



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

MEETING NO. SEVEN

Monday, September 12, 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 provide oral comments for matters that are on the agenda must attend the virtual meeting by obtaining a Zoom invite in advance by emailing jdyson@westlincoln.ca by September 12, 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.

Pages

1. CHAIR - Councillor William Reilly

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

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

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-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. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST

4. PUBLIC MEETING(S)

4.1. Zoning By-law Amendment - 4981 Regional Road 20 (Fred & Rebecca Vrugteveen)

Re: An application for an extension to a Temporary Use Bylaw has been submitted by Upper Canada Consultants on behalf of the property owners of 4981 Regional Road 20, Fred and Rebecca Vrugteveen, and Niagara Pallets (File No. 1601-011-22).

5. CHANGE IN ORDER OF ITEMS ON AGENDA

6. APPOINTMENTS

There are no appointments.

7. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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

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

8. CONSENT AGENDA ITEMS

There are no consent agenda items.

9. COMMUNICATIONS

9.1. ITEM P67-22

Grant Bivol, Clerk, Niagara Peninsula Conservation Authority (NPCA)

Re: Draft Land Securement Strategy 2022-2023

RECOMMENDATION:

1. That, the correspondence received from Grant Bivol, Clerk, Niagara Peninsula Conservation Authority (NPCA), regarding the Draft Land Securement Strategy 2022-2023, dated September 2nd, 2022, be received; and,
2. That, the correspondence referenced above be referred to staff to request an extension of comment submission to the NPCA for the first quarter (Q1) of 2023, due to the upcoming 2022 Municipal Election and new term of Council.

10. STAFF REPORTS

10.1. ITEM P68-22

70

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

Re: Technical Report No. PD-79-2022 - 4981 Regional Road 20 – Fred
and Rebecca Vrugteveen Temporary Use Bylaw Extension (File No.
1601-011-22)

RECOMMENDATION:

1. That, Technical Report PD-79-2022, regarding “4981 Regional Road 20 – Fred and Rebecca Vrugteveen – Temporary Use Bylaw (File No. 1601-011-22)”, dated September 12th, 2022, be RECEIVED; and,
2. That a recommendation report be submitted to a future Planning/Building/Environmental Committee or Council meeting once a full staff and agency review has been completed.

10.2. ITEM P69-22

127

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

Re: Recommendation Report No. PD-78-2022 – Zoning Bylaw
Amendment – Leonard Snippe – 5444 Concession 4 Road (File No:
1601-010-22)

RECOMMENDATION:

1. That, Recommendation Report PD-78-2022, regarding “Zoning Bylaw Amendment – Leonard Snippe – 5444 Concession 4 Road, File No. 1601-010-22” dated September 12, 2022, be RECEIVED; and,
2. That, an application for Zoning By-law Amendment 1601-0010-22 submitted by Leonard Snippe, and a corresponding Zoning By-law be APPROVED and passed; and,
3. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

10.3. ITEM P70-22

137

Director of Planning & Building (Brian Treble)

Re: Recommendation Report No. PD-80-2022 – Bill 109 – Establish
Developmental Control

RECOMMENDATION:

1. That, Recommendation Report PD-80-2022, regarding “Bill 109 – Establish Developmental Control”, dated September 12,

2022, be RECEIVED; and,

2. That, a by-law be passed to establish Development Control, to delegate approval authority and establish criteria within the Township of West Lincoln.

11. OTHER BUSINESS

11.1. ITEM P71-22

Members of Committee

Re: Other Business Matters of an Informative Nature

12. NEW BUSINESS

NOTE: Only for items that require immediate attention/direction and must first approve a motion to introduce a new item of business (Motion Required).

13. CONFIDENTIAL MATTERS

There are no confidential matters.

14. ADJOURNMENT

September 2, 2022

Mayor David Bylsma and Council
Township of West Lincoln
318 Canborough Street, Box 400
Smithville ON L0R 2A0

SENT ELECTRONICALLY

Dear Mayor Bylsma and Council,

Please be advised that at its meeting of June 17, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following as Resolution No. FA-56-2022:

*Moved by Member Ed Smith
Seconded by Member Jack Hellinga*

1. **THAT** Report No. FA-24-222 RE: Draft Land Securement Strategy 2022-2032, as appended, **BE ENDORSED** in principle to engage with external partners to obtain input before finalizing the Strategy.
2. **THAT** staff **CONSULT** with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee to seek input and to explore partnerships toward future land securement.
3. **THAT** staff **DEVELOP** policy to guide decision-making regarding land acquisition and disposition, as per the Conservation Authorities Act, O. Reg 686/21 (Sec. 9 (2)(vi)).
4. **AND FURTHER THAT** staff **REPORT** back to the Board of Directors for final approval of the Land Securement Strategy 2022-2032 and implementation priorities during Q4 of 2022.

CARRIED

Accordingly, please find attached the subject NPCA Report No. FA-24-2022, in addition to the *Draft Land Securement Strategy 2022-2032*. As the NPCA moves forward with this initiative, we seek opportunities to enhance partnerships and encourage collaboration in securing and preserving public lands across the Niagara Peninsula watershed.

Please share this information with the appropriate staff and kindly reach out to Eric Baldin, Manager of Land Planning, by October 3, 2022, to set up a meeting or provide feedback on the final Land Securement Strategy document. Mr. Baldin can be reached by email at ebaldin@npca.ca or by phone at 905-788-3135, extension #283.

Sincerely,



Grant Bivol
NPCA Clerk

Report To: Board of Directors

Subject: Draft Land Securement Strategy 2022-2032

Report No: FA-24-22

Date: June 17, 2022

Recommendations:

1. **THAT** Report No. FA-24-222 RE: Draft Land Securement Strategy 2022-2032, as appended, **BE ENDORSED** in principle for the purpose of engaging with external partners to obtain input prior to finalizing the Strategy.
2. **THAT** staff **CONSULT** with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee to seek input and to explore partnerships toward future land securement.
3. **THAT** staff **DEVELOP** policy to guide decision-making regarding land acquisition and disposition, as per the *Conservation Authorities Act*, O. Reg 686/21 (Sec. 9 (2)(vi)).
4. **AND FURTHER THAT** staff **REPORT** back to the Board of Directors for final approval of the Land Securement Strategy 2022-2032 and implementation priorities during Q4 of 2022.

Purpose:

The purpose of this report is to present the final Draft Land Securement Strategy 2022-2032 and obtain the Board of Directors' endorsement, in principle, for consultation with key stakeholders as well as the development of a land acquisition and disposition policy, as per the updated *Conservation Authorities Act*.

Background:

A land acquisition strategy was first prepared by the NPCA in 2007 and updated in 2015 (referred to as a Land Management Plan) aimed at securing ecologically-sensitive areas within the NPCA watershed. A recommendation from the Auditor General of Ontario's 2018 Special Audit of the NPCA specifically noted that a review and update of the 2015 Land Management Plan be conducted to improve its goals, criteria, funding options, implementation plan, and success measures. An updated draft Land Management Plan was presented to the Board of Directors in December 2019 (Report No. FA-163-19) and staff were further directed to expand on the program.

In May 2020, NPCA staff engaged the Board of Directors for input on developing a robust long-term land securement program aligned with the strategic plan and background research was completed. Further to the completion of NPCA 10-Year Strategic Plan in 2021, staff initiated the process of

developing the draft Land Securement Strategy to guide the securement of lands within the Niagara Peninsula watershed over the next decade for environmental, natural hazard protection, and societal (recreation, culture, health) benefits. The consulting firm, Orland Conservation, was retained to develop the Strategy with input from a staff team.

Discussion:

The draft Land Securement Strategy 2022-2032 (Appendix 1) provides the framework for the NPCA to secure public greenspace effectively using established best practices, sound decision-making, sustainable and innovative financial models, and collaboration.

The NPCA currently owns or manages 41 conservation areas which account for approximately 2,946 hectares (or 1.2%) of lands within its watershed jurisdiction. Despite having secured the most lands compared to other conservation organizations in the watershed, the NPCA falls significantly behind the land securement achievements of its two neighbouring conservation authorities. Further, according to the NPCA's 'Nature for Niagara's Future' study (2011), the Niagara Peninsula watershed only achieves 56% towards what science recommends is required to sustain a healthy and resilient landscape. A long-term land securement strategy, in combination with other watershed-based programs, is necessary to help the NPCA achieve its strategic goals related to increasing biodiversity, habitat connectivity, and natural cover while creating equitable access to greenspace for the health and well-being of people and building relationships with partners, stakeholders, and Indigenous peoples.

The watershed contains a multitude of important natural resources needing protection to sustain life. It is not feasible to secure all the important natural resources in the watershed with limited resources; therefore, land securement criteria are imperative to prioritize areas to be considered and actively pursued. The strategy guides the application of primary criteria focused on watershed features and functions while considering secondary criteria such as parcel size, securement method, and cost. Given that the amount of land meeting these criteria would be considered unwieldy to secure in any timeframe, the Land Securement Strategy identifies six landowner outreach areas (LOAs) to provide a manageable number of target areas as the focus of a proposed landowner outreach program within the Strategy's 10-year horizon.

By collaborating with other land securement organizations and partners, applying for funding where possible, and launching a targeted landowner outreach program within the six LOAs, the NPCA can expect to secure a minimum of 180 hectares (i.e., average 20 ha annually, 1 property per year secured) by 2032. As landowner outreach and land securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner interest. If executed consistently, the more aggressive land securement target of 360 hectares secured by 2032 (i.e., average of 40 ha annually, two properties per year) may become attainable.

The Land Securement Strategy offers 8 recommendations to ensure the NPCA achieves its objectives:

1. Develop and adopt policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act*, O. Reg 686/21 (Sec. 9 (2)(vi)).
2. Develop and implement a land securement program including:
 - a. staff and financial resources
 - b. annual work plans and targets and performance measures
 - c. outreach and engagement plan and associated collaterals

- d. internal staff team to evaluate potential land securement projects from technical, operational, and financial perspectives
 - e. continued augmentation of land acquisition reserve in accordance with NPCA board-approved reserve policy
3. Ensure NPCA Indigenous engagement guidelines support opportunities to work together on land securement.
4. Engage with land securement partners to obtain feedback on the land securement strategy and establish connections that facilitate future securement collaborations.
5. Form a Land Securement Working Group (comprised of land securement partners and funders) to collaborate on potential securement projects. The group should meet a minimum of annually.
6. Collaborate with the Niagara Peninsula Conservation Foundation to develop and implement a stewardship fund.
7. Collaborate with the Niagara Peninsula Conservation Foundation to launch fundraising campaign(s) for land securement.
8. Proactively seek funding opportunities and explore the feasibility of non-conventional funding options for securement projects.

The next steps for implementation of the Land Securement Strategy in 2022 are to:

- consult with municipal partners, land trusts, Indigenous organizations, Niagara Peninsula Conservation Foundation, and Public Advisory Committee for feedback on the strategy and to build relationships toward future land securement;
- develop policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act* O. Reg 686/21 (Sec. 9 (2)(vi)); and
- develop a land securement program including a budget, outreach and engagement plan and associated materials, landowner contact list, and allocating staff resources.

Financial Implications:

The costs associated with land securement can vary greatly depending on the property and method of securement. There are numerous ways to fund land securement projects including municipal and other partnerships, government grants, and fundraising campaigns, among others. However, to access funding and successfully secure lands, it is imperative to fund a land securement program. For a successful and effective land securement program, an annual budget will be required to cover the associated costs of implementation (e.g., staff time, outreach materials, appraisal, assessment fees, etc.), as determined by an annual review by staff. Following endorsement by the Board of Directors, staff will develop a preliminary annual costing and work with partners to discuss financing options.

Links to Policy/Strategic Plan:

The NPCA strategic plan calls for the development and implementation of a land acquisition strategy to achieve Goal 1.4: “*Manage lands to increase biodiversity, habitat connectivity, and natural cover*”.

Implementing a land securement strategy will also directly support achieving Goal 3.1 “*Create equitable access to greenspace for the health and well-being of people*” as well as several other NPCA strategic goals and performance measures related to natural hazard protection, ecosystem improvements, and building relationships with partners, stakeholders, and Indigenous peoples.

Related Reports and Appendices:

Appendix 1: Draft Land Securement Strategy 2022-2032

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Chief Administrative Officer/Secretary-Treasurer

Land Securement Strategy

2022-2032

DRAFT



DRAFT

Land Securement Strategy

2022 - 2032



Produced by Orland Conservation, 2022

orlandconservation.ca

Land Acknowledgment

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiwonderonk (Neutral), and the Anishinaabeg, including the Mississaugas of the Credit—many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties: Niagara Purchase (Treaty No. 381), Between the Lakes Purchase (Treaty No. 3), and the Simcoe Patent or Haldimand Tract (Treaty No. 4) and is within the land protected by the Dish with One Spoon Wampum agreement. Today, the watershed is home to First Nations, Métis, and Inuit.

Through the 2021-2031 Strategic Plan and this land securement strategy, the NPCA is committed to improving engagement with local Indigenous peoples by implementing actions that support reconciliation and shared stewardship of the Niagara Peninsula watershed.

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Executive Summary

The conservation of greenspace has been used to improve environmental conditions, protect and improve biodiversity, promote outdoor activities and active lifestyles, increase social interaction and exchange, and provide healthy conditions for good physical and mental well-being. Since many areas containing such important natural features and functions are found on private property, working with landowners is important in the long-term protection of these lands.

This Land Securement Strategy is intended to complement other land and water conservation programs operated by the Niagara Peninsula Conservation Authority (NPCA) with a cost-effective approach. It expands on the NPCA's existing conservation area network while protecting delicate habitats and natural hydrologic and hydrogeologic functions.

The NPCA has secured the most land in the watershed compared to land trusts and other land conservation organizations working in the region; however, it falls significantly behind the land securement achievements of its two neighbouring conservation authorities. This strategy will outline a path for the NPCA to increase land securement effectively and notably within the watershed.

Criteria used to determine the areas within the watershed worthy of the NPCA securement has largely already been done by staff and by the Province in designations of certain environmental features, such as wetlands, Areas of Natural and Scientific Interest (ANSIs) and Environmentally Significant Areas (ESAs). These criteria will be of importance when considering public inquiries to convey land or conservation easements to the NPCA. The amount of land meeting the land securement criteria would be considered unwieldy to secure in any timeframe. This strategy identifies six landowner outreach areas to provide a manageable number of target areas as the focus of the landowner outreach program.

By partnering with other land securement organizations, applying for funding where possible, and launching a targeted landowner outreach program, the NPCA can expect to secure a minimum of 180 hectares within a ten-year timeframe. If implemented consistently, the NPCA could reasonably double this goal.

Introduction

Natural heritage and natural green infrastructure (e.g., forests, wetlands, rain garden, bioswales) provide critical services and benefits that sustain life for people and wildlife such as providing clean air and water, protection from flooding and erosion, as well as a source of food and habitats for wildlife species. However, there are growing pressures on the landscape due to increased urbanization, land use changes, and changing climatic conditions that continue to threaten and impact the integrity of these natural features. In addition, there is an increasing demand for access to greenspaces for the health and well-being of people. Together, these issues have highlighted the critical need to secure more natural areas to improve the environment, mitigate the impacts of climate change, and provide more opportunities for people to enjoy the outdoors.

The NPCA is one of 36 community-based natural resource management agencies in Ontario that protects, enhances, and sustains healthy watersheds. The NPCA currently owns or manages 41 conservation areas which account for approximately 2,946 hectares (or 1.2%) of lands within its watershed jurisdiction (Fig. 1). These conservation areas are held in public trust for the purpose of natural heritage protection and/or restoration (e.g., interior forests, wetlands, areas of natural and scientific interest (ANSIs)), passive recreation (e.g., hiking, birdwatching), active recreation (e.g., swimming, camping, boating), education programming, cultural heritage protection, and natural hazard protection (e.g., floodplains, valleylands, and dams). Most of these conservation lands are publicly accessible with a few exceptions in various municipalities. In addition to NPCA conservation areas, there are natural areas owned/managed by other stakeholders (e.g., municipalities, Province of Ontario, Nature Conservancy of Canada, other landowners) that help bolster natural heritage across the NPCA jurisdiction. These important natural areas support a rich biodiversity within the watershed (including rare plants and animals) and provide people with recreational, social, and economic benefits.

While the terms ‘land acquisition’ and ‘land securement’ are often used interchangeably, there are important differences. The term ‘land securement’ refers to the legal purchase of natural areas with the intent to maintain, protect, restore and/or enhance those natural features using a range of methods to facilitate permanent protection of land in perpetuity. The term ‘land acquisition’ refers to the purchase of land that may at some point be deemed a disposable asset by the public, non-profit funding partner, or land donor/seller.

The NPCA has an increasingly important role in the securement of lands for the purpose of conservation and restoration of natural areas. The *Conservation Authorities Act* (CA Act) provides guidance on the governance and purpose of conservation authorities, including the powers to “acquire by purchase, lease or otherwise any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired” (Sec. 21 (1)(c)). As part of the *CA Act Regulation O. Reg 686/21*, there are only certain types of programs and services that can be provided in relation to the conservation and management of lands including (but not limited to) the development of one or more policies governing land acquisitions and land dispositions (Sec. 9 (2)(vi)).

In 2021, the NPCA completed its first 10-year strategic plan aimed at achieving its vision of ‘Nature for all’ to ensure a healthy and vibrant environment with shared greenspace and clean water that

sustains life for future generations. Through six overarching strategic priorities and twenty-one specific goals, the NPCA is committed to actions that aim to create healthy and climate-resilient watersheds, support sustainable communities, connect people to nature, strengthen relationships with partners and stakeholders, improve organizational practices, and ensure financial sustainability. Notably, the strategic plan calls for the development and implementation of a land acquisition strategy to achieve Goal 1.4: *“Manage lands to increase biodiversity, habitat connectivity, and natural cover”*. Implementing a land securement strategy will also directly support achieving Goal 3.1 *“Create equitable access to greenspace for the health and well-being of people”* as well as several other NPCA strategic goals and performance measures related to natural hazard protection, ecosystem improvements, and building relationships with partners, stakeholders, and Indigenous peoples.

Given the recent (2021) changes to the CA Act, the need to meet the Auditor General’s recommendation, and a new NPCA strategic plan, there was a clear and timely need to update the NPCA’s land securement strategy. The purpose of the Land Securement Strategy is to guide the securement of lands within the Niagara Peninsula watershed for environmental, natural hazard protection, and societal (recreation, culture, health) benefits.

To achieve the NPCA’s strategic goals, the Land Securement Strategy focuses on the following objectives:

- Secure public greenspace in the NPCA watershed using clear and concise decision-making;
- Collaborate with municipal partners, land trusts, stakeholders, and Indigenous communities on mutual land securement goals;
- Implement sustainable and innovative financial models that support land securement and stewardship

Regional Context

Since time immemorial, Indigenous peoples have been stewards of the lands within the Niagara Peninsula. It continues to be a place for sharing, trading, hunting, gathering, stewardship, and friendship. The Niagara Peninsula watershed is the traditional territory of the Haudenosaunee, Attiwoonderonk (Neutral), and Anishinaabeg including the Mississaugas of the Credit. Today, the watershed is home to many First Nations peoples, Métis citizens, and Inuit.

