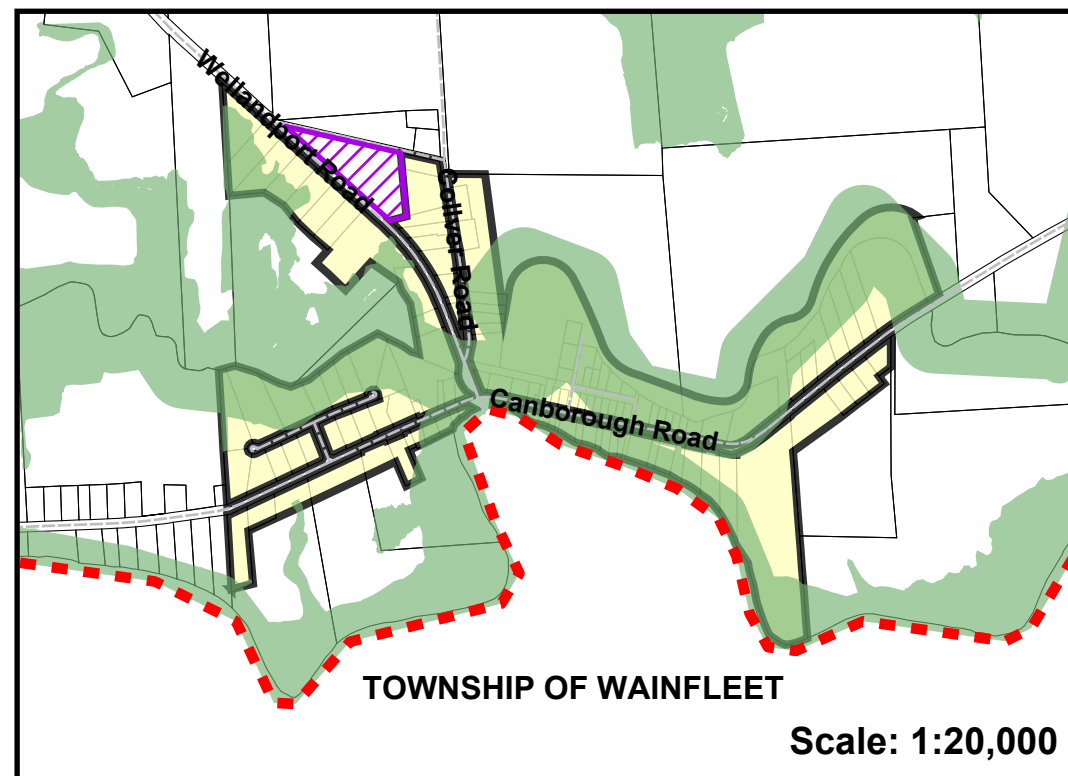
**SILVERDALE**



**ST. ANN'S**






**WELLANDPORT**




**TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN**

**SCHEDULE 'D-4' HAMLET BOUNDARIES**

**Legend**

-  Hamlet Settlement Area
-  Natural Heritage System
-  Municipal Boundary

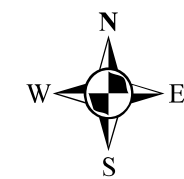
**OPA NO. 62**  
SCHEDULE N

 AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT




Note:  
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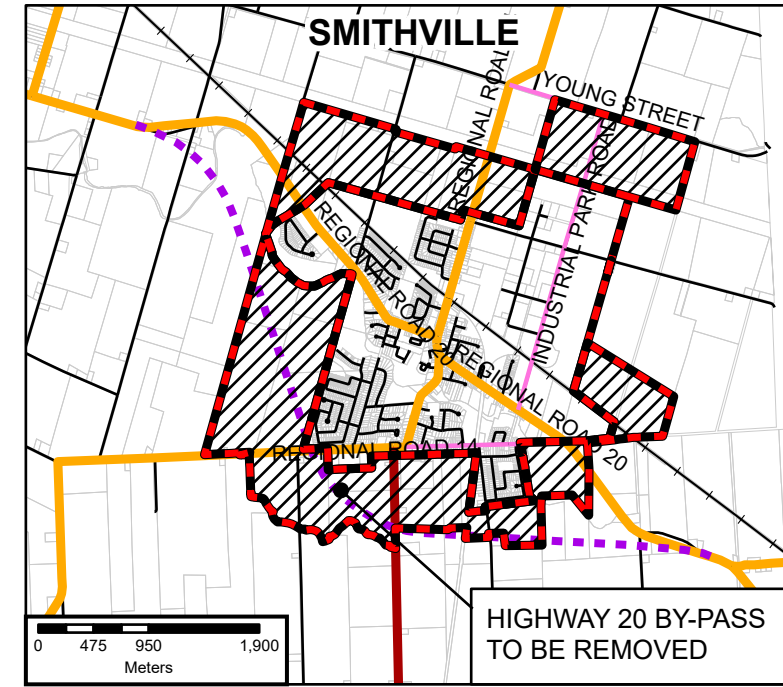
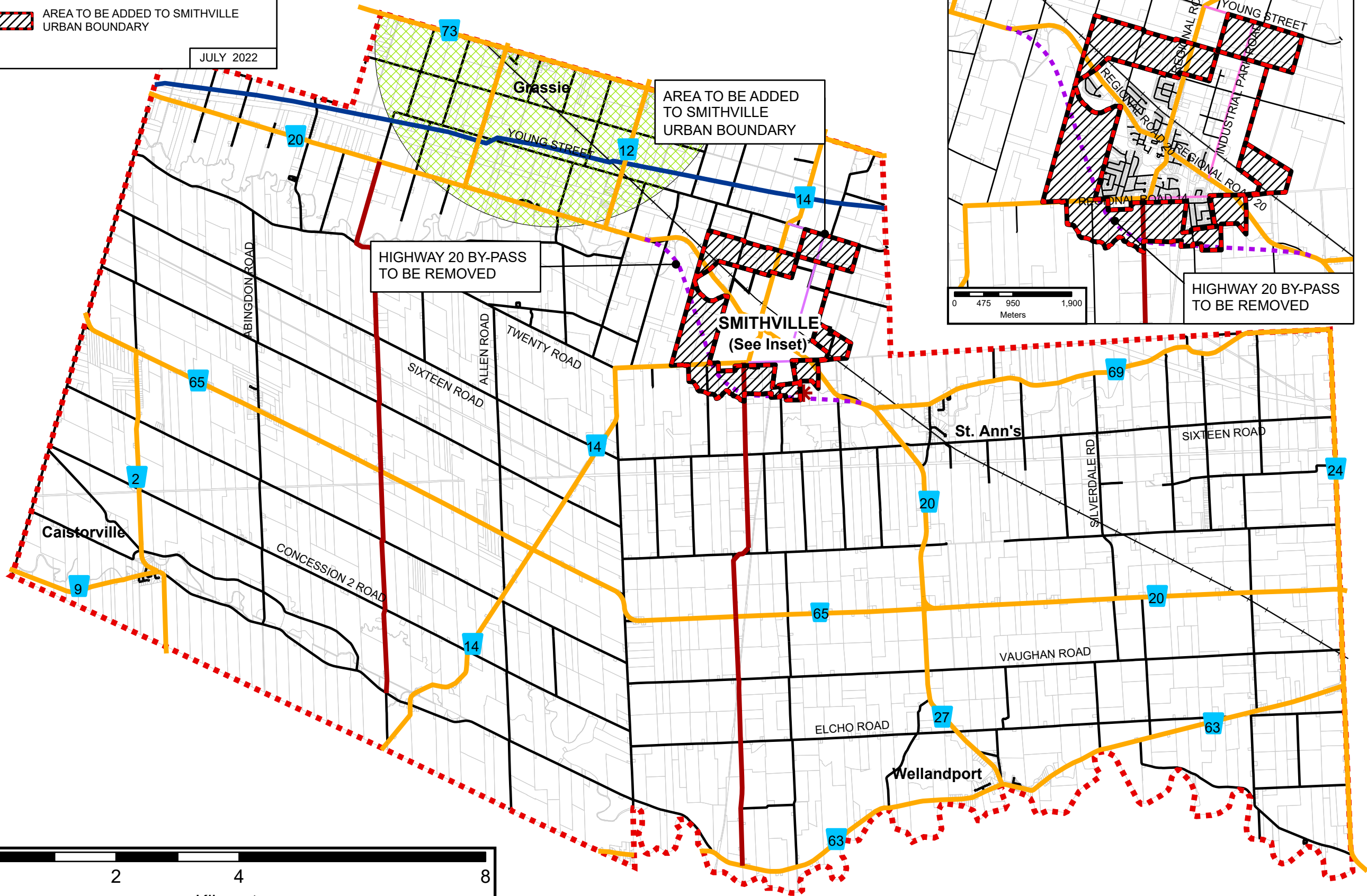
Detail on some features may be lost at this scale.

Date: March 2014

**OPA NO. 62**  
**SCHEDULE O**

 AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY

JULY 2022



**TOWNSHIP OF WEST LINCOLN**  
**OFFICIAL PLAN**

**SCHEDULE 'F'**  
**INFRASTRUCTURE & TRANSPORTATION**

**Legend**

-  Smithville Sewage Lagoons
-  Highway 20 By-pass
-  Arterial
-  Township Arterial
-  Collector
-  Smithville Urban Boundary
-  Trans Canada Pipeline
-  Municipal Boundary
-  Rail Corridor
-  Airfield Outer Surface
-  Local Road

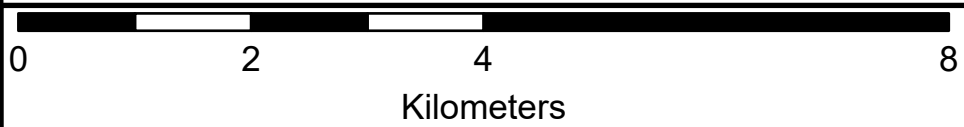


PLANNING DEPARTMENT



Note:  
This map is to be interpreted in conjunction with the text of the Official Plan.

Date: March 2014



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

**BY-LAW NO. 2022-70**

**A BY-LAW TO AUTHORIZE AN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN AND NIAGARA REGIONAL BROADBAND NETWORK LTD. (NRBN)**

**WHEREAS** the Council of the Corporation of the Township of West Lincoln deems it expedient to enter into an agreement with Niagara Regional Broadband Network Ltd. (NRBN)

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

1. That, the Council of the Corporation of the Township of West Lincoln enter into an agreement with Niagara Regional Broadband Network Ltd. (NRBN); and,
2. That, the Mayor and Clerk be authorized to sign the above mentioned agreement, and any other related documents, and to affix the Corporate Seal thereto.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18<sup>th</sup> DAY OF JULY 2022.**

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**MAYOR DAVE BYLSMA**

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**JOANNE SCIME, CLERK**