The NPCA’s watershed jurisdiction encompasses 2,424 km² and supports a population of 474,217 people situated within the entire regional municipality of Niagara, portions of the City of Hamilton (21%), and Haldimand County (25%). NPCA’s partner municipalities will experience significant increases in human population with the watershed by 2051. For example, the City of Thorold was in the top ten Ontario municipalities for population growth at 26.7% according to Statistics Canada from 2016 to 2021. In addition, the Niagara Region is set to accommodate a minimum of 674,000 people by 2051 (Growth Plan, May 2021 Forecast).

The watershed is uniquely situated between two Great Lakes with the Niagara River and is part of the Carolinian Life Zone, which supports a rich biodiversity including rare plants and animals

and provides people with recreational, social, and economic benefits. The watershed includes noteworthy natural features such as the Niagara Escarpment, Niagara Falls, Niagara gorge, Wainfleet Bog, Ball's Falls, and Willoughby Marsh. The unique microclimate created by the Niagara Escarpment and rich soils supports one of Ontario's most productive agriculture systems including vineyards, tender fruit orchards, livestock, and various specialty crops (greenhouses for flowers, vegetables, sod farms, and mushroom farms). Despite these incredible features, the NPCA's 'Nature for Niagara's Future' study indicates that the watershed only achieves 56% of the minimum natural cover target (30%) required to sustain a healthy and resilient landscape.

To date, NPCA has secured 41 properties totalling almost 3,000 hectares as shown in Table 1. NPCA's secured lands constitute 1.22% of the total watershed. All other land securement organizations have secured about 1,000 additional hectares or 0.42% land in the watershed. The combined secured land in the watershed is almost 4,000 hectares (1.64%).

Secured Land

Watershed Area 242,400 ha

NPCA Secured Land 2,946 ha / 1.22%

Total Secured Land (includes all partners) 3,967 ha / 1.64%

Table 1: NPCA Secured Lands

#	Name	Municipality	Ha
1	Wainfleet Bog	Wainfleet	805.27
2	Binbrook	City of Hamilton	374.28
3	Willoughby Marsh	Niagara Falls	230.13
4	Wainfleet Wetlands	Wainfleet	182.02
5	Chippawa Creek	Wainfleet	149.79
6	Rockway	Lincoln/St. Catharines	125.52
7	Ball's Falls	Lincoln	112.61
8	Humberstone Marsh	Port Colborne	82.39
9	Ruigrok Tract	Haldimand County	73.79
10	Mud Lake	Port Colborne	63.13
11	Louth	Lincoln	62.21
12	Beamer Memorial	Grimsby	57.22
13	Long Beach	Wainfleet	55.83
14	Virgil Dam and Reservoir	Niagara-on-the-Lake	49.70
15	Stevensville	Fort Erie	49.30
16	Woodend	Niagara-on-the-Lake	47.51
17	Cave Springs	Lincoln	43.37
18	Point Abino-Philips	Fort Erie	38.36
19	Smith-Ness Forest	Niagara Falls	37.77
20	Morgan's Point	Wainfleet	37.52
21	Shriner's Creek	Niagara Falls	36.02
22	St. John's	Thorold/Pelham	30.81
23	Mountainview	Lincoln	26.37
24	Gord Harry Trail	Wainfleet	26.92

25	Lathrop	Pelham	20.73
26	Binbrook Tract	City of Hamilton	20.29
27	Woolverton	Grimsby	18.59
28	Hedley Forest	Haldimand County	17.65
29	Gainsborough	West Lincoln	16.04
30	E.C. Brown	Pelham	13.77
31	Two Mile Creek	Niagara-on-the-Lake	8.51
32	Oswego Creek	Haldimand County	7.84
33	St. John's Centre	Thorold	7.44
34	Lakewood	Wainfleet	6.16
35	Canborough	Haldimand County	5.56
36	Baird Estate	City of Hamilton	2.07
37	Point Abino-McGowan	Fort Erie	2.00
38	Eight Mile Creek	Niagara-on-the-Lake	0.79
39	Jordan Harbour	Lincoln	0.72
40	Comfort Maple	Pelham	0.24
41	Port Davidson	West Lincoln	0.19
41	TOTAL		2,946.39

NPCA Land Securement Strategy



Land Securement Partners

It is not uncommon to have several partners involved in the securement of a particular property. Sometimes additional partners are required for funding purposes or assistance with specific expertise (e.g., negotiating leverage, funding) required to secure a property. In other cases, involving title or an interest in title, a partner group may be a better suited land or conservation easement recipient than the original organization involved. There may be a better suited recipient of the land due to funding requirements or because the landowner has requested the involvement of another group based on personal preference. In addition, a landowner may not want to sell or donate their property but is instead willing to have the land secured through a conservation easement agreement. Some circumstances will depend on the unique characteristics of the property, the type of securement method involved, and the requests of the landowner (depending on whether it is a donation or purchase). It is important to note that any partnership involvement that NPCA has in the securement of a property should be viewed as a land securement success. This is also referred to as an “assist.” An assist can include the involvement of staff time, resources, technical expertise, mapping, or funding towards securement of a particular property. Even if NPCA does not end up holding title, an interest in title, or even managing a particular property, any contribution by NPCA is considered a victory. After all, the end goal is to secure these key properties for overall conservation in the watershed.

The following sections describe the various land securement partners and their primary benefits to NPCA as well as their strengths and weaknesses in terms of holding title or interests in title (i.e., conservation easement agreements) to land.

Federal Government

Environment and Climate Change Canada (ECCC) announced in late 2021 that they set a target to protect 25% of lands and oceans by 2025 and 30% by 2030. This commitment comes with funding; however, some monies would have to be accessed by partnering with land trusts. Additionally, conservation authorities are eligible to receive ECCC’s Nature Smart Climate Solutions Fund for land securement projects.

ECCC also administers the Ecological Gifts Program (Ecogifts) which can provide significant tax savings to landowners wishing to donate lands; NPCA is a qualified Ecogifts recipient.

Provincial Government

Provincial parks, and other park lands, are managed for the public by public agencies such as municipalities and the Ontario Ministry of the Environment, Conservation and Parks (MECP) through Ontario Parks. In NPCA’s jurisdiction, there are two provincially protected properties: Short Hills Provincial Park and Wainfleet Bog Conservation Reserve.

The Ontario Heritage Trust (OHT) is somewhat removed optically from the Province yet is still an arm’s length government agency. OHT has conserved several natural heritage properties within NPCA’s watershed.

Beginning in 2021, the Province has committed \$20,000,000 towards land securement until 2025 through a program called the Greenlands Conservation Partnership. Currently, this funding is awarded to the Nature Conservancy of Canada (NCC) and the Ontario Land Trust Alliance (OLTA). Through partnering with a local land trust, the funding could be accessible for NPCA to secure, restore, and manage a property.

Indigenous Governments

There is the potential for the NPCA to partner with local Indigenous organizations to secure lands for the establishment of Indigenous Protected and Conserved Areas (IPCAs) within the watershed. IPCAs are an important tool for reconciliation through conservation and can help the NPCA achieve habitat targets while supporting and maintaining Indigenous cultural knowledge systems. In 2021, the federal government pledged over \$166 million to support the establishments of IPCAs in Canada. This model would involve leadership from local Indigenous governments to secure and manage the IPCA with the NPCA assisting as a partner if the property is in the watershed.

Single and Upper-Tier Municipal Government

In early 2022, relevant staff from NPCA's partner municipalities were contacted to help inform the development of the Land Securement Strategy. The City of Hamilton has its own land securement strategy and Natural Areas Acquisition Fund to provide funding support to CAs and land trusts for eligible securement projects. The City will not use the fund to secure lands for itself to hold title or conservation easements. The funding model is 50 percent of the acquisition or \$50,000. The City has policies within both its Rural (RHOP) and Urban Official Plans (UHOP) that support a Natural Areas Acquisition Fund Strategy. These policies are: RHOP Volume 1 policies C.2.11.1, C.2.11.2 and C.2.11.3 and UHOP Volume 1 policies C.2.2.8, C.2.12.1, C.2.12.2 and C.12.3.

Although the Regional Municipality of Niagara does not have a land securement program in place, there have been staff-level discussions about the possibility of developing such a program like those of other regional Greenbelt municipalities.

The County of Haldimand expressed interest in land securement as they have also mapped their Natural Heritage System. The County has 13% forest cover and ideally wants 25%. Securing existing forests and non-forested lands with potential of reforestation will help them achieve their goal. If NPCA brings forward such a land securement project, municipal staff may consider bringing the project forward to Council for support on a case-by-case basis.

Lower-Tier Municipal Government

Although the lower tier municipalities do not typically secure land for conservation, they all expressed varying interest in land securement. could be securement partners that offer insight and facilitate introductions to key landowners. Additionally, most local area municipalities have Official Plan goals related to environmental protection, restoration, and sustainability. Lower-tier municipalities can be approached for funding support on a case-by-case basis, particularly if the potential securement project offers benefits to the local community and helps the municipality achieve its own strategic objectives.

Land Trusts

Most land trusts are primarily focused on securing natural heritage lands to protect significant ecological features; therefore, it is important for the NPCA to collaborate with land trusts to further its conservation goals through land securement.

Several land trusts operate within the watershed including the Bruce Trail Conservancy (BTC), Niagara Land Trust (NLT), Nature Conservancy of Canada (NCC), and Ontario Nature. Combined, these land trusts have secured over 241 hectares in the watershed. This number is expected to rise but most land trusts are not actively securing more land in the watershed. The BTC has targeted properties along their Optimum Route (OR) which they would very much like to secure but the opportunities are relatively few compared to other areas outside of NPCA's jurisdiction.

The following is a list of land trusts and their potential benefit to NPCA's securement efforts:

American Friends of Canadian Conservation (AFCC) is available to help NPCA with land securement involving American landowners. AFCC can receive donated land temporarily from landowners and issue a U.S. tax receipt. Land would later be transferred to NPCA. There may be few (if any) American landowners currently holding targeted lands in the watershed, but existing lands could be sold to Americans in the future. Additionally, AFCC can also issue U.S. tax receipts to American cash donors to NPCA or its Foundation. To date, there have not been any projects within the watershed that AFCC has been asked to help with.

Bruce Trail Conservancy (BTC) is one of the most active land trusts, but their interest is confined to a narrow corridor along the Niagara Escarpment which they refer to as the Optimal Route (OR). If NPCA takes on a project within the OR, BTC has proven to be a reliable partner. They are highly adept at raising funds to secure land.

Escarpment Biosphere Conservancy (EBC) primarily focuses on securing lands on the Niagara Escarpment and is highly active in their securement activity, but they have yet to secure land south of the 401 Highway. They have expressed interest in securing land in the NPCA watershed. EBC also executes securement projects relatively quickly and would be a potential securement partner both on and off the Escarpment.

Ducks Unlimited Canada (DUC) have a multitude of wetland restoration projects on private lands within the watershed which are in partnership with NPCA. DUC is not actively looking to secure land in the watershed but would consider helping NPCA with some ideal areas especially on coastal areas of the Great Lakes. Securement projects worthy of DUC's consideration must be ideal for waterfowl staging or breeding habitat (e.g., shallow, open water) and have a minimum project size of 40 hectares. DUC does not have a leveraging demand on funds that NPCA need to provide; therefore, they could potentially fund an entire project. DUC also has access to federal land securement funds.

Nature Conservancy of Canada (NCC) is not targeting any areas within NPCA's watershed for securement, but they would be open to help on projects that could expand on their current holding. Additionally, NCC has access to significant federal and provincial funds for securement; therefore,

discussions to access those funds through a partnership with another local land trust should be discussed.

Head-of-the-Lake Land Trust (HLLT) is Ontario's first land trust and acquired its first property for conservation in 1961. The HLLT, managed by the Hamilton Naturalists' Club, has secured ten properties to protect ecologically significant natural heritage in Southern Ontario. Two of the HLLT properties (Vinemount and Short Hills Nature Sanctuary) are situated in the Niagara Peninsula watershed. The group has a strong volunteer base, an active land securement program, and an endowment fund to support ongoing management and maintenance costs.

Niagara Land Trust (NLT) is the newest land trust to the area and has secured two properties so far. As with most relatively new land trusts, they operate entirely with volunteers. There is a high potential for partnering on land securement projects as this is the only land trust that has a watershed wide focus on land securement. While they have their own criteria by which they will accept projects, their geographic scope covers the watershed.

Ontario Farmland Trust (OFT) aims to secure prime agricultural land. Thus far, they have only secured land through donations of conservation easements. These easements have been certified as Ecogifts, which required that they have significant ecological merit. Partnering on securement projects that have prime agricultural land may suit having OFT as a partner. For example, OFT could arrange to retain the arable land for farming and manage it while NPCA takes title to any adjoining forest and/or marginal farmland better suited for ecological restoration.

Ontario Nature is a registered land trust in Ontario and owns the Harold Mitchell Nature Reserve, but securement is not this group's primary role. They are not targeting land to secure in the watershed but if a property has a particularly important ecological feature or function, Ontario Nature may consider assisting with securement and contributing funds.

Other Non-Governmental Organizations

Non-governmental organizations such as the local nature clubs, stewardship councils, and Carolinian Canada Coalition may be helpful to NPCA's securement efforts by providing the following:

- Introductions to key landowners
- Fundraising and community support efforts for protection of an area of specific public interest
- Ecological monitoring/inventory
- Gathering volunteers for invasive species removal
- Trail maintenance

Secured Land

Including lands secured by NPCA, the Province, and land trusts, there are almost 4,000 hectares (1.64%) of protected lands within the watershed (Figure 2). The NPCA has secured the most land in the watershed than all other land securement partners combined (Table 2). However, its neighbouring conservation authorities have secured significantly more land in their respective watersheds. The Grand River Conservation Authority has secured 19,400 ha equating to 2.8% of

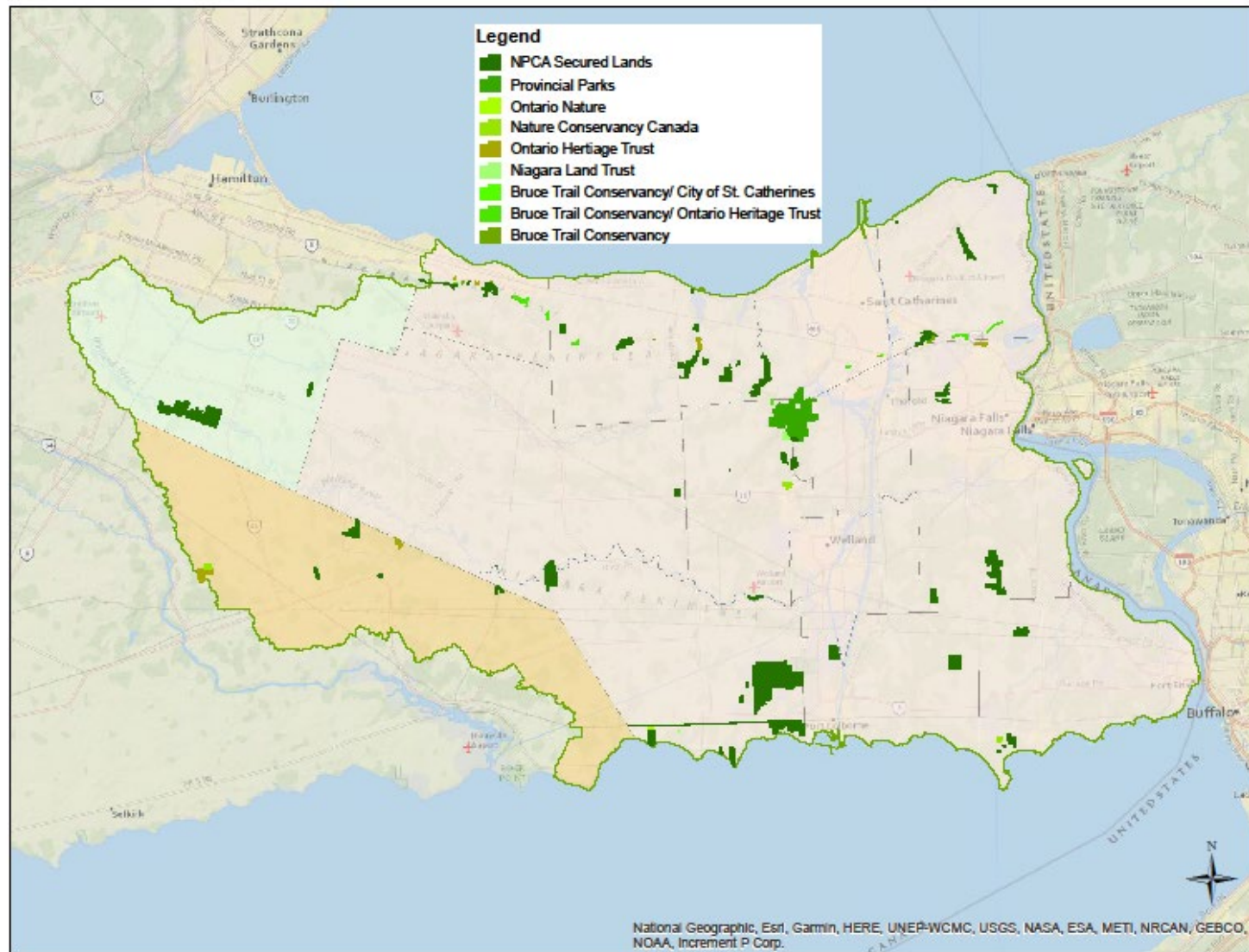
its watershed. Hamilton Conservation Authority has secured 4,603 ha equating to 9.2% of its watershed.

Once the NPCA's Land Securement Strategy is approved in principle, a meeting of all the partners is recommended. Inviting all the above listed partners to a meeting where NPCA staff present this report and receive feedback can lead into a brainstorming session which may bring helpful information towards achieving land securement goals faster and easier. Also, communication between partners can coordinate landowner outreach activities and firm up possible partnerships on upcoming projects. This meeting of partners may evolve into a Land Securement Working Group that could meet once or twice per year to give updates on securement activities and funding programs.

Table 2: Secured Land within Watershed

Partner Name	# of properties	Total area (ha)	% of watershed
NPCA	41	2,946.39	1.22
Ontario Parks	1	645.08	0.27
Bruce Trail Conservancy	48	151.67	0.06
Ontario Heritage Trust	9	133.87	0.06
Nature Conservancy of Canada	3	52.85	0.02
Niagara Land Trust	2	23.16	0.01
Ontario Nature	1	13.92	0.01
TOTAL	106	3,966.94	1.64

Figure 2: Secured lands (all partners)



Securing Land

There are two primary ways to secure lands: holding land title (fee simple) or holding land rights (conservation easement agreement). The following provides a brief overview of these securement tools.

Fee-Simple

The most used method of land securement is fee-simple purchase. In this case, NPCA would purchase full title and rights to a property from a willing seller. A landowner can also offer to donate property using the fee simple method; NPCA has a history of receiving such fee-simple donations.

Conservation Easement Agreement

Conservation easement agreements (CEs) are an effective tool for protecting the conservation values of a property without owning that property because they contain restrictive covenants intended to ensure the protection of ecological features. CEs are legally binding agreements registered on title whereby the landowner transfers specific rights to an easement holder such as a conservation authority such as the ability to create building lots or cut trees.. The easement holder has the right and responsibility to monitor the property (thus the term “easement”) and ensure that the terms of the conservation agreement are being respected. If no easement is granted under the agreement, the agreement can be referred to as simply a “restrictive covenant.”

The purpose of a CE is typically to prevent the destruction of a feature(s) on a particular property. The rights to the uses of a property (i.e., subdivision rights, development rights, and tree cutting rights) can be donated or purchased from the landowner; however, it is more common to have CEs donated. CEs can provide for the protection of a feature, trail construction, and construction and maintenance of rehabilitation works.

To aid in the protection of the natural features, a Baseline Documentation Report (BDR) is prepared and registered on title with the accompanying CE. The BDR takes an ecological inventory and pinpoints other pertinent features, improvements, and disturbances. This reporting at the time of securement identifies all issues for staff to observe and compare to for future monitoring of the property. The BDR offers proof, if needed, for enforcement of the CE restrictions.

Since a property with a CE remains in ownership with the private landowner, NPCA does not have maintenance responsibility nor property tax to pay. However, with the responsibility of monitoring, which is usually an annual minimum, comes the possibility of enforcement and legal defence should a present or future landowner contravene the restrictions of the CE. Even though there are often less upfront securement costs associated with a CE, the ongoing stewardship and possible costs are unpredictable. These costs do not include the need for a legal defense fund should the landowner (usually subsequent owner) breaches the restrictions of the CE.

Methods of Fee-Simple Land Securement

The following section outlines the various fee simple methods which could be employed in the securement of environmentally sensitive or significant lands. These options should be clearly communicated to landowners in person and through web-based media and print publications facilitated through the landowner outreach program discussed later in this strategy. In order to maximize available resources (i.e., financial and staff time), this strategy recommends fee simple donations first (full value or split-receipt), followed by important purchases.

Of all the land securement scenarios, a project often combines several tools. For example, a landowner may decide to donate the bulk of their property via direct conveyance while retaining a life interest on the severed parcel.

Donations

Donations of land or property rights (i.e., fee simple or conservation easement agreements) at appraised value may qualify as charitable donations under the Federal Income Tax Act through the Ecological Gifts Program (or Ecogifts Program). The Canada Revenue Agency (CRA) provides tax incentives to landowners willing to donate ecologically sensitive lands. All Ecogifts are subject to 0% capital gains tax. All lands donated outside of this program remain subject to 50% capital gains. In addition, as part of the program, all appraisals are reviewed by an expert panel of appraisers; therefore, landowners and NPCA can be assured that the appraisal's legitimacy is peer reviewed. These and other advantages of the program are outlined in Appendix 1. Donations can include receipt of lands under specific conditions such as a bequest or gratuitous dedication.

Bequest

Landowners may elect to provide for a gift of land to NPCA in their Will through a bequest. The advantage of making a bequest is that there is no cost during the landowner's lifetime. A bequest can be cost-effective from a tax perspective against the estate and create a legacy for the donor and their family. However, a Life-Interest Agreement (discussed later) serves the same objective and is often better for the donor and recipient because it protects the land sooner rather than later, prevents family members from contesting a Will, and offers the donor a tax receipt to use while alive rather than leaving it for the estate.

Gratuitous Dedication

Typically, Official Plans contain a provision which requires the dedication of environmentally protected lands to a public authority as part of the development process. Implemented through the conditions of draft approval for the subdivision, these lands are generally those associated with a riverine valley system and include the hazard lands associated with that system and the associated access allowances. Further, environmentally protected lands may contain a wetland feature and associated buffer habitats.

Should NPCA be the public authority to which these lands are dedicated, they shall be dedicated free and clear of all encumbrances and an easement(s) for access to these lands may be required. The donor of the property may also be required to pay a stewardship fee, to cover costs associated with the long-term maintenance of the lands, which may include such things as:

- Land management planning
- Research and monitoring
- Land operations
- Land administration

The exact figure of the stewardship fee can be calculated based on the actual costs associated with the property and based on expenditure requirements for an agreed upon timeframe. Alternatively, the industry standard of 15% of the land value could be used, or whichever is greater. The stewardship fee would be paid to the Niagara Peninsula Conservation Foundation (NPCF) in a lump sum payment upon the transfer of lands. Refer to the 'Financing Land Securement' section for more information.

Trade Lands

When a landowner wishes to either donate or bequeath their property but their property does not contain any significant environmental features, NPCA can accept the gift with the intention to sell it. The proceeds from the property sale should be directed into securement of more strategic lands, as agreed upon with the donor. A trade lands policy is recommended to guide this type of decision-making.

Exchanges

In this case, landowners who own property of interest to NPCA may exchange their parcels for surplus lands owned by NPCA that the landowner desires. For example, a landowner wants to expand their farm or have better access to it. In turn, they have a parcel of land that meets NPCA's securement criteria. If the parcel desired by the landowner is not of significant ecological value, NPCA may consider the exchange. While these transactions traditionally consist of the exchange of fee simple interests, they can consist of any combination of property interests. Note that land exchanges are not necessarily acre for acre and any exchange would be based on an appraised value as valley lands would not be valued the same as developable tableland.

Direct Conveyance

A direct conveyance is an acquisition of part of a property through either a fee simple purchase or donation scenario to a government agency. For example, if a landowner has a residence, they may be willing to dispose of most of the property while retaining the residence and amenity area (Figure 3). The advantage of this method is that usually the part of the property severed for conservation purposes does not include the bulk of the value of the property. Therefore, landowners can retain a residential lot and some acreage around their residence or building, allowing them to hold on to most of the property's value. The land severed is then owned and managed by the municipality or conservation authority. The landowner's residence, barn, or working farm field remain adjacent to the now publicly owned conservation lands without the

burden of the costs and liability associated with maintaining and managing a larger property. In addition, if the landowner wishes to sell the property in the future, it will be a significantly more saleable parcel size, which may attract more buyers.

In the situation of a direct conveyance, conservation authorities have an advantage over land trusts with their allowance under Section 50 (3)(e) of the *Planning Act* to create the conveyance without going through the formal severance process.

Figure 3: Direct Conveyance Example



Split-Receipt

A split-receipt can be viewed as either a donation of land or easement, with cash consideration back to the donor, or a purchase of land with a donation of land value in cash back to the purchaser. Once the land value is determined by a qualified appraiser, the percentage of the fair market value of the land to be donated versus the percentage of land to be accepted in cash will be negotiated. Through the Ecogifts Program, the donated portion must be a minimum of 20% of the value to qualify for a split-receipt. Conversely, the landowner cannot receive more than 80% cash for the appraised value.

Fee-Simple Purchase

The most used method of land securement is fee-simple purchase. In this case, NPCA would purchase full title and rights to a property from a willing seller. An Agreement of Purchase and Sale is signed between both parties to clarify the details of the transaction.

There are two additional agreement types that could be utilized in a fee simple purchase:

1. Option to Purchase
2. Right of First Refusal

Option to Purchase

An option to purchase is a contract that would allow NPCA to buy a property at a set price for a stipulated period. It is a written contract by the landowner to sell the property by which they agree to not withdraw the offer of sale during the stipulated deadline. NPCA would likely pay a fee for this option. This mechanism is often used as a means of “buying time” during an attempt to acquire a specific piece of land and allows time to fundraise for the purchase costs. For NPCA, the approach could be used to extend the “window” of buying time into the next fiscal year, if needed.

Right of First Refusal

A right of first refusal is an agreement between a landowner and the potential buyer to match any third party offer to buy the subject property. It sets out the conditions of sale and is registered on title to the property. It is an interim measure giving NPCA the option to acquire a key property in the future. It can be a good tool to use if negotiations have been halted (e.g., due to an unacceptable appraised value). The right of first refusal can also be registered on title allowing NPCA to buy a property that has an existing conservation easement agreement. In this case, NPCA would prefer to wait until they can secure title rather than be the easement holder. Right of first refusal is also a means by which to discourage other potential buyers (e.g., developers) as they will know they have competition and the holder of the first rights has priority. There may be a fee associated with the right of first refusal.

Life Interest Agreement or Lease Back Arrangement

When the vendor/donor wishes to retain an interest in the property, they can enter into either a life interest agreement or a lease back arrangement. A life interest agreement allows the landowner to retain an interest in the property for the duration of their life. This interest can take many forms including use of a family home, cottage, or recreational access to hiking trails. In a lease back arrangement, the landowner sells the property but remains in possession for a specified period while paying rent to the buyer, effectively making the landowner a tenant. In either case, the land can be donated, purchased, or split-receipted. The value of the retained interest would be determined by a qualified appraiser. The agreement would specify a set term or continue if the vendor uses the subject property as outlined in the agreement. Such retained interests can range from passive use (e.g., hiking), medium use (e.g., camping, removal of deadfall trees for firewood), to high use (e.g., residing, agricultural operation).

Land Securement Criteria

The watershed contains a multitude of important natural resources needing protection to sustain life, but it is not feasible to secure all these lands with limited resources. Thus, it is important to prioritize areas for securement by identifying a set of land securement criteria to guide which lands are to be considered and actively pursued for land securement. Overall, the NPCA will use a set of primary criteria focused on watershed features and functions while considering secondary criteria such as parcel size, securement method, and cost.

To be considered, every potential land securement project must pass the first and second criteria screening. There will be times when the NPCA should graciously reject an opportunity, even a donation of land is deemed ecologically important. If a property is relatively small to offer much benefit, is costly or problematic to secure, or is predicted to be more challenging than it is worth to the organization, it should not be a project for the NPCA. Passing it to another securement partner may be the best option.

Watershed Features and Functions

Previous provincial and NPCA-led scientific assessments have identified several key areas in the watershed required to conserve ecological integrity including Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), floodplains, wetlands, habitat of species at risk, etc. While it is understood that these areas are important, they are already mostly protected through policy. Thus, land securement criteria should also focus on protecting and restoring other important features and functions critical for watershed health.

Eligibility criteria of the Ecogifts program and the Conservation Land Tax Incentive Program (CLTIP) (Appendix 2) are suitable filters for determining NPCA's land securement criteria. These criteria apply regardless of if a securement project is to be donated or purchased.

In general, the NPCA will consider the securement of land if any of the following first-level criteria are met:

- Lands in proximity or adjacent to existing NPCA conservation areas;
- Flood control, flood vulnerable, erosion control and reservoir project lands, and their associated access lands;
- Valley and stream corridors, riparian habitat zones, wetlands;
- Great Lakes' waterfront;
- Highly vulnerable aquifers, significant groundwater recharge areas;
- Important woodland/vegetation/habitat linkages, interior forest areas, and/or lands which contribute to the expansion of interior forest habitats;
- Environmentally Significant Areas (ESAs), Areas of Natural and Scientific Interest (ANSI);
- Habitat for aquatic and terrestrial species of concern and sensitive species, including those listed under the *Species at Risk Act* and the *Endangered Species Act*;
- Relevant lands identified in NPCA's watershed and sub-watershed plans, municipal natural heritage systems, and in urban and near-urban areas suitable to provide residents with access to nature;

- Lands identified as Escarpment Natural Areas and Escarpment Protection Areas in the Niagara Escarpment Plan;
- Lands that provide terrestrial and aquatic habitat restoration opportunities, including lands identified as priority for ecosystem restoration;
- Areas that provide linkages for a regional trail system or to other nearby greenspaces (e.g., municipal natural areas, neighbouring conservation authorities).

This extensive list covers an enormous area of the watershed offering many passive land securement opportunities (landowners approaching the NPCA). Conversely, there is too much potential area to actively pursue (NPCA outreach to landowners) within a 10-year timeframe. Even when limiting the criteria for active land securement to only wetlands, ANSIs, and ESAs (in which many of the other criteria overlap) those three features alone cover a daunting area exceeding 19,200 ha or 7.9% of the watershed (Figure 4). While value is impressive, it falls woefully short of the International Union for Conservation of Nature's Aichi Biodiversity Targets of 17% applying to terrestrial lands and inland waters.

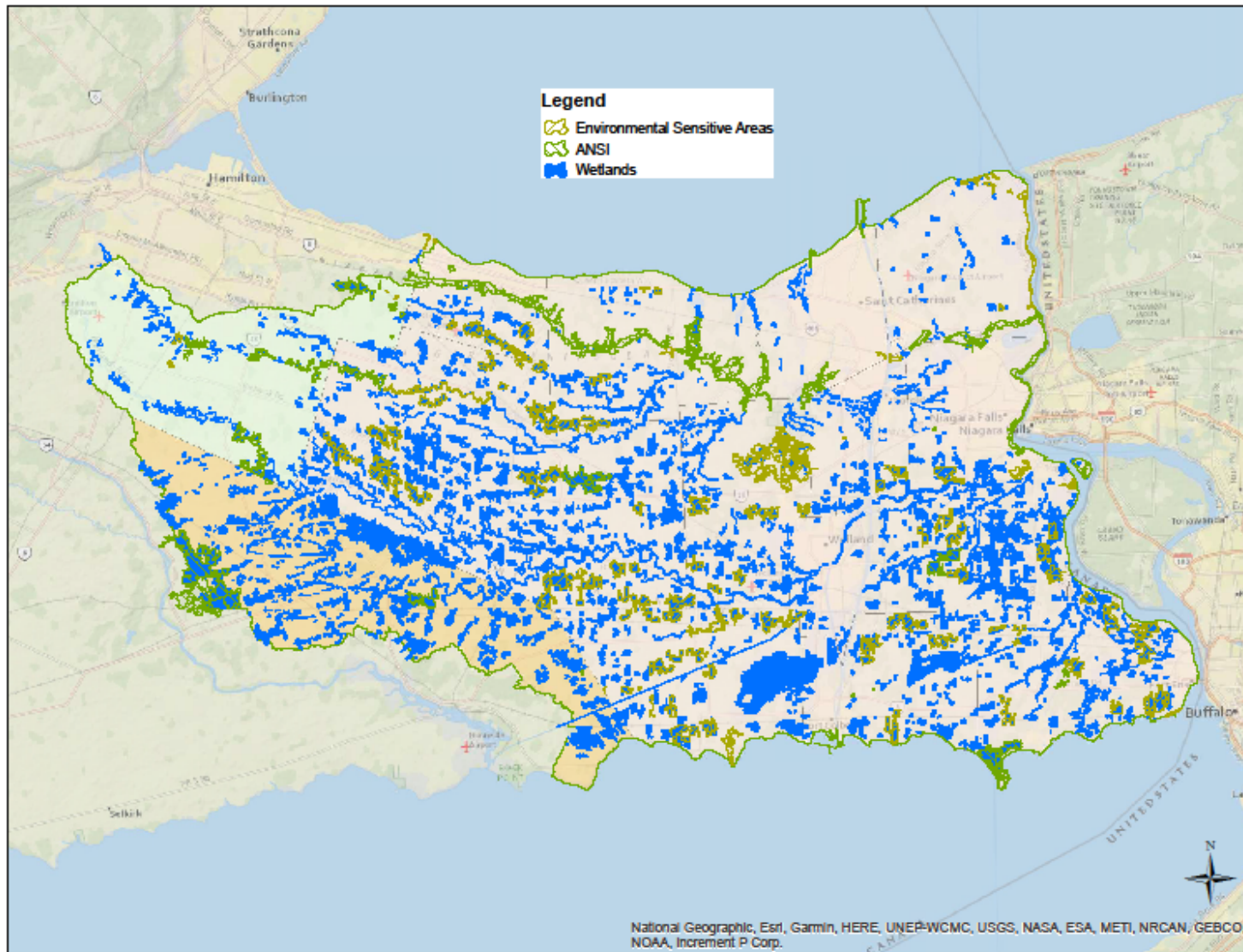
To make a land securement program effective and manageable, additional criteria must be considered. Even though some landowners may offer the NPCA land or a CE that meets the primary criteria, there are securement and stewardship costs that accompany each project. Being selective is important so that resources can be extended to the worthiest land securement projects. After a potential property passes the first screening, it still needs to pass an important secondary practical screening of the following criteria before a decision to secure can be made:

- Size of parcel
- Type of securement form and method landowner prefers
- Cost of stewardship

Parcel Size

Parcel size is one of the most important of the secondary criteria since the time and costs that are required to secure a property are largely independent of size. Therefore, securing large properties are most cost effective at further advancing NPCA's efforts to protect delicate habitats, maintain important natural function, and restore degraded areas. Exceptions to this criterion are when a small parcel is needed for access, to maintain terrestrial corridors or is strategic to secure in some way.

Figure 4: Natural features limited to ESAs, wetlands, and ANSIs



Securement Method

The NPCA needs to consider the securement method that will be most advantageous. In some cases, it may not be best for the NPCA to hold title or a CE. For example, the stewardship of the land may be deemed too costly or the landowner wishes to sell quickly and NPCA cannot foresee raising funds quickly enough. Instead of refusing the offer, the NPCA can still help by bringing in a partner better suited to the land securement method that the landowner prefers.

Alternatively, if a landowner offers to donate some land to the NPCA, the decision becomes much easier to accept, especially if the property passes the first level of screening.

Cost of Stewardship

The cost of managing properties can vary greatly. Passing up on land securement opportunities that are likely to have high ongoing costs is prudent. For example, the NPCA may choose to accept lands that are, or will be, exempt from property taxes through the provincial Conservation Land Tax Incentive Program (CLTIP), regardless of if the land is to be donated.

Additionally, the anticipated stewardship cost of holding title of land or a CE should be assessed. As previously mentioned, CEs have unpredictable stewardship costs whereas taking ownership of land can more easily be budgeted.

The proximity of lands near existing conservation areas is also a key factor in the cost of stewardship. Lands that abut existing NPCA lands should have the least stewardship costs because travel to the site is minimized and there are already stewardship activities on the original conservation area that the new parcel would be absorbed into.

Lands farther away from NPCA properties need to be closely inspected to determine existing and potential stewardship. The cost to address those issues would need to be estimated. If estimated stewardship costs are high, the securement project may be rejected or re-directed to another land securement partner. Before passing on such an opportunity, an investigation of accessing reliable long-term stewardship funds should happen. Additionally, opportunities for income generation that would have nominal or neutral impact on the land could be considered. In either case, a determination through a cost-benefit analysis is required.

Landowner Outreach

A primary goal of any land securement initiative should be to inform the targeted landowners about the various long-term conservation options that are available to them. Most landowners only know about two options when it comes to their land:

- Sell it, or
- Leave it to their children.

Deciding to protect one's property for the long term is a big decision and can take a landowner several years to make. Even if a landowner does not express interest in selling or donating their land when first approached, they will have increased awareness about long-term conservation

should they reconsider such options in the future. As in fundraising, approaching people for land donations also requires patient cultivation. Building relationships and patience is important for successful landowner outreach.

Types of proactive landowner outreach activities are listed below; however, it is possible that some landowners will take the lead in contacting the NPCA to discuss potential donation or sale of their land. This is especially likely if the NPCA maintains a good reputation with target landowners and the community and practices good communication of land securement programs and tax benefits to landowners.

Developing a Landowner Contact List

Landowner contact information (e.g., mailing address and contact person) must be collected so that packages can be mailed and followed-up on. Although landowner emails and phone numbers can be difficult to obtain, there will be a greater chance of connecting with landowners if this information can be collected.

Communication between partner conservation organizations is very important especially in areas where partners are directly involved in landowner outreach. These landowners can be included on the list but making contact should be left to the partner organization to reduce duplicative efforts.

The list should be in a format that is accessible to applicable NPCA staff to review and update and can be created with spreadsheet or database software. A blank example is provided in Appendix 3.

Property Listings

When funding is available, a search for property listings in the target areas should be conducted using www.realtor.ca. Communicating the NPCA's interest in a listing to a listing agent should include explaining the NPCA's conservation goal which should give the realtor and vendor encouragement of a possible sale. It is also an opportunity to explain the various scenarios to acquire the property, either whole or in part.

Land donation options are usually not appropriate to discuss as the realtor expects a commission. However, the landowner could entertain a donation of the bulk of the property while retaining a smaller parcel for the realtor to sell. It is best practice to request a three-way call or meeting (virtual or in person) with the landowner and listing agent.

Landowner Leads

Getting warm leads and introductions can significantly boost any landowner outreach initiative and improve the effectiveness of communications. An introduction bridges trust between parties. There are likely many landowners within the targeted areas that have already interacted with NPCA. Thus, the landowner list should be circulated throughout the applicable NPCA departments to identify any previous interactions between staff and landowners. For those identified landowners that already have shown an interest in conservation (e.g., participated in

tree planting program, wetland restoration), the staff member with the best relationship should approach and arrange an introduction.

Conversely, if past interactions with a particular landowner were not positive or well-received (e.g., denied a permit, violation issued), staff should be cognizant of those past interactions and give due consideration before reaching out to the landowner. If the property is also within an area of interest to a land securement partner, the NPCA could pass those leads to that partner for contact.

NPCA Board members, being well-connected to the community, should also be asked to provide leads and introductions to key landowners in their communities/wards. If a Board member does not know a specific landowner of interest in their area, they should be able to suggest someone who does.

Mail Campaigns

A mail campaign involves sending out an introductory letter (Appendix 4), a brochure outlining the various long-term securement options, and a photo mosaic map of the subject property (potentially showing ecological features). Ecogifts and NPCA program brochures should be excluded from the first mail out to avoid initial disinterest from the landowner. The primary objective is to introduce the landowner to the idea of long-term conservation and “break the ice” so that a telephone call, email, or drop-in visit can potentially be made a few weeks later. Other brochures can be given to the landowner if applicable and as rapport develops.

Telephone Contact

As more people are forgoing landlines, it is harder to find phone numbers for landowners. Nevertheless, Canada 411 can still be utilized. For phone numbers obtained, calling landowners to introduce them to long-term conservation options and other stewardship programs offered can be successful. The objective is to arrange a meeting, ideally on the property, rather than to discuss details over the phone. A face-to-face conversation is a much more engaging and trust-building format. It is highly recommended that this step follows the mail campaign so that the telephone call is not a “cold call”.

Drop-in Visits

Following mail campaigns, some mail is returned due to out-of-date address information or landowners undergoing a recent change of address. If there is no other way to contact the landowner, knocking on the door is prudent to bring the information to them.

Even when packages have been mailed out and presumably received, if a phone number is not available, dropping in is often very effective. Some landowners are interested in exploring the information mailed to them but do not often act on it immediately. The package may get placed in a drawer with good intentions to follow up, but often gets forgotten. Thus, making the effort to reach out personally to ensure the package was received and be available to answer questions or to arrange a meeting at their convenience is well-received.

Having another package on hand to leave at the gate or roadside mailbox for those properties that are gated or warn of no trespassing is suggested. Adding a note or postcard to the effect of

“We would like an opportunity to meet with you to discuss land conservation options that you may wish to take advantage of” may increase the likelihood of a favourable response.

Drop-in visits have been shown to be highly effective. The best times to drop-in are in the warmer weather months when landowners can be engaged outside or not holding the door open.

Landowner Forums

An effective way to meet and engage landowners was at a forum designed to provide them with information on a variety of land conservation and estate planning topics. Landowners can be invited to attend an in-person informational event with topics to learn about land conservation programs available and meet relevant NPCA staff.

To maximize attendance, the following guidelines should be considered:

- Select a date on a weekend or evening
- Include several topics that would be of interest to a rural landowner (e.g., tree planting, restoration, MFTIP, and invasive species such as Emerald Ash Borer), life estate planning
- Do not exceed three hours
- Host at a location near the targeted land securement zone
- Send postcard invitations requesting RSVP
- Follow-up with each landowner to ensure receipt of invitation and ask if they plan to attend, or if they would rather have a private visit/consultation

With the mass use of virtual mediums, landowner forums could be attempted while following the same format above. There are pros and cons to a virtual landowner forum; the best test is to host one. Costs to organize and host such an event would be less than an in-person forum and is likely worth the effort.

Scheduled Site Visits

Once a landowner is contacted and they express some interest in the program, a site visit or landowner visit can be scheduled (if necessary). Meeting with a landowner allows for more free-flowing dialogue. At this time, more information can be provided to the landowner about long-term land conservation options. If the landowner is interested, a Property Evaluation Form can be filled out by NPCA staff (Appendix 5).

Landowner Expectations

When interest is garnered, expectations of timing and value should be managed. Explaining the appraisal and approval process in the beginning is important to prepare landowners and realtors for several months of waiting. This explanation is often more important when dealing with land donation through the Ecogifts Program.

Appraisals can often be disappointing to a landowner’s expectations. Having a third party perform a thorough appraisal will ensure the report is fair and unbiased. Giving a six-week approximation for appraisal completion and another week for internal review helps to explain the lengthy process.

Early Outreach Process

Attempts to contact all identified high priority landowners will commence in 2023. After assessing the uptake and time management of securement projects, the second priority landowners will be contacted.

Based on other landowner outreach programs, it is expected that an average of 10-20% of landowners will express an interest in learning more about land securement. Of these, a smaller percentage will be interested in more detailed discussions. The focus of the work in year 2 of the land securement program implementation not only involves contacting the secondary priority landowners but also requires follow-up with high priority contacts previously established in the first year. It can take several years to cultivate a relationship with a landowner before they are ready to decide to leave a legacy of their land. The landowner outreach process is repeated every year, with new contacts being established and continued relationship building with those expressing interest in the program.

Landowner Outreach Areas

The land securement criteria result in a substantial amount of area in the watershed to ideally be secured; however, as previously mentioned, this is an unsurmountable amount of area and number of projects to warrant active pursuit. Therefore, six Landowner Outreach Areas (LOAs) are proposed to concentrate landowner outreach efforts within the watershed over the next ten years. These LOAs are not given higher priority over other areas in the watershed that meet the land securement criteria; rather, they are intended to focus direct landowner contact to a manageable amount. It is usually simpler and more effective to give attention to specific areas rather than spread efforts thinly across all areas of the watershed.

Using a geospatial analysis together with the application of the specific attributes listed in Table 3, six LOAs were identified in the Niagara Peninsula watershed.

Table 3: Description of the attributes applied to identify LOAs

Attribute examined	Details and rationale
Proximity to existing conservation area(s)	Existing conservation areas are already in highly ecologically valuable areas. A parcel near an existing CA is easier and less expensive to maintain and offers greater ecological benefits.
Watershed features and functions	Parcels meeting multiple primary land securement criteria generally represent a more environmentally valuable area.
Land use	Orthoimagery provides insight into current land use. Parcels with active land use (e.g., gravel pit, golf course, intensive agriculture) should be avoided for landowner contact. Vacant lands that appear to be naturalized or properties with an existing residence, but no other apparent land use have a higher probability of being secured than those in active use.
Large parcel size	Areas containing large parcels (>20 ha) enable securement of a larger area with fewer transactions.
Funding opportunities	The potential funding source available in a particular area can facilitate a land securement project. The proposed LOAs spread out those potential funding sources and increase NPCA's chances of receiving funding.
Geographic distribution	Ensuring securement is distributed across each of the upper tier and single tier municipalities (i.e., Region of Niagara, City of Hamilton, Haldimand County) allows better access to greenspace and environmental benefits across the watershed.

Properties in the vicinity of the conservation areas less than three hectares were removed from the analysis as they would be less likely to be significant land securement targets to fulfil the previously outlined criteria. The exception was Cave Springs LOA because the number of properties within the boundaries are significantly less than the other LOAs. Properties less than 1 ha for the Cave Springs LOA was used as the minimum parcel size.

Within all the proposed LOAs, a total of 9,684 hectares were identified as shown in Table 4.

Table 4: Summary of proposed target LOA data

LOA name	Total Area (ha)	Average Size (ha)
Binbrook	1,792.27	35.85
Wainfleet	1,972.88	19.15
Short Hills/St. John's	1,415.54	11.23
Willoughby	1,757.38	17.06
Ruigrok	2,600.79	41.28
Cave Springs	145.38	10.38
TOTAL	9,684.23	21.10

The data excludes lands already secured by the NPCA and other land securement organizations. As can be seen from Table 4, there is a substantial amount of land just within the proposed LOAs that could be secured; however, as previously mentioned, some properties should be excluded during a more detailed investigation. Furthermore, properties in their entirety will not always be available to secure as some landowners may prefer to divest a portion of a property rather than the whole. Thus, the total area of eligible land to be secured may decrease after a more detailed analysis and the first wave of landowner outreach have been completed.

Land Securement Targets

Setting targets helps provide motivation for NPCA to work toward a measurable goal. An easily achievable target diminishes the importance of land conservation while setting the bar too high can lead to disappointment. The purpose of this section is to set achievable targets that significantly enhance NPCA's conservation efforts.

Land securement successes are often measured in hectares and/or number of properties secured. From Table 4, there are 9,864.23 hectares identified as potentially worthy of securing.

For landowner outreach efforts in the LOAs to commence in 2023, a reasonable minimum securement target is to **secure 10 properties or 200 hectares by 2032**. This target may be achieved earlier than the 10-year timeframe. If so, an updated goal to would be required.

A more aggressive yet reasonable target is to double the minimum target and aim to **secure 20 properties or 400 hectares by 2032**. This target requires regular landowner engagement and additional time for project management, but less than double the time involved. Much of the time is spent on initial landowner contact. By diligently following-up with landowners, the potential for more securement projects increases.

In addition, NPCA will likely continue to receive calls from landowners offering qualified land donations outside the LOAs. These securement projects would also contribute to either target.

Management & Implementation

To evaluate potential securement opportunities in an efficient manner, it is important to screen potential land securement opportunities using the Property Evaluation Form (Appendix 5) to assess each securement project. When landowner outreach commences, there will be multiple projects to assess and a system to track and rank them will be necessary.

Land Securement Project & Evaluation List

Developing and maintaining a list of land securement projects divided into category A for “active” securement projects and category B for “potential” properties for securement will help organize projects and help focus on projects at a glance. Projects in category A will have a signed commitment in the form of a Letter of Intent or an Agreement of Purchase and Sale. Category B would include those properties that have landowners expressing interest in land securement options and warrant further consideration.

Before placing a candidate property on either list, a property evaluation involving desktop analysis and, where necessary, a field investigation should be undertaken. This process will provide an assessment of the merit and stewardship issues of the property. Further, the desire to acquire the property and the landowner’s interest in working with NPCA will need to be assessed to develop a mutually acceptable transaction. The transaction could take the form of a fee-simple purchase, land donation, or split-receipt. Depending on the property history and preliminary site evaluation, additional environmental studies may also be required before completing a land securement transaction (e.g., Phase 1 and/or 2 Environmental Assessment).

When a property has moved to category A, staff should prepare a business case and recommendation for its purchase. Approval by the Board is required prior to any further negotiation. If financing the purchase is approved, the securement process continues (i.e., negotiate agreement, obtain appraisal, commission survey, etc.).

Land Securement Success & Promotion

The term “success breeds success” is highly applicable to any land securement program. Unless confidential, once there is the success of securing a property within a given area, NPCA should

consider the messaging and leveraging of successful land securement projects to generate additional successes. Whether the property was purchased or donated, a single success can be used to generate local, regional, or even provincial attention leading to increased funding, more interested landowners, and better partnership support. Especially in the case of land donations, other landowners may be encouraged to do the same. These landowners can in turn be invited to act as champions in their own communities. Below are best practices for communicating successes:

- Ensure that all partners involved in the securement of a property are given proper recognition
- Invite municipal politicians to the event (include federal representatives if a donation was made through the Ecogifts program)
- Ensure that the event or success is covered by all forms of local media (i.e., newspaper, television, radio, social media)
- Ensure that celebrations and donor recognitions are communicated through internal media such as newsletters, website, social media, etc.
- Use the media articles, newsletters, or other internal communications to send to other target landowners

Land Securement Budget

The NPCA has a current modest reserve dedicated to land securement. As landowner interest increases, more attention to the budget must be given. If there is more landowner interest to sell than the capacity of the budget, negotiations must adapt to ensure budget capacity is secured prior to scheduling property closings.

Relative to conservation land values, ranging from \$2,500 to 4,500 per hectare, the current budget may be insufficient to meet land securement requirements. Thus, an emphasis on landowner outreach to encourage land donations becomes necessary as well as seeking external funding sources to potentially increase the amount of land secured.

Securement Costs

Even with a land securement program that focused only on receiving land donations or taking on purchases that have the purchase price covered by outside funding sources, there are still securement costs. Just one fee-simple land donation has the following approximate associated securement costs (as of 2022):

\$4,500 - \$7,000	Appraisal
\$1,500 - \$4,000	Legal
\$2,500 - \$10,000	Survey (if required)
\$2,500 - \$4,000	Phase 1 Environmental Assessment (if required)
\$8,000 - \$13,000	Baseline Documentation Report (if required, see CE section)
\$5,000 - \$10,000	Staff/contractor time

Some of the costs noted above can be recovered through external programs and sources. Nevertheless, it would be prudent to budget at least \$30,000 per acquisition.

Program Implementation

Once the land securement strategy is approved and resources have been assigned for program development, implementation can begin. As previously mentioned, the first year of program implementation (2023) will be primarily devoted to landowner outreach. As outreach continues, land securement projects may occur concurrently, as a result of each previous year's outreach. The suggested program implementation work plan is as follows:

2022

- Obtain Board approval for the Land Securement Strategy
- Consult with municipal partners, land trusts, Indigenous organizations, NPCF, and Public Advisory Committee for feedback on the strategy and to build relationships toward future land securement
- Develop a land securement program including a budget, outreach and engagement plan and associated materials, landowner contact list, and allocating staff resources

Year 1 of implementation (2023)

- Scan for property listings in LOAs
- Populate a landowner contact list
- Circulate landowner list to people that could be helpful in facilitating introductions and providing background information
- Prepare and mail out landowner information packages in waves of one or two target areas per month
- Follow-up with phone calls and emails where possible
- Conduct drop-in visits with those landowners whose mail has been returned to sender and no other contact information is available
- Determine which landowners are most likely to work towards selling or donating and prioritize closings for the fiscal year and which to carry over, if needed
- Begin securement process, as required (e.g., retain appraiser)

The first year of implementation is primarily gearing up for the follow-through each subsequent year. Each year thereafter involves the same process with the addition of closing property transactions from the previous year, regularly updating the landowner contact list, and reporting on performance metrics.

Stewardship Fund

To provide adequate resources in perpetuity for stewardship related activities on owned properties, a detailing of stewardship costs is required for each new and existing property. There are more stewardships costs involved in the direct management of land that the NPCA owns versus lands under conservation easement agreement. Administrative and conservation stewardship-related costs can be short-term (e.g., tree planting) or long-term costs (e.g., insurance, clean-up, monitoring, etc.). Examples of stewardship costs are listed below as well as their likelihood for successful fundraising.

Land Administration - Carrying Charges

For owned properties: taxes, carrying charges including (but are not limited to) risk management, insurance, access, perimeter signage for adjacent neighbours or trespass. These disbursements are often difficult to fundraise for and are more reliant on operating costs or interest accrued from a stewardship fund.

Conservation Stewardship - Managing Sites

Stewardship costs are determined on a case-by-case basis following a site visit and discussion with the landowner. For owned properties, stewardship activities include (but are not limited to) burning (for ecosystem maintenance), removal of invasive species, restoration, interpretive signage, partner/volunteer support, and community relations. For both owned and CE properties, stewardship activities include (but are not limited to) inventory and site monitoring. These conservation stewardship costs have a greater likelihood of successful fundraising. Stewardship requirements should be assessed and detailed in the Property Evaluation Form (Appendix 5). Further, when the NPCA develops new or updated conservation area management plans, stewardship costs for these areas and any adjoining nature reserves should be identified and detailed accordingly.

Consideration should be given to developing and implementing a stewardship fund through the NPCF and based on the current and future costs of stewardship. The fund would consist of a pool of dollars used to support a specific operating objective consisting of stewardship of conservation lands. The stewardship fund would require a Board approved policy providing a governance framework and terms of reference to guide collection of funds and disbursement of eligible costs. Contributions to the fund may vary with each land purchase and the contribution from a landowner may be a negotiated item, in accordance with appropriate stewardship fund governance framework. For special projects that may be periodic and require additional funding, further fundraising would be required. The amount required in the fund would be determined from the projected stewardship costs and would change over time as the NPCA's property portfolio changes.

Enforcement or Legal Defence Funds

In addition to having a stewardship fund, it is important to consider having a legal defence fund for CE properties. For example, in the event a CE has been violated, the NPCA will take every measure possible to mitigate the situation with the landowner in a friendly way. However, this approach may not always be successful and may require the support of legal counsel or involvement in legal proceedings. The cost of defending a CE could range from thousands to tens of thousands of dollars per property, depending on the situation. By having a separate legal defence fund, resources could be properly allocated, tracked, and managed to ensure that they are in place when needed. The determination of the amount for the fund could be based on the number of CEs and the likelihood of risk of each.

It is the responsibility of the NPCA to uphold its CEs and set a precedent for other landowners. Having a legal defence fund shows the community and future easement landowners that the NPCA is serious about enforcing its easements and protecting the natural features of the watershed.

Land Disposition

The purpose of this Land Securement Strategy is to guide NPCA in conserving land that best fits the aforementioned criteria of maintaining healthy and well-functioning ecosystems. Although the disposition of land seems counter to such a strategy, there are instances whereby disposition would benefit the NPCA's conservation efforts and would provide resources that enable the NPCA to secure higher quantity and quality properties.

As the NPCA does not endorse the sale of lands containing significant features, a Land Disposition Policy should be developed. Where the land still warrants protection, but the NPCA determines that another conservation organization or government agency would be better suited to manage the property, such lands can be transferred with a land holding agreement to ensure the land remains protected.

In either case, for lands that are recommended for disposition, the following practices could be considered for NPCA's Land Disposition Policy:

- a) That all surplus lands be offered "as is".
- b) That a staff report be prepared detailing the technical concerns of the disposition, the environmental significance of the lands, potential impacts of the disposition, and any mitigation requirements associated with the lands and remaining NPCA land holdings. The proponent may be required to prepare an environmental review documenting the above noted matters. The scope of this assessment will be determined in consultation with the NPCA staff, agency staff, and/or their consultants prior to any work being undertaken.
- c) That the proposed disposition of land is first offered to the local municipality and upper tier municipality within which the lands are located for either purchase or lease. Where lands have been acquired through a donation or bequest of lands that do not contain environmentally significant lands and the owner has given permission for the NPCA to use or dispose of the lands as the NPCA desires, the staff report may not be required. This will be determined at the discretion of the Board.
- d) When the disposition involves any lands where the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) provided funding for the acquisition of the subject lands under section 39 of the CA Act, that the proposed disposition be approved by the MECP (CA Act, Sec. 21 (2))
- e) That all land sales generally be appraised at market value by an Accredited Appraiser Canadian Institute (AACI) qualified appraiser. The sale may be subject to conditions to ensure objectives are met. Where an appraisal of land value is required, the appraisal will be commissioned by the NPCA. Generally, where lands were donated to the NPCA, the family who donated the property will be given first right of refusal or requested for consent to sell unless otherwise stated in the terms of the donation or bequest.
- f) Any proceeds from the sale of any lands shall be used to acquire other conservation lands or be used for the direct care of the existing conservation lands and CEs.

Financing Land Securement

Historically, NPCA hasn't had the benefit of a land securement program *per se*. Land securement has been opportunistic requiring staff and Board reaction. This Land Securement Strategy proposes a proactive approach through the implementation of a landowner outreach program. Random opportunities are still expected and welcomed if they meet the criteria laid out in this report, but such cases cannot be counted on and can distract from a focused approach to achieve the securement targets. Thus, it is important to distinguish between program and project costs.

Program Financing

With the adoption of this Land Securement Strategy there is an acknowledgement of the need for land protection efforts above and beyond NPCA's current conservation activities. To have an effective land securement program, an annual budget will be required to cover the associated costs of implementation. The cost for a land securement program, especially in the first few years, can be nominal compared to other programs by paying for just the essentials. Below are some of the essential program costs:

- One staff member or contractor to do landowner outreach and coordinate securement projects. Additional help from seasonal staff to maintain the landowner database, support mapping updates, conduct site visits, and mail packages.
- Supplies and printing costs for informational handouts and landowner packages (including envelopes and postage)
- Travel expenses to meet with landowners and conduct site visits
- Appraisals (also a project cost but is considered a program cost as not every project comes to a close). When an agreement is signed between the landowner and NPCA, the appraisal becomes a project cost. Prior to that, there should be some monies available for one or two appraisals each year.
- Event/celebration costs (e.g., refreshments if hosting a landowner outreach event or an event to celebrate a project closing), especially a purchase of a property for which there was a successful fundraising campaign.

Project Financing

A securement project is defined as the process of protecting an individual property. Securing land is never free of costs even when land or a conservation easement is donated. Land securement "soft" costs for projects were outlined in the preceding sections of this strategy. Financing land securement is important to be able to successfully execute this Land Securement Strategy.

Funding for securement projects can fluctuate. Additionally, funding sources have their own eligibility criteria. As such, some funding can be received directly while other sources need to be obtained through securement partners or combined from multiple sources. Traditionally, funding for land securement projects have been from government and charitable foundations.

Government Funding

As was stated in the Land Securement Partners section of this document, there are federal and provincial funds available to exclusively to land trusts requiring NPCA to establish a partnership. The partnership may require the land trust to be the primary or sole applicant and be the one to hold title to the property or hold the CE.

Some municipal funds are available on a case-by-case basis that would be beyond NPCA's regular levy. For example, the City of Hamilton has a fund earmarked for land securement applicants. The other upper tier and single tier municipalities in the watershed do not have land securement funds yet; nevertheless, partnering with a municipality on a land securement project that benefits their community should be brought forward. In most cases, municipalities will expect to have their funds leveraged.

Niagara Peninsula Conservation Foundation

The Niagara Peninsula Conservation Foundation (NPCF) raises funds exclusively for NPCA projects and programs. The NPCF should have a list of environmentally giving foundations and private individuals that would contribute funds towards land securement projects. The NPCF should be engaged to discuss raising funds for land securement projects and launching project campaigns.

Project Campaigns

When a property purchase can be made that could excite the community, NPCF and NPCA (possibly with partner support) should launch a fundraising campaign for the securement of that property. In such a case, a long closing date would be negotiated with the seller to allow sufficient time to fundraise (e.g., 9 - 12 month closing). Such campaigns have proven to be effective beyond just closing the intended property transaction. They also boost public awareness and support of the land securement project and overall program. Such "flagship" property acquisitions should be encouraged every couple of years to keep the public interest high.

When considering campaigning for a property purchase, it is prudent to have a high degree of confidence of closing the transaction in the proposed timeframe. If half the funds are reliably available, launching a successful fundraising campaign becomes easier. Knowing that more than half of the funds have been raised gives more assurance that the project will close. Furthermore, an exact closing date creates a sense of urgency and encourages people to donate.

People are motivated to donate cash towards a property that have a perceived benefit to them. If a property can be used by the public in a way while also protecting the bulk of the land from intrusion, the use can be promoted. For example, the Bruce Trail Conservancy (BTC) have been highly successful in its fundraising campaigns because each acquisition allows people to hike more trail. BTC typically runs two securement campaigns each year because of all the trail enthusiasts in its membership.

Conservation Impact Bond

The Conservation Impact Bond (CIB) is a new instrument being applied by multiple stakeholders in southern Ontario to address the conservation funding gap and create healthy landscapes in

the spirit and practice of reconciliation with Indigenous communities. The CIB initiative is facilitated by the Carolinian Canada Coalition. There is an opportunity for the NPCA to become a partner (e.g., habitat grower) as part of a Niagara Peninsula CIB. To date, there are no detailed eligibility criteria other than the project must further biodiversity efforts; however, it is possible that the CIB could be used to fund a land securement project.

Land Trusts

Beyond land trusts' eligibility to access government funding for securement projects, they are also able to fundraise for projects that are meaningful to them. For example, a land securement project that abuts an existing secured property held by a land trust such as NCC or Ontario Nature may be of great enough interest to them to want to contribute.

Even the smaller land trusts such as the Niagara Land Trust also have a role to play. They may be able to do some local fundraising on behalf of a securement project that is important to them.

Creative Financing

When funding partners are not enough, individual securement projects can also be funded creatively. Some examples follow:

Loans and Debentures

Though not desired, in some special circumstances, securing a loan may be appropriate as part of an acquisition process. A loan to close on a property should be considered in only two cases:

- There is income derived from the property that a cash flow analysis demonstrates will provide a positive cash flow
- The loan is zero or very low interest and there is sufficient time before the end term to raise the required amount

In either of the two cases, negotiations for closing dates of other purchases should be postponed until all loans have been paid in full.

Similar to a loan, a conservation authority may issue a debenture to raise long-term project capital. This approach can be considered for projects whereby funds need to be raised over a few years before payback of the debenture.

Flipping Land with a Conservation Easement

Some land trusts (primarily in the United States) have used the practice of flipping a property once an easement is applied to title. The concept is that they buy a property with conservation value, put a conservation easement on the property, then sell the property again. The funds from the sale go back into the land securement project fund.

Conservation Offsetting for Species at Risk

Some conservation authorities have been approached by the Ministry of Northern Development, Natural Resources and Forestry (NDMNRF) for land securement when a developer in their watershed requires a permit under the Lakes and Rivers Improvement Act. For example,

NDMNRF asked the Credit Valley Conservation Authority (CVC) to provide ideal locations suitable for Bobolink (*Dolichonyx oryzivorus*) habitat that CVC could likely secure with funding. The developer paid CVC to acquire and restore marginal farmland to provide suitable habitat, and the developer received a permit from NDMNRF. Conservation offsetting is common in the U.S. and becoming more popular in Canada in recent years. This approach recognizes that developers are already required to 'offset' impacts through legislation such as the *Species at Risk Act*. Land securement and restoration for sensitive habitat can be used as an opportunity through this approach.

Revenue Generation

Revenue generation potential is something to consider when acquiring a property. If the property can generate income beyond operating costs and such income-generating activities are congruent with NPCA's mission, then revenue generating capacity should be considered in both securement and financing of prospective properties. With recent changes to the *Conservation Authorities Act*, the NPCA will need to carefully evaluate if revenue generation is appropriate as it may have other implications. Table 5 below showcases some examples of potential activities that could generate income to help offset land securement and operational costs.

Land Sale Funding

As previously stated in the Land Disposition Policy section of this report, the sale of land could benefit land securement finances by raising funds in the following ways:

1. A donated property, which does not meet criteria and considerations, could be sold with proceeds used to purchase environmentally significant land. For example, land gifted simply as an asset to be sold for capital like donations of stock or annuities.
2. Securing the whole of a property and then severing and selling off the house/building lot. This approach would only be desirable if the seller did not wish to sell a conservation parcel to NPCA at the outset or if there are timing issues regarding a potential severance and the seller's need to sell. This scenario has been used successfully by BTC multiple times.

Summary

There are numerous ways to fund land securement projects, often with the use of partners. Partners and funders change over time. Some new ones show themselves and other fairly reliable sources can drop off. It is important to investigate status of partnerships, funding criteria and eligibility, and search for new prospects annually.

To access funding and have a successful land securement program, it is imperative to fund the land securement program first. This seed funding can go a long way to leverage hundreds of thousands or even millions of dollars over the next ten years.

Table 5: Potential Revenue Generation Activity

Activity	General Overview
Forest management	Sustainably managed forest activities. Money made from selling timber products.
Recreation – passive	Passive recreation like trails, photography, geocaching, etc. Money made from user, entry permit fees.
Accommodations	Camping and Bed & Breakfast type establishments. Reservation fees.
Green Burial / Memorial Forest	Using conservation land to bury people in a sustainable way and/or use unplanted open areas to plant trees in memoriam.
Retail/commercial permits	Using buildings to rent out for commercial / storage purposes which NPCA would receive rent and/or privatization of concession services which NPCA would receive a percentage of profit.
Landlords	Renting out existing houses to private individuals for housing. Money made through monthly rent.
Events	Permits for hosting corporate, filming, and wedding events on conservation areas. Money made by permit fees.
Agriculture – General	Either practicing agriculture or leasing out land to farmers.
Agriculture – Biofuel	Agricultural practices to produce biofuel which can be sold back to distributors.
Historical interpretative centers	Educational centers / historical interpretative centers open to public.
Community garden/orchard	Open spaces of portions of parcels could be converted to garden areas for those from urban areas without garden space.
Crowd funding	Encouraging park support from community through crowd funding platform.
Research / Academia	Research station offering to rent facilities, space, access.

Recommendations

The following is a list of recommendations to successfully implement and achieve the securement targets of this Land Securement Strategy:

1. Develop and adopt policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act Regulation O. Reg 686/21* (Sec. 9 (2)(vi)).
2. Develop and implement a land securement program including:
 - a. staff and financial resource allocations
 - b. annual work plans and targets and performance measures
 - c. outreach and engagement plan and associated collaterals
 - d. internal staff team to evaluate potential land securement projects from technical, operational, and financial perspectives
 - e. land acquisition reserve in accordance with NPCA board-approved reserve policy
3. Ensure NPCA Indigenous engagement guidelines support opportunities to work together on land securement.
4. Engage with land securement partners to obtain feedback on the land securement strategy and establish connections that facilitate future securement collaborations.
5. Form a Land Securement Working Group (comprised of land securement partners and funders) to collaborate on potential securement projects. The group should meet a minimum of annually.
6. Collaborate with the Niagara Peninsula Conservation Foundation to develop and implement a stewardship fund.
7. Collaborate with the Niagara Peninsula Conservation Foundation to launch fundraising campaign(s) for land securement.
8. Proactively seek funding opportunities and explore the feasibility of non-conventional funding options for securement projects.

Conclusions

As of early 2022, the NPCA has secured almost 3,000 hectares of ecologically significant land. In combination with lands protected by partner government agencies and land trusts, almost 4,000 hectares have been protected within the watershed. These joint efforts equate to over 1.6% of the total land area in the watershed being secured for conservation—far below the recommended federal and international biodiversity targets.

This Land Securement Strategy provides the criteria for the NPCA to react decisively to land donation offers and conservation easements. It also acts as a 10-year guideline for the NPCA to secure high-priority lands through proactive landowner outreach and strategic land securement. With a concerted effort in active targeted landowner outreach within the proposed six LOAs, NPCA can secure a minimum of 180 hectares by 2032. As landowner outreach and land

securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner interest. If executed consistently, the more aggressive land securement target becomes attainable.

Minimum Securement Target

The securement of 180 hectares total by 2032 would aim for the following:

- Secure an average of 20 ha annually
- Secure an average of 1 property per year

Aggressive Securement Target

A target of 360 hectares total by 2032 can be achieved by increasing landowner outreach to all target areas and expedite the internal decision making and approval process.

- Secure an average of 40 ha annually
- Secure 2 properties per year

The information presented in this strategy is for a ten-year timeframe (2022-2032). Annual progress on land securement efforts will be highlighted in the NPCA's annual report. A review will occur after 5 years of implementation to assess progress and adjust accordingly. The NPCA Land Securement Strategy should be reviewed and revised in 2032.

Appendix 1: Ecological Gifts Program

The Ecological Gifts (Ecogifts) program enables owners of property with ecologically sensitive natural features to preserve wildlife habitat. Ecogifts are qualified charitable land donations that generate enhanced income tax benefits. Donations of fee simple title and partial interests, including conservation easements, are eligible. In many scenarios, the landowner can continue to hold title and/or live on the land.

To qualify as ecologically sensitive, the land must satisfy at least one criterion from the 'A' List of Specific Categories of Qualified Lands and one or more from the 'B' List of General Criteria for Other Ecologically Sensitive Lands (see below).

Gift recipients include land trusts and other conservation charities, and government agencies chosen by donors and approved by the federal government. Donors of Ecogifts receive a donation receipt for the fair market value of the gift.

Ecogifts receive tax treatment that is superior to most other charitable gifts. Program tax advantages include:

- Eliminated taxable capital gain on the disposition of the property
- No income limit for calculating the tax credit/deduction
- Donation value certified by the Government of Canada
- Tax liability for recipients that do not protect the gifted land

The process of making an Ecogift is relatively straightforward. The donor will basically have two steps to complete that include providing: (i) information to support the evaluation of the land as ecologically sensitive, and (ii) an appraisal of Fair Market Value by a qualified appraiser along with a signed Application for Appraisal Review and Determination. The donor and recipient will generally cooperate on the application to confirm that the property qualifies as ecologically sensitive. The recipient will also often help the donor arrange for the appraisal of fair market value.

Provincial Ecological Sensitivity Criteria for Ontario

A) Specific Categories of Qualified Lands

Lands, easements, or covenants relative to such lands, which fall into one or more of the following categories shall be deemed to be ecologically sensitive lands in Ontario provided the terms of easements or covenants protect the ecologically sensitive features of the land.

A1. Significant portions of the habitat of species determined to be endangered, threatened or vulnerable in Ontario, as specified in a recovery plan or other biological study;

A2. Areas designated as Provincially Significant Wetlands;

A3. Provincial or regional Areas of Natural and Scientific Interest;

A4. Designated Areas of Concern for biodiversity purposes as identified in Forest Management Plans;

- A5. Areas qualifying for the Conservation Land Tax Incentive Program;
- A6. Areas managed for wildlife habitat conservation purposes that qualify under the Managed Forest Tax Incentive Program;
- A7. Areas promoting the conservation of natural heritage and biodiversity that are identified within a regional or watershed plan or strategy developed by a recognized conservation organization;
- A8. Areas designated as a World Heritage Site for biodiversity conservation purposes, a core area of a UNESCO Biosphere Reserve, or a Wetland of International Importance under the Ramsar Convention;
- A9. Areas of biodiversity significance identified in a Canadian Heritage Rivers Management Plan or Strategy;
- A10. Areas designated in the Niagara Escarpment Plan as an Escarpment Protection Area or an Escarpment Natural Area;
- A11. Areas designated as Natural Core, Natural Linkage, Sensitive Hydrological Feature, High Aquifer Vulnerability, Significant Landform, Minimum Areas of Influence or Minimum Vegetation Protection Zones within the Oak Ridges Moraine Conservation Plan;
- A12. Areas designated Core Area, Corridor or Restoration Area in the Lake Ontario Greenway Strategy;
- A13. Areas designated for biodiversity conservation purposes within Management Plans or Strategies for the Trent-Severn or Rideau waterways;
- A14. Areas within a municipal official plan or zoning by-law under the *Planning Act* (Ontario) designated as an Environmentally Sensitive Area, Environmentally Significant Area, Environmental Protection Area, Restoration Area, Natural Heritage System or other designation for similar purposes that are compatible with the conservation of the biodiversity, ecological features and functions of the site;
- A15. Areas within or adjacent to a Provincial Park, Provincial Park Reserve, Conservation Reserve, Conservation Area, Wilderness Area, Provincial Wildlife Area, National Wildlife Area, Migratory Bird Sanctuary, National Park, National Park Reserve or Ecological or Nature Reserve managed by a government or non-government agency;
- A16. Municipal parks or other protected areas designated or managed for biodiversity conservation purposes;
- A17. Areas identified as Carolinian Canada sites or alternate sites;

A18. Areas designated as Core Natural Area, Natural Area Buffer, Natural Area Link, or Valued Ecosystem Component in the National Capital Greenbelt Master Plan by the National Capital Commission; and

A19. Areas designated for biodiversity purposes by regional agencies such as the Niagara Parks Commission, St. Clair Parkway Commission, St. Lawrence Parks Commission and the Waterfront Regeneration Trust.

B. General Criteria for Other Ecologically Sensitive Lands

Lands, easements, or covenants relative to such lands that meet one or more of the following general criteria may also be considered to be ecologically sensitive lands in Ontario -- subject to the approval of the federal Minister of the Environment and Climate Change (MOECC) or a person delegated by the Minister for this purpose (the term "significant" for the purposes below refers to definitions provided in Provincial Policy Statements): This is provided terms of easements or covenants regard and protect the ecologically sensitive features of the land.

B1. Significant habitats such as alvars, prairies, cliffs, Great Lakes coastal habitats, old growth forest areas, glacial relic communities and sites with enduring geological features that contribute to biodiversity;

B2. Areas of wildlife concentration such as bat caves, snake hibernacula, heronries, deer wintering yards and sites used by migratory water birds and other species for seasonal staging, feeding, breeding and like purposes;

B3. Areas identified, designated or protected as ecologically significant or ecologically important by a government or non-government local, provincial, national or international system or body;

B4. Significant water bodies, rivers, streams, shorelines, valleys, wetlands, groundwater recharge areas, headwaters and aquifers;

B5. Significant wildlife or fish habitats;

B6. Significant woodlands;

B7. Areas that have significant current or potential for enhanced ecological values through restoration, remediation, management or geographic proximity to other ecologically significant properties;

B8. Natural buffers and adjacent lands around areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B9. Natural links or corridors between areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B10. Areas used for long-term scientific study or baseline and benchmark monitoring of biodiversity; and

B11. Areas that contribute to Canada's environmental heritage through the maintenance of the genetic diversity of species, ecosystem health, or landscape biodiversity, and other natural spaces of significance to the environment in which they are located.

The categories and criteria listed above, for the purposes of implementation of provisions in the *Income Tax Act* for Ecogifts, have been agreed to by representatives of the governments of Ontario and Canada. This list and criteria may be further elaborated and amended by agreement between MOECC and the MECP.

DRAFT

Appendix 2: Conservation Land Tax Incentive Program

Only lands identified by the NDMNRF as provincially significant are eligible for the CLTIP. These are a small subset of lands found in a natural state in Ontario. The eligible types of land are:

Provincially Significant Wetland

Wetlands are lands covered by shallow water all the time, or in certain seasons, as well as lands where the water table is close to or at the surface. The abundant water causes the soil to be waterlogged and encourages growth of plants that either love the water or tolerate it well. Periodically soaked or wetlands that are being used for agricultural purposes and that no longer have the characteristics of wetlands are not considered wetlands under this program. Wetlands play a crucial role in the province. They:

- Provide vital habitat for rare and endangered wildlife and many other species;
- Maintain and improve water quality;
- Help stabilize shorelines and control flooding and erosion;
- Provide spawning grounds for fish;
- Help ensure a stable, long-term supply of water by functioning as groundwater recharge and discharge areas;
- Supply many social and economic benefits, such as opportunities for outdoor recreation and tourism; and
- Ensure opportunities for the renewable harvest of products such as timber, fuel wood, fish, wildlife and wild rice.

The NDMNRF has evaluated many wetlands more than 2 hectares in size, both in southern Ontario and parts of northern Ontario. Only wetlands that NDMNRF has identified as provincially significant are eligible under the CLTIP.

Provincially Significant Area of Natural and Scientific Interest (ANSI)

ANSIs are areas of land and water that represent significant geological (Earth Science, ANSI-ES) and biological (Life Science, ANSI-LS) features. Earth Science ANSIs include areas that contain examples of rock, fossil, and landform features in Ontario. These features are the result of billions of years of geological processes and landscape evolution. Life Science ANSIs are areas that contain examples of the many natural landscapes, communities, plants, and animals found in the 14 natural regions of the province. NDMNRF identifies ANSIs that are 'provincially significant' by surveying regions and evaluating sites to decide which have the highest value for conservation, scientific study, and education.

Habitat of Endangered Species

An endangered species is any native species that is at risk of extinction or extirpation throughout all or a significant portion of its Ontario range. For purposes of the Conservation Land Tax Incentive Program, endangered species are those listed in regulation under *Ontario's Endangered Species Act*.

The 2002 adoption of Canada's *Species at Risk Act* (SARA) completed the National Strategy for the Protection of Species at Risk. The purposes of SARA are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened.

Through these initiatives, Canada is making its commitment under the United Nations Convention on Biological Diversity a reality.

Endangered species habitat is the habitat necessary for the survival of populations of endangered species. The specific requirements of the various endangered species are set out in NDMNRF guidelines for mapping this habitat. These guidelines are used to delineate endangered species habitat on a species-by-species and site-by-site basis.

A list of regulated endangered species in Ontario with NDMNRF rankings is published on the Species at Risk in Ontario (SARO) webpage: www.ontario.ca

Eligibility criteria for the new category are outlined in *Ontario Regulation 388/04* under the *Assessment Act*. Agencies interested in applying under this category should review this regulation.

Size

The conservation land must be at least 1/5 of a hectare in size. Therefore, if there is a building or structure on the property, the property must be greater in size.

Buildings and Improvements

The CLTIP does not provide tax relief for buildings or other improvements and associated land (the land associated with a structure or improvement is generally considered to be 2/5 hectares).

Appendix 3: Example Landowner Contact Database

[illegible]

Appendix 4: Sample Landowner Contact Letter

Date

Dear [insert landowner name]:

You may already be aware that the natural areas on your property are ecologically important. Have you ever thought about creating a conservation legacy by having the natural features of your property protected in perpetuity for future generations?

I have enclosed an information package about an environmental land conservation program offered by NPCA and its partnering land trusts. In accordance with your wishes, you can arrange for the natural features on your land to be protected in perpetuity. We are working with a wide range of conservation partners, both public and private, to provide land conservation opportunities to landowners, some of which offer tax advantages.

Please contact me at xxx-xxx-xxxx if you wish to learn more about the program. I would be happy to arrange a time to discuss land conservation options with you.

Yours in conservation,

[Insert NPCA Staff name]

Appendix 5: Sample Property Evaluation Form

A. Property and Owner Particulars

Owner Information (Name, Phone No., Email)	
Legal address	
Mailing address	
Roll No.	
Family members and/or agent contact info	
Primary contact	
Sub-Watershed	
Property Size	
Current Official Plan Designation(s)	
Current Zoning Designation(s)	
How was contact made?	
Motivation of landowner (e.g., cash sale, conservation, curiosity, tax benefits)	
Existing Mortgage (Y/N)	
Tax Assessed Value (note year)	
Comments	

B. Preliminary Property Investigation

Property Attributes	Yes/No/Not Applicable	Comments
Adjacent to other public lands or private conservation lands		
Tax Exempt (CLTIP, Easement)		
Contains features eligible for the Ecogifts Program		
Part of an identified municipal or provincial greenspace system		
History with the permits, complaints, and violations		
Previous positive NPCA involvement (e.g., stewardship or restoration projects, donor)		

The ecological sensitivity of the subject lands is based on the following priority and secondary land securement criteria:

C. Priority Securement Criteria

Property Attributes	Yes/No/Not Applicable	Comments
Provincially Significant Wetland		
Areas of Natural and Scientific Interest (Earth or Life Science)		
Habitat of Endangered Species (<i>Ontario Endangered Species Act</i>)		
Natural Heritage Features or Areas identified in the Provincial Policy Statement		
Regionally Significant ANSIs		

Property Attributes	Yes/No/Not Applicable	Comments
Habitats of species of special concern designated by MNRF (species at risk)		
NHIC species occurrences or ecological communities (S1, S2, S3).		
Designated Natural Area, Protection Area or Rural Area in the NEP		
Designated Natural Core, Natural Linkage		
Natural heritage areas identified within a regional or watershed plan or strategy developed by a CA under the CAA.		
Lands designated environmentally significant, environmental protection or equivalent in municipal Official Plans		
Areas within or adjacent to protected areas (i.e., provincial park, conservation reserve, or provincial wildlife area) that contribute to the natural heritage objectives of the protected area.		
Other criteria as may apply under the CLTIP program requirements.		
Distance to closest NPCA lands		
Identified NPCA property securement considerations		

D. Secondary Securement Criteria

Property Attributes	Yes/No/Not Applicable	Comments
Areas with enhanced ecological values through restoration and/or remediation (i.e., forest, stream, wetland)		
Groundwater recharge areas, headwaters and aquifers		

Property Attributes	Yes/No/Not Applicable	Comments
Lands under Forest Management Plans (designated areas of concern for biodiversity)		
Natural buffers and adjacent lands under other ecologically sensitive lands that contribute to conservation of biodiversity		
Natural links or corridors between areas identified under other ecologically sensitive lands that contribute to conservation of biodiversity (i.e., through Natural Heritage Programs or Watershed Plans)		
Regional Floodplain (flood and erosion risk)		
Significant waterbodies, rivers, streams, shorelines and valleys		
Significant wildlife or fish habitats		
Significant Woodlands		
Wetlands		

E. Determination whether securement is the most appropriate course of action to protect natural heritage lands

Criteria	Yes/No/Not Applicable	Comments
Are the lands significant in the context of the overall natural heritage system?		
Availability of funding for securement (purchase, donation, easement, appraisal, legal, survey etc.).		
Availability of funding for ongoing maintenance		
Is there an immediate threat to the lands?		

Criteria	Yes/No/Not Applicable	Comments
Proximity of property to lands already in public ownership		
Willingness of owner to enter into negotiations		
Sale price at fair market value		
Availability of maintenance access to the property		
Potential municipal lease agreement		
Preferred agency for securement (e.g., NPCA, Municipality, or other)		

Summary and Recommendation for Securement

Evaluated by: _____

Date: _____

Attach overview/locator map and property sized map

DATE: September 12, 2022

REPORT NO: PD-79-2022

SUBJECT: **Technical Report**
4981 Regional Road 20 – Fred and Rebecca Vrugteveen
Temporary Use Bylaw Extension (File No. 1601-011-22)

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

OVERVIEW:

- In February 2020, Township Council granted a two-year Temporary Use Bylaw for 4981 Regional Road 20 to permit the temporary use of the property for commercial activity, primarily the storage of pallets and other materials related to the local business known as Niagara Pallets, operated by Mr. Fred Vrugteveen.
- A history of this property and the justification and review of the initial two-year temporary use bylaw can be found in the attached planning report PD-027-20 (Attachment 1).
- The temporary use bylaw had an expiry date of February 28th, 2022, but the owners argued that due to the Province passing O. Reg. 73/20 in response to the COVID-19 pandemic and the impact to the Provincial Court system, there should be an automatic extension of 6 months to the approval.
- Township staff requested the applicants legal Counsel for further information, but none was provided and therefore staff have never provided an opinion on the matter.
- The applicants have now submitted a request to extend the temporary use bylaw for a period of one year starting August 2022 and expiring in August 2023.
- The application states that the storage on this site is still needed until such time that their new facility, located on South Grimsby Road 8, is finalized.
- Planning Staff recommend that following the public consultation period and a full review of the application against the applicable planning policies, a recommendation report be prepared and presented to Committee and/or Council (depending on the meeting schedule surrounding the Municipal elections).
- The Region of Niagara has provided comments with regards to this application and are unable to support the extension to the Temporary Use Bylaw.

RECOMMENDATION:

1. That, Technical Report PD-79-2022, regarding “4981 Regional Road 20 – Fred and Rebecca Vrugteveen – Temporary Use Bylaw (File No. 1601-011-22)”, dated September 12th, 2022, be RECEIVED; and,
2. That a recommendation report be submitted to a future Planning/Building/Environmental Committee or Council meeting once a full staff and agency review has been completed.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2 & #3

- **Support for Business Opportunities for Residents**
- **Strategic Responsible Growth**

BACKGROUND:

An application for an extension to a Temporary Use Bylaw has been submitted by Upper Canada Consultants on behalf of the property owners of 4981 Regional Road 20, Fred and Rebecca Vrugteveen, and Niagara Pallets. A Temporary Use Bylaw was granted in February of 2020 for a two-year time period to permit the storage of pallets relating to the Niagara Pallet business located on South Grimsby Road 8.

A full background to the initial two-year Temporary Use Bylaw and a history of the commercial use on this property can be found in the attached Planning Staff Report PD-027-20 in Attachment 1.

In summary of that report, a ±1.7ha (±4.3 acres) portion of the property has been used by Niagara Pallets for a number of years for a variety of commercial uses. In 2005 the Township received a complaint regarding the commercial use and subsequently the applicants made application for a 1-year temporary use bylaw to find another suitable site. Subsequent to that the applicants applied for a zoning bylaw amendment and official plan amendment in 2009. These applications were later withdrawn by the applicants citing lack of Regional support. The business activity was moved in part to their new property on South Grimsby Road 8, but complaints were received in 2016 and 2017 for ongoing commercial activity on the subject property. In late 2019 the applicants had applied for a temporary use bylaw to permit the ongoing commercial uses for a period of 3 years.

Township Council approved a temporary use bylaw permitting pallet storage relating to Niagara Pallet for a period of 2 years in February 2020, lapsing in February 2022. The applicants have argued that an automatic six-month extension to their temporary use bylaw applies due to the COVID-19 pandemic, however, specifics in this regards have not been provided by their legal Counsel despite several requests.

A temporary use bylaw was granted in 2020 on the justification that the applicants needed more time to expand and further develop their property on South Grimsby Road 8. A severance was approved and completed in 2020 (B02/2020WL) which added approximately 0.533 hectares to their 2.1-hectare commercial property. They are now in the process of having their site plan reviewed and approved to complete the second of four building expansion phases.

The applicants have requested the additional one-year temporary use bylaw extension to allow for the completion of the second phase of their building addition at South Grimsby Road 8. Planning staff need to see more justification as to how the building addition will accommodate the 1.7 hectares of outdoor pallet storage on the subject property and make the property compliant with the zoning bylaw.

CURRENT SITUATION:

Planning Staff have completed a preliminary review of the application against the applicable planning policies. To note, very little information has been submitted with the extension request application. Staff have only received an application form and a cover letter, which is attached to this report.

Planning Act

The Ontario Planning Act makes provision for municipalities to pass temporary use bylaws to zone land or buildings for a specific use for a maximum period of up to three years for uses that otherwise are not permitted in the municipalities zoning bylaw. The exception to this regulation is for garden suites, which are permitted for a period of up to 20 years.

Temporary use bylaws follow the same circulation and notification process as zoning bylaw amendments and require a statutory public meeting. Temporary use bylaws also do not grant any non-conforming status upon lapsing.

While the municipality can only extend for a period of up to 3 years for a temporary use bylaw, they can stipulate a lesser time period in the bylaw.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 2.3 of the Plan provides policy with regards to Prime Agricultural Areas, of which the subject property is located within. Prime agricultural areas are to be protected for long-term agricultural use and non-agricultural uses are strongly discouraged. Non-agricultural uses are only permitted for limited non-residential uses provided that the land does not comprise specialty crop area, meets the minimum distance separation formulae, has an identified need within the planning horizon and that there are no reasonable alternative locations for the use outside of the prime agricultural areas. Impacts from these non-agricultural uses need to be minimised or mitigated to the extent feasible.

The commercial activity on this property has existed for nearly 20 years starting around 2004. In that time the applicants have found and purchased a more suitable site on South Grimsby Road 8 at the intersection of Regional Road 20, west of Smithville. They have been working on expanding this site to accommodate their growing business.

In order to protect agricultural lands, lands within the urban area of Smithville and some select hamlets have been designated for such commercial and industrial uses. At certain points, some businesses experiencing significant growth should consider moving to these locations. The applicants have not proven that there are no alternative locations for this use. Staff are requesting additional information to understand if the current South Grimsby

Road 8 site is large enough to accommodate all of the commercial activity taking place on the subject lands, or whether a full relocation is even possible.

Although this is only a temporary use bylaw extension application, all Planning Act applications need to be evaluated against the applicable planning policy.

A Place to Grow – Provincial Growth Plan

The Provincial Growth Plan provides a framework for growth and development within the Greater Golden Horseshoe over the long term by supporting the achievement of complete communities while protecting the Province's valuable resources, such as its agricultural lands. Section 4.2.6 of the Growth Plan provides policy direction on the protection of the Agricultural System. In alignment with the PPS, the Growth Plan requires that agricultural lands be protected for long term agricultural use. Where non-agricultural uses are permitted, an agricultural impact assessment is required to mitigate any impacts to surrounding agricultural operations. The use of agricultural lots for non-agricultural uses is discouraged.

An agricultural impact assessment was not submitted to the Township for review as this is only an extension to a temporary use bylaw, however, if further extension requests are submitted, the Township may require additional information regarding any agricultural impacts.

Regional Official Plan (Current and Adopted)

The Niagara Region has adopted a new Regional Official Plan which is waiting Provincial approval. Staff have completed a preliminary review of this extension request against both the current and adopted Regional Official Plans.

The subject property is designated as Good General Agriculture within the current official plan and Prime Agricultural Areas within the adopted Official Plan. Both Regional Official Plans do not support non-agricultural uses within the Good General Agricultural and Prime Agricultural designations. The current Regional Official Plan allow for exceptions provided that the non-agricultural use meets a number of requirements including; there are no reasonable alternative locations outside of good general agricultural areas and a demonstrated need and desirability for the proposed use.

While minimal justification was provided for this extension request, the original extension request in 2019/2020 did state that "based on the context of the portion of the site being used for temporary storage, consideration from a Regional perspective should be provided to this application. As proposed, the storage will be contained on a developed portion of the site that exhibits industrial characteristics. No urban boundaries are to be superseded".

While the request for a one-year extension may only be for one year, it is important to note that this property has not been in compliance with the Township's zoning bylaw since 2004.

Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan, in alignment with the Regional Official Plan, designates the subject property as Good General Agricultural Lands. Objectives for the

Good General Agricultural area include the promotion of a viable agricultural industry and the minimizing of non-farm uses in the agricultural area by re-directing them to locate within designated settlement areas and hamlets. Policy 4.2.1 g) states that new non-agricultural uses shall not be permitted within the agricultural areas, but are encouraged to locate within existing Settlement Areas to minimize the impact on existing and future agricultural operations.

Policy 18.4.1 speaks specifically to Temporary Use bylaws. It states that “Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Temporary uses not allowed by the applicable policies of this plan will not be permitted. Temporary uses, buildings and structures that are not farm-related shall not be permitted in the unique or good general agricultural areas.”

The policy continues on to state that upon the expiry of the temporary use bylaw, the use cannot be considered legal non-conforming.

It is apparent that the use is not agriculture or agricultural related, but connected to the commercial/industrial use related to the Niagara Pallet operation on South Grimsby Road 8. It is also not clear, as no justification was provided, that the one-year extension application meets the applicable policies of the Township’s Official Plan.

The applicant should provide additional justification regarding alignment to the Township’s Official Plan.

FINANCIAL IMPLICATIONS:

Planning Staff in 2020 recommended to Committee and Council that prior to the signing of the Temporary Use Bylaw, the applicants enter into a temporary use agreement with the Township and provide securities in the event that the site was not vacated by the lapsing date. In the event that the Temporary Use Bylaw lapses prior to the site being cleaned up, the security could be used by the Township to have the site cleaned up as per the agreement.

Based on the Township’s records, it does not appear that this agreement was ever finalized or entered into. Staff will further develop an agreement that should be signed prior to a bylaw authorizing any extension to the temporary use.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

At the time of writing this report, the Township has not received any public comments. The Township has only received comments from the Region of Niagara, which are attached to this report. The Region of Niagara does not support this application as it does not conform to Provincial or Regional policies, as stated in the letter.

CONCLUSION:

Upper Canada Consultants and the property owners of 4981 Regional Road 20, Fred and Rebecca Vrugteveen, have applied for a Temporary Use Bylaw extension of one year to permit an ongoing commercial use including pallet storage related to the Niagara Pallet operation on South Grimsby Road 8.

In reviewing the application, Township staff have requested the following additional information be provided:

- Justification for the need of an additional 1 year to the Temporary Use Bylaw and alignment to the Township's Official Plan;
- Information on how the 1.7 hectares of space currently used for pallet storage will be relocated onto the main business property on South Grimsby Road 8; and
- Cost estimate for removal of material from the site for the preparation of a Temporary Use Agreement.

Following receipt and review of this information, staff recommend preparing and bringing a recommendation report to Committee or Council (depending on the meeting schedule surrounding the municipal election).

ATTACHMENTS:


1. Location Map
2. Draft Temporary Use Bylaw
3. PD-027-20 Niagara Pallet Report
4. Regional Comments

Prepared & Submitted by:



Gerrit Boerema
Senior Planner

Approved by:



Bev Hendry
CAO




Brian Treble
Director of Planning & Building



Location Map
4981 Regional Road 20



Legend

 Subject Lands

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-##

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

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

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

- 1. THAT Schedule ‘A’ Map ‘D8’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 4, Part of Lot 16, Township of West Lincoln, municipally known as 4981 Regional Road 20, shown as the subject lands on Schedule ‘A’, attached hereto and forming part of this By-law.
- 2. THAT Map ‘D8’ to Schedule ‘A’ to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural ‘A’ zone to an Agricultural zone with a site specific temporary use number A(T-9).
- 3. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3, Table 30:

Temporary Use Provision #	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-9	D8	A	Con8, Pt Lot 14, 30R2809, Pt Part 1	<i>The storage of pallets accessory to the business located at 2906 S. Grimsby Road 8</i>	As per the parent zone.	September 26 th , 2022	September 26 th , 2023

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

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26TH DAY OF SEPTEMBER, 2022.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2017-70

Location:

The subject lands are located on the north side of Regional Road 20, legally described as Concession 4, Part of Lot 16, Township of West Lincoln, municipally known as 4981 Regional Road 20.

Purpose & Effect:

This By-law has been enacted to temporarily permit a business for the purpose of storing pallets on the subject property. This By-law provides for such use for a temporary period commencing September ##, 2022 and expiring September ##, 2023.

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

Public Consultation:

The Public Meeting was held on September 12, 2022. The Township received verbal and written comments from ## neighbour(s) regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-012-22

Applicant: Fred & Rebecca Vrugteveen



REPORT
TOWNSHIP
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: February 10th, 2020

REPORT NO: PD-027-20

SUBJECT: Recommendation Report
Zoning By-law Amendment (Temporary Use By-law)
Fred & Beck Vrugteveen (Agent – Upper Canada Consulting)

CONTACT: Alexa Cooper, Planner I
Brian Treble, Director of Planning and Building

OVERVIEW:

- According to past complaint records and aerial imagery, the local business known as Niagara Pallets has been located at 4981 Regional Road 20 without the appropriate planning approvals since 2003.
- In 2006 the Township received a complaint for the property and in 2008 a 1-year temporary use by-law was approved. This was to give the applicant enough time to find a suitable location for the business.
- When the temporary use expired, they had still not found a suitable location for the business and as such applied for a Regional Official Plan Amendment (ROPA), Local Official Plan Amendment and a Zoning By-law Amendment in an attempt to have the use permitted on the subject property.
- Once Niagara Region Planning Staff indicated they would not support Niagara Pallet's ROPA, Niagara Pallet withdrew all three applications.
- Sometime between 2014 and 2015, Niagara Pallets acquired 2906 South Grimsby Road 8 and has been trying to fully relocate the majority of their business to this location. A new site plan was approved in 2018 and Phase 1 of 4 has been constructed to redevelop the site. A certain portion of the business appears to have remained at 4981 Regional Road 20 without the appropriate planning approvals, despite the new business location.
- Niagara Pallets has submitted this temporary use application, requesting a time period of 3 years to permit the business to continue in compliance on the subject property while Niagara Pallets expands their property at 2906 South Grimsby Road 8.
- Township Planning Staff have reviewed the relevant Provincial, Regional and Local planning policy in relation to the proposal.
- Planning Staff recommend the approval of the temporary use application for a time period of 2 years with a condition that the applicant enter into an agreement with the Township to collect securities to ensure the complete removal of the business from the property by the time that the Temporary Use By-law expires.

RECOMMENDATION:

1. That, Report PD-027-20, regarding “Zoning By-law Amendment (Temporary Use By-law) – Fred & Beck Vrugteveen (Agent – Upper Canada Consulting)”, dated February 10th, 2020, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, an application for Temporary Zoning By-law Amendment 1601-018-19 submitted by Upper Canada Consultants on behalf of Fred Vrugteveen and a corresponding temporary use bylaw for not more than two years be APPROVED and passed; and,
4. That, Staff be authorized to circulate the Notice of Decision for the Temporary Zoning By-law Amendment with the corresponding 20-day appeal period; and,
5. That, the applicant enters into a temporary use agreement with the Township prior to the by-law being signed to collect securities for the clean-up of the site should the business not be removed once the Temporary Use By-law expires.

ALIGNMENT TO STRATEGIC PLAN:

- **Theme**
 - Support for business and employment opportunities for residents

BACKGROUND:

An application has been submitted to request the temporary use of a part of a local business known as Niagara Pallets on a portion of 4981 Regional Road 20 for the purposes of the ongoing storage of pallets and wood chips.

Niagara Pallets was originally based out of Wellandport until it was determined a more suitable site was required for the business in 2003. The operation relocated and operated from 4981 Regional Road 20 without confirming if the business was a permitted use on the property.

Prior to the existence of Niagara Pallets on the property, the property operated as a beef farm. The beef farm used the 2 of the 5 large buildings on the property, which have now been removed, and the remaining three were used as chicken barns. These uses were permitted under the Township’s Zoning By-law as agricultural uses. When the beef farm vacated the property, it left the five large buildings empty and was what appeared to be the perfect operation site for Niagara Pallets.

Niagara Pallets currently occupies ±1.7ha (±4.3 acres) of the 8.6ha (21.2 acre) property. Approximately 76% of the area occupied by the business is covered by buildings or used for outdoor storage. According to the Township’s 2018 aerial imagery, there appears to be three large outbuildings, 1 small outbuilding and over 10 truck beds on the subject property for business purposes.

The property is surrounded by agricultural lands and small residential holdings to the west, south and east. To the north is more agricultural lands, environmentally protected lands as well as the Silverdale Gun Club.

Following the receipt of a by-law complaint in 2005, the Township advised Niagara Pallet in correspondence that the use was contrary to the Township's Zoning By-law.

In 2008, Niagara Pallets applied for a temporary use zoning, requesting a temporary time period of 3 years for the business to continue to operate on the subject property. This was to provide enough time for the business to find and relocate to a suitable location. A temporary use was granted for the business for 1 year (By-law 2008-147). It was indicated in Staff report PD-142-08 that if they had not relocated at the end of the 1-year time period, Niagara Pallets would have to apply for and be successful in obtaining an approved Regional Official Plan Amendment (ROPA), Local Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to bring the property into compliance. During this time the property was put into the ownership of Fred Vrugteveen.

In 2009, Niagara Pallets applied for a ROPA, OPA and ZBA to make the business permanent at the subject location in conjunction with a proposed switchgrass pelletization facility. The facility was intended to produce bio-fuel pellets to supply to the alternative/renewable energy industry. This application was deemed complete in February of 2010. After further review and discussions with the Niagara Region, the applicants withdrew the application once it was indicated that the Niagara Region was not in support of their ROPA application.

Niagara Pallets relocated the majority of their business to 2906 South Grimsby Road 8 sometime between 2014 and 2015 while appearing to continue to operate part of their business on the subject property.

The Township received further by-law complaints against the property in 2016 and 2017. The by-law complaint issues for this property have been spanning a total of 14 years to date.

The applicant has stated that the property they now operate the majority of their business from (2906 South Grimsby Road 8) is too small to fully accommodate the remainder of the business at 4981 Regional Road 20 and therefore a portion of the business remains at the subject property. They are currently attempting to purchase more land to address this issue. As such, the applicants are requesting a temporary use on the property for a time period of 3 years. This is to accommodate the storage of pallets, wood chips and other materials on the property, which has been operating on the property since 2003. A phasing plan was submitted via e-mail to planning staff stating that it will take approximately 3 years to expand their location at 2906 South Grimsby Road 8 before the site can accommodate the remainder of the business located at 4981 Regional Road 20 (see attachment 1).

The phasing plan is as follows:

- In 2020 Niagara Pallets will acquire and prepare the additional lands needed for outdoor storage abutting 2906 South Grimsby Road 8.
- In 2021, Niagara Pallets will build Phase 2 of their approved site plan (this build will bring their current outdoor storage indoors at 2906 South Grimsby Road 8 and bring the indoor storage from 4981 Regional Road 20 to the South Grimsby Road 8 location).

The applicants have requested a 3-year temporary time period as they have stated their estimated timeline will take up to 2 years to complete and any delays could extend the project by 6 months. The applicant's do not wish to ask for an extension to their temporary use every year.

The applicants have indicated that the grinder formerly used to create wood chips at 4981 Regional Road 20 has been sold and as such is no longer in operation on the subject lands.

CURRENT SITUATION:

Township Staff have reviewed the relevant Provincial, Regional and Local policy that applies to the temporary use application below:

1. Provincial Policy Statement (PPS)

The PPS does not speak to Temporary Uses. However, Section 2.3.6 of the PPS outlines where non-agricultural uses can be established in agricultural areas. It states that extraction of resources is permitted subject to Section 2.4 & 2.5. Limited non-residential uses are also permitted, provided that the use 1) does not compromise the specialty crop area, 2) complies with the Minimum Distance Setback (MDS), 3) is an identified need within the planning horizon for additional land to be designated to accommodate the proposed use, and 4) there are no reasonable alternative locations which avoid or are lower priority agricultural lands in the prime agricultural area.

PJR Analysis:

The submitted Planning Justification Report addresses these policies as follows: 1) the requested temporary use by-law seeks to use an already developed portion of a property, 2) there is no nearby livestock facilities and therefore MDS does not apply, 3) the application is for temporary use and will not require any change in the Official Plan designation of land for any use but agriculture and 4) the lands are owned by an owner of Niagara Pallets and are the most logical location for the storage of materials, as acquiring an additional parcel of land for a limited time is not economically feasible.

Staff Analysis:

The intent of the Temporary Use By-law is to temporarily allow for Niagara Pallets to continue operating from 4981 Regional Road 20 until they have appropriately prepared their main operation site at 2906 South Grimsby Road 8. Once it has been appropriately prepared, Staff have been informed that the remainder of the business operating at the Regional Road 20 property will be moved to the South Grimsby Road 8 property.

- 1) In order to ensure that the agricultural lands will not be compromised, Staff are requesting that the applicants enter into a temporary use agreement with the Township. This agreement will enable to Township to collect securities to ensure that the property is cleaned up to the satisfaction of the Township. If not, it is intended that the Township will use the securities collected to clean up the site.
- 2) There are no livestock facilities near the subject property and as such, MDS does not apply in this situation.
- 3) Staff recognize that there is a need for dry industrial properties for business within the Township of West Lincoln. However, Planning Staff are of the opinion the more appropriate location for Niagara Pallets is on their South Grimsby Road 8 property, which is appropriate zoned and intended for the use. The Temporary Use By-law will provide Niagara Pallets with enough time to relocate the remainder of their business at 4981 Regional Road 20 to 2906 South Grimsby Road 8.
- 4) Staff are of the opinion that there are reasonable alternative locations for the remainder of the business located on Regional Road 20, the most logical being the property the main business is located on South Grimsby Road 8. Staff understand that it will take time to relocate the remainder of the business to this property, and as such are in support of this Temporary Use application.

As such, Planning Staff are of the opinion that the proposed Temporary Use application meets the intent of the Provincial Policy Statement. Planning Staff will be requiring a Temporary Use Agreement to be signed by the applicant with securities collected. The Agreement is to ensure that the site will be cleaned to the Township's satisfaction once the Temporary Use has expired. If the site has been cleaned to the Township's satisfaction, the securities will be released back to the applicant.

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

Applications filed after June 16, 2006 must conform to the A Place to Grow – Provincial Growth Plan. Section 1.2.3 of the P2G provides direction on how to read the Growth Plan, specifically noting that: *This Plan must also be read in conjunction with other provincial plans as defined in the Planning Act that may apply within the same geography.* There are no applicable policies within the P2G that apply to temporary use zoning. However, the P2G does state that upper-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this plan which will support the environmental and agricultural protection and conservation objectives of this plan (2.2.1.3.d).

Section 4.2.6 of the P2G contains policies for the Province's Agricultural System. Part of this section's policies note that prime agricultural areas, as identified by the Province, will be protected for long-term agricultural use (4.2.6.2) and that the retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-

agricultural uses is discourage (4.2.6.5). Section 4.2.6.3 states that where agricultural uses and non-agricultural uses meet outside of settlement areas, land use compatibility will be achieved by avoidance, or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System.

Section 2.2.5.1 of the P2G addresses the allocation of employment lands within the Province as follows:

Economic development and competitiveness in the *GGH* will be promoted by:

- a) Making more efficient use of existing *employment areas* and vacant and underutilized employment lands and increasing employment densities;
- b) Ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this plan;
- c) Planning to better connect areas with high employment densities to transit; and
- d) Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

PJR Analysis:

The PJR states that the P2G provides the direction that growth and development is to occur primarily in settlement areas. The PJR's concluding rationale is that the temporary use is considered to have no negative impact on the prime agricultural area and therefore should be permitted on a temporary basis as the temporary use seeks to use an already developed portion of property for the storage of wood materials.

Staff Analysis:

The P2G aims to protect agricultural uses and promote economic development. This temporary use application aims to provide the applicant with enough time to relocate the remaining portion of the Niagara Pallet's business at 4981 Regional Road 20 to its primary location at 2906 South Grimsby Road 8. The approval of this temporary use application will result in both the protection of agricultural land by bringing the agricultural property at 4981 Regional Road 20 back to its original state before or by the time the temporary use is up and promote economic development by aiding in the applicant's plan to intensify the primary location of their business.

The removal of the business by the end of the temporary use will also help promote the long-term use of the agricultural land. The sooner the land is restored to its original condition; the sooner the land can be used for long-term agricultural purposes once more. The removal of the business at the end of the temporary use will also help mitigate/minimize any impacts this business may have on the surrounding area.

As a result, Planning Staff are of the opinion that this application meets the intent of the P2G as the result of the temporary use is to eliminate Niagara Pallets from the agricultural land. To ensure that the use will be eliminated at the time the temporary use

expires, Planning Staff are recommending that the applicant enter into a temporary use agreement with the Township to collect securities for the clean-up of the site should the business still be in operation.

3. Greenbelt Plan

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

4. Regional Policy Plan (RPP)

The RPP designates the property as Good General Agricultural Area. Non-agricultural uses are not permitted in the agricultural areas subject to the following conditions:

- a. Non-agricultural uses are not permitted in Unique Agricultural Areas - Good Tender Fruit and Good Grape Areas.*
- b. Non-farm residential lots and uses are not permitted in Good General Agricultural Areas or in Rural Areas in close proximity to agricultural activity.*
- c. A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.*
- d. There are no reasonable alternatives in Rural Areas or in Urban Areas.*
- e. There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.*
- f. The degree of conflict with surrounding agricultural uses. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;*
- g. Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.*
- h. Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.*
- i. Compliance with other policies contained in the Regional Official Plan.*

The ROP contains strategic objectives in Section 2 (Growing the Economy) to improve regional self-reliance through long-range economic development planning and economic diversification through attracting more employment through existing or new

firms (2.5.a) while providing for the conservation and wise use of Niagara's agricultural resources without compromising the needs of future generations by having preference for urban development on lower quality agricultural land (2.6.d).

The ROP's Employment Section contains policies on Rural Employment lands (areas marked as Rural in a mapped schedule) and Urban Employment lands but does not seem to contemplate employment lands in the agricultural area and as such contains no policies for this submitted application.

Policies around agricultural uses, on farm diversified uses and value-added agricultural uses can be found in Section 5 of the Niagara Region's Official Plan.

The Niagara Region was circulated the temporary use application for comment. The Region's full comments can be found at attachment 3.

PJR Analysis:

The submitted Planning Justification Report (PJR) refers to policy 5.B.8.3 of the Region's Official Plan, stating it provides the direction for the reasonable expansion or change in the use of properties in the Agricultural Areas. It quotes:

...Further, this Plan shall not prohibit the reasonable expansion or change in the use of such facilities provided Urban Area Boundaries are not superseded; the expansion does not involve a major intensification of land use in accordance with Policy 7.B.1.26, the expansion will not have a negative impact on the Core Natural Heritage System; or result in the intrusion of new incompatible uses; and subject to:

- e) The need and desirability of the operation;*
- f) Regard for environmental, agricultural and other policies of this Plan;*
- g) Compatibility with existing surrounding uses;*
- h) Access and servicing requirements being met; and*
- i) No additional municipal services being required.*

The PJR states that "based on the context of the portion of the site being used for temporary storage, consideration from a Regional perspective should be provided to this application. As proposed, the storage will be contained on a developed portion of the site that exhibits industrial characteristics. No urban boundaries are to be superseded (see attachment 2)."

Staff Analysis:

The ROP aims to improve Regional self-reliance through long-range economic planning while preserving agricultural lands for future generations. The intent of the temporary use application is to have the business removed from the agricultural lands located at 4981 Regional Road 20 before or by the time the temporary use has expired. This will improve the agricultural lands the business (Niagara Pallets) resides on by removing it from the property. This will also improve economic development within West Lincoln by locating the remainder of the business to its primary location at 2906 South Grimsby Road 8 and intensifying the existing use of the property.

Therefore, Planning Staff are of the opinion that the proposed temporary use application meets the intent of the Region's Official Plan (ROP).

5. Township of West Lincoln Official Plan (OP)

The Township's Official Plan designates the property as Good General Agricultural and Natural Heritage System. The Good General Agricultural designation does not permit non-agricultural uses to be located within the agricultural area.

One of the objectives for all Agricultural Areas in West Lincoln includes promoting and protecting a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln (4.2.a). Section 4.4.2 e) states that small scale commercial and industrial uses which do not require close proximity to agricultural operations shall be located in appropriately designated Settlement Areas.

The Township OP's Temporary Use policies state that Council may pass a by-law to authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. Temporary Use By-laws may be in effect for a maximum time period of 3 years (or less) and can be further extended for a maximum additional 3-year term (or less). Temporary Uses in the agricultural areas which are not farm-related are not permitted in the Good General Agricultural Area. It is up to Council to satisfy itself that the proposed use is temporary and will not create detrimental effects on the surrounding area.

PJR Analysis:

The PJR states that no land is being taken out of agricultural production as the business is already existing on the property, and that while the proposal does not meet the strict wording of the policy, the intent is considered to be upheld as there is no impact on agriculture.

It concludes that the overall benefit will be to facilitate the more expedient development of an appropriately located business that yields significant employment benefit to the municipality and that the requested temporary use is not considered to offend the policies or objectives of the OP.

Staff Analysis:

The intent of the Official Plan is to protect agricultural lands for agricultural purposes and to enhance and strengthen the economic wellbeing of West Lincoln. The intent of the proposed temporary use by-law is to do both. Before or once the temporary use expires on the subject lands, the business will be removed from the property and make it available for agricultural purposes once more. The time being provided to relocate Niagara Pallets to its main location at 2906 South Grimsby Road 8 is to allow for a more expedient development of the business. Once completed, the development of the primary location on South Grimsby Road 8 will permit for the remainder of the business to be relocated to these appropriately designated and zoned lands.

As such, Planning Staff are of the opinion the temporary use meets the intent of the Township's Official Plan.

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

The proposed temporary use by-law is requesting to temporarily permit a portion of a business for the storage of wood pallets, wood chips and other materials related to the Niagara Pallets business on the property, which works in conjunction with the primary location of the business at 2906 South Grimsby Road 8.

The Township's Zoning By-law zones the property a mix of Agricultural (A) and Environmental Protection (EP). The proposed location of the temporary use will be outside of the EP zone. The Agricultural zone permits for a single detached house, agricultural uses and a wayside pit or quarry (subject to Section 3.27) along with a number of uses accessory to a principle use.

The applicants have requested a temporary use time period of 3 years on the subject property. However, Staff have seen that there phasing plan requires 2 years to complete the works required. If delays require a third year, Planning Staff can consider a 1-year extension at that time. As such, Staff are recommending the Temporary Use By-law be granted for a time period of 2 years as opposed to the requested 3 years.

If approved, the temporary use by-law will only apply to the portion of the property outlined in the site plan provided with the application submission.

FINANCIAL IMPLICATIONS:

A temporary use agreement will be signed between the applicant and the Township with securities collected in the amount of \$55,000.00. This money will be used to clean up the site should the business still be present on the property once the temporary use by-law has expired.

INTER-DEPARTMENTAL COMMENTS:

Notice was circulated to interested internal department and agencies on November 8th, 2019 via e-mail and regular mail. The Building Department, Septic Inspector, Public Works Department, Drainage Superintendent and Niagara Peninsula Conservation Authority have no objection to the temporary use as proposed.

The Niagara Region submitted comments in relation to the application stating that they do not recommend that the application be approved.

Full inter-departmental and agency comments can be found at attachment 5.

PUBLIC COMMENTS:

Notice was circulated to all property owners within 120m of the subject lands via regular mail on November 8th, 2019. A yellow sign was posted on the property a minimum of 20 days before the hearing, and notice was posted to the Township's website.

A public meeting was held on December 9th, 2019. No written or oral public comments were received by Planning Staff.


CONCLUSION:

In conclusion, Planning Staff are of the opinion that the proposed temporary use application meets the intent of the PPS, P2G, ROP, OP and ZBL. Staff recommend the approval of this application with the condition that a temporary use agreement be signed and securities collected in the amount of \$55,000.00 from the applicant to be used at the expiration of the temporary use should the business not be removed in full from the property. Staff recommend the approval of the temporary use application for a time period of 2 years, as the mentioned phasing plan estimates a 2-year time period for the development of the primary business at 2906 South Grimsby Road 8.


Attachments:

1. Phasing E-Mail
2. Planning Justification Report
3. Location Map
4. Site Sketch
5. Agency Comments
6. Draft By-law

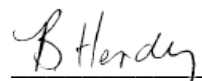
Prepared by:



Brian Treble, RPP, MCIP
Director of Planning and Building



Alexa Cooper
Planner I



Beverly Hendry
CAO

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Attachment 3 to PD-79-2022

From: Fred Vrugteveen <fred@niagarapallet.ca>
Date: December 3, 2019 at 9:05:08 AM EST
To: Brian Treble <btreble@westlincoln.ca>
Cc: Craig Rohe <craig@ucc.com>
Subject: Niagara Pallet

Good Morning Brian

Per our conversation regarding the temporary use for 3 years at my farm, I have the following timeline for our expansion at 2906 South Grimsby Rd. 8

2020 acquire and prepare the additional lands required for outdoor storage

2021 build phase 2 (this will displace our current outdoor storage and will provide us the indoor storage required when completed to eliminate the need for indoor storage at our farm)

We are asking for a 3 year as the above timeline takes up 2 years and any delays could extend the completion of these activities by 6 months or more and we don't want to comeback every year

Thanks again, we look forward to your support on Monday night

Fred Vrugteveen
www.niagarapallet.ca

905-386-7543 Ext. 22

Planning Justification Report

4981 Highway 20

West Lincoln, ON

November 2019

**Upper Canada Consultants
3-30 Hannover Drive
St. Catharines, ON L2W 1A3**



PREFACE

Upper Canada Consultants respectfully submits this Planning Justification Report in relation to an application for **Temporary Use By-law** at 4981 Highway 20 in the Township of West Lincoln, within the Regional Municipality of Niagara.

The purpose of the submitted Temporary Use By-law is to allow for the storage of pallets, wood chips and other materials on the property. These materials are being brought to the site from Niagara Pallet facility that is under construction (expansion) at 2906 South Grimsby Road 8.

A mix of existing outdoor and indoor storage space at 4981 Highway 20 will be used on a temporary basis while the new facility is constructed. A temporary use by-law with a validity period of 3-years requested.

This report will illustrate how the application aligns with applicable Provincial, Regional and local land use planning policies.

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

This application pertains to lands known municipally as 4981 Highway 20 in the Township of West Lincoln, within the Regional Municipality of Niagara. Please see **Figure 1**, below.



Figure 1 - Aerial View of Subject Lands (Cropped from Niagara Navigator)

The subject lands currently contain two single detached dwellings, three (3) metal sided industrial style storage buildings and a pond. There are some small accessory structures on the property as well. The existing dwellings are at the front of the property with the industrial “yard” located to the rear. The balance of the lands are provincially significant wetlands.

Adjacent land uses are agricultural with residential dwellings. The Silverdale Gun Range abuts the rear property line.

Please see **Appendix I** for a copy of an annotated Site Plan.

THE PROPOSED DEVELOPMENT

As outlined in **Figure 2** the owner is proposing to use a portion of his personal property for the temporary storage of materials associated with Niagara Pallet.

Currently, an expansion is under development at the Niagara Pallet facility. Due to construction, there is limited storage space for materials to remain on-site and an alternative, temporary off-site storage location is required. The subject lands have been serving as the site of the temporary storage for these materials, and recently the owner was asked by the Municipality to obtain the required planning approvals.

The portion of the property being used for storage consists of existing industrial style buildings and granular and hard surface area. To allow for the temporary use of the property for storage purposes, a Temporary Use By-law is required from the Township. The desired duration of the by-law is 3-years from issuance.



Figure 2 – Annotated Image Showing Area To Be Used For Storage

Phasing

While the Niagara Pallet facility on South Grimsby Road 8 is being expanded, materials are proposed to be kept at 4981 Highway 20. The expected building period until the expanded facility is able to take back the materials proposed to be stored at 4981 Highway 20 is approximately three years, consistent with the extend of the temporary use by-law.

Once construction is complete, the materials will be moved back to the Niagara Pallet site.

PROVINCIAL PLANS

Land use planning applications within this portion of West Lincoln are subject to the policies of the 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan/ PTG) 2014 Provincial Policy Statement (PPS).

Both plans provide direction that growth and development is to occur primarily in settlement areas. As this application is being made to facilitate a temporary use outside of a settlement area, regard for the applicable agricultural designation is required, in this case, being in a Prime Agricultural Area.

Prime Agricultural Areas are to be protected for long-term agricultural use (PPS 2.3.1). To facilitate this protection, only agricultural and agriculture-related uses are permitted to be established, however, non-agricultural uses may be permitted subject to the criteria in Policy 2.3.6 of the PPS.

Outside of the extraction of natural resources, limited non-residential uses may be established provided that the lands are not a specialty crop area, that the use complies with the Minimum Distance Formulae (MDS), there is an identified need for lands to be designated to accommodate the use and that there are no reasonable alternative locations.

The requested temporary use by-law seeks to use an already developed portion of a property for the storage of wood materials. As there are no viable livestock facilities nearby, there is no need for an MDS calculation. As noted, this application is for temporary use and will not require any change in the Official Plan designation of land for any use but agriculture. Lastly, the lands are owned by an owner of Niagara Pallet and are the most logical location for the storage of materials, as acquisition of an additional parcel of land for a limited time is not economically feasible.

Based on this rationale, the temporary use is considered to have no negative impact on the prime agricultural area and should be permitted on a temporary basis.

REGIONAL OFFICIAL PLAN (2015 Consolidation)

The Regional Official Plan provides a comprehensive and long range planning vision for the Regional Municipality of Niagara. Its focus is primarily on implementing Provincial Policy (i.e. Growth Plan, PPS, Greenbelt Plan, and Niagara Escarpment Plan) and providing regional-level land use planning direction on attributes and resources unique to Niagara.

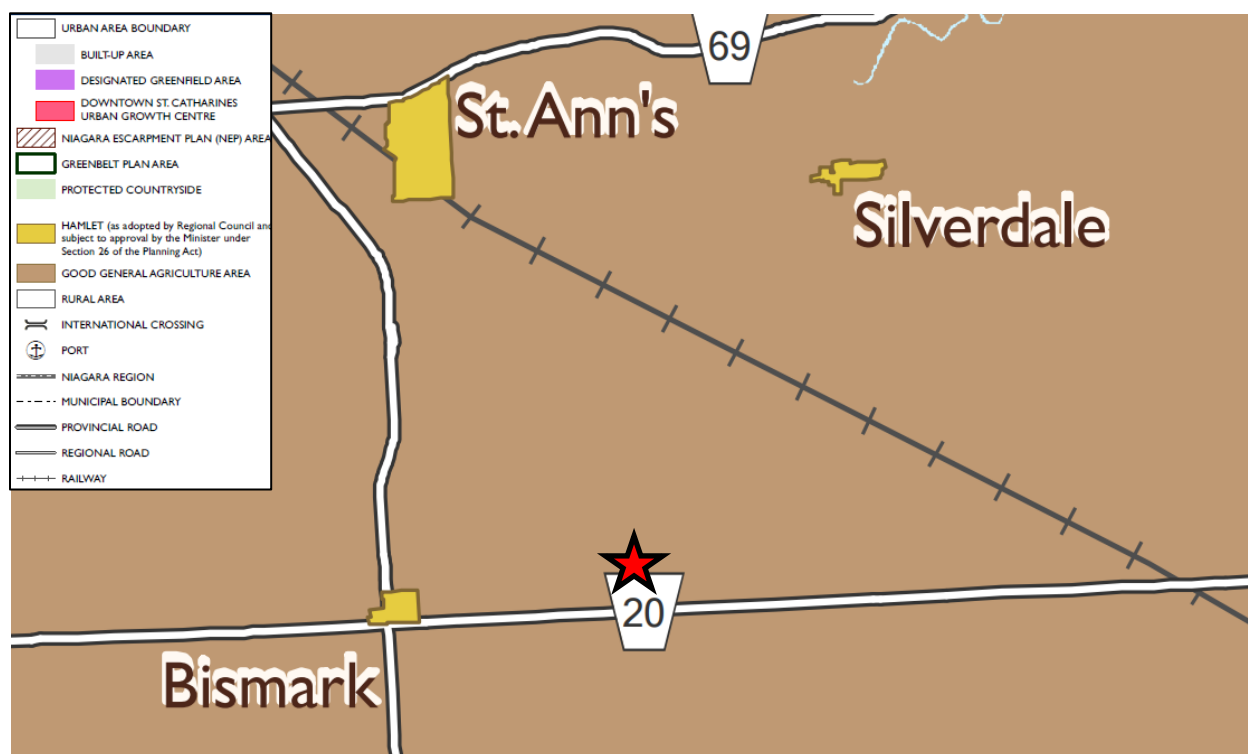


Figure 3 - Schedule B of Regional Official Plan (Cropped)

The subject lands are located within the Good General Agricultural Area as shown on Schedule B of the Regional Official Plan (ROP) (see **Figure 3**). The use of Agricultural lands for non-agricultural purposes is generally prohibited, save for those uses that are agriculturally related or legally-established.

Although the proposed temporary use is not agriculturally related, the portion of the property to be used for storage is industrial in character and not in agricultural production.

Policy 5.B.8.3 of the Regional Official Plan provides the direction for the reasonable expansion or change in use of properties in the Agricultural Areas. The policy specifically notes that:

"... Further, this Plan shall not prohibit the reasonable expansion or change in the use of such facilities provided Urban Area Boundaries are not superseded; the expansion does not involve a major intensification of land use in accordance with Policy 7.B.1.26, the expansion will not have

a negative impact on the Core Natural Heritage System; or result in the intrusion of new incompatible uses; and subject to:

- a) the need and desirability of the operation;*
- b) regard for environmental, agricultural, and other policies of this Plan;*
- c) compatibility with existing surrounding uses;*
- d) access and servicing requirements being met; and*
- e) no additional municipal services being required.*

Further policies guiding the continued operation and possible expansion of such existing uses should be included in local official plans. In addition, within the Niagara Escarpment Plan area, the Niagara Escarpment Plan Policies apply to existing uses.”

Based on the context of the portion of the site being used for temporary storage, consideration from a Regional perspective should be provided to this application. As proposed, the storage will be contained on a developed portion of the site that exhibits industrial characteristics. No urban boundaries are to be superseded.

With regard to Policy 7.B.1.26, it states that:

“Subject to other policies in this Plan an expansion to an existing use located within an Environmental Conservation Area or Fish Habitat or adjacent lands to a Core Natural Heritage System Component as identified in Table 7-1 may be permitted if it will have no significant negative impact on the natural feature or its ecological functions. If the expansion involves a substantial intensification in land use or increase in the land area devoted to the use the proponent shall prepare an Environmental Impact Study in accordance with Policies 7.B.2.1 to 7.B.2.5.”

Although the subject lands contain a provincially significant wetland, the proposed storage area does not abut the feature. There is an existing pond on the property that both Niagara Region and Niagara Peninsula Conservation Authority staff have indicated has a ecological linkage to the wetland. To ensure no potential contamination of the pond and subsequently the wetland occurs, a silt fence has been installed along the southern edge of the pond (see **Figure 4**).



Figure 4 - Silt Fence Protection Along Pond

The desirability of the temporary use is rooted in what it facilitates, namely the ability to expeditiously construct the new Niagara Pallet facility. This business is a leading employer in the municipality and is continuing to invest. This temporary relief to permit storage will ensure a more expeditious development of the new Niagara Pallet facility and facilitate job creation.

With regard to compatibility, the proposed use is indoor and storage. Aside from some minimal noise generated by delivery trucks, this is a static use with no odours, vibrations or emissions.

The site is accessed from Highway 20 and the storage area is designed in a manner that can receive transport trucks. No additional accesses are required.

The storage use is best categorized as a dry industrial use as it requires no water or sanitary services to operate.

Based on the above, this temporary use can be considered as a reasonable use of the property as there will be no negative impact on the surrounding agricultural area.

Niagara Peninsula Conservation Authority Policy Document (2018)

The Niagara Peninsula Conservation Authority (NPCA) is the regulatory agency responsible for the administration of Ontario Regulation 155/06 in the Regional Municipality of Niagara. In addition to the Regulation, the NPCA also reviews Planning Act applications.

The subject lands contain a provincially significant wetland and a large pond. Provincially significant wetlands are regulated by the NPCA.

Through pre-consultation, the NPCA has indicated that runoff and silt protection is required to ensure that the storage of materials does not contaminate the on site pond and subsequently the wetland. At the request of the NPCA, the owner has installed a silt fence along the southern boundary of the pond. This fence was been inspected by NPCA staff in October 2019 and they have indicated to the owner that it is an acceptable method of mitigating potential contamination



Figure 5 - Silt Fence Installed at the Request of NPCA and Niagara Region

TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN (2018 Consolidation)

The Township of West Lincoln Official Plan is the long range planning tool that is used to guide growth and development in the municipality.

As shown on “Schedule B1” of the Official Plan, the subject lands are designated as Good General Agricultural (see **Figure 5**).



Figure 6 - Schedule B1 of the Township of West Lincoln Official Plan (Cropped)

Consistent with Provincial and Regional Plans, Agricultural Area are to only be used for Agricultural uses.

As noted, the portion of the property to be used for storage is not in agricultural production and is reflective of a former industrial context. Due to these circumstances, the identified portion of

lands to accommodate the storage should be considered as an appropriate temporary location for the storage of wood products.

Policy 18.4.1 Temporary Uses By-laws

Policy 18.4.1 of the Official Plan outlines the circumstances where a temporary use by-law may be considered. The policy is as follows:

Council may, in a by-law passed under the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. Such a by-law may be in effect for a maximum period of three years for all temporary uses, except garden suites. Garden suites may have by-laws passed to be in effect for up to ten (10) years from the date of passage. Council may extend the term of the by-law, by further by-law amendment, for a maximum additional three (3) year term. Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Temporary uses not allowed by the applicable policies of this Plan will not be permitted. Temporary uses, buildings and structures that are not farm-related shall not be permitted in the Unique or Good General Agricultural Areas. Upon expiry of a Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as non-conforming uses. The type of uses envisaged by Council as requiring a temporary use by-law include, but shall not be limited to: temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

As outlined in the, uses that are not farm-related shall not be permitted in the Unique or Good General Agricultural Area. While this application would be proposing a dry industrial type use in the agricultural area, there is no impact to the farmable portion of the subject lands or adjacent properties.

The prohibition on temporary uses that are not farm related is believed to be in place to ensure that variable agricultural lands are not taken out of production or used in a manner that limits the performance or ability to expand for adjacent agricultural uses. As indicated, the portion of the lands that are to be used for the storage of materials is already industrial in character and not farmed. While the proposal may not meet the strict wording of the policy, the intent is considered to be upheld as there is no impact on agriculture.

The overall benefit of allowing this temporary use to facilitate the more expedient development of an appropriately located business that yields significant employment benefit to the

municipality is in the favour of the Municipality. Council can ultimately set the provisions of the by-law and set appropriate checks to ensure compliance.

Based on the above, the request temporary use by-law is not considered to offend the policies or objectives of the Official Plan.

TOWNSHIP OF WEST LINCOLN ZONING BY-LAW (By-law 2013-283)

Map D8 of the Township of West Lincoln Zoning By-law shows the subject lands as being zoned Agricultural (A) with a portion zoned as Environmental Protection (EP) (see **Figure 7**).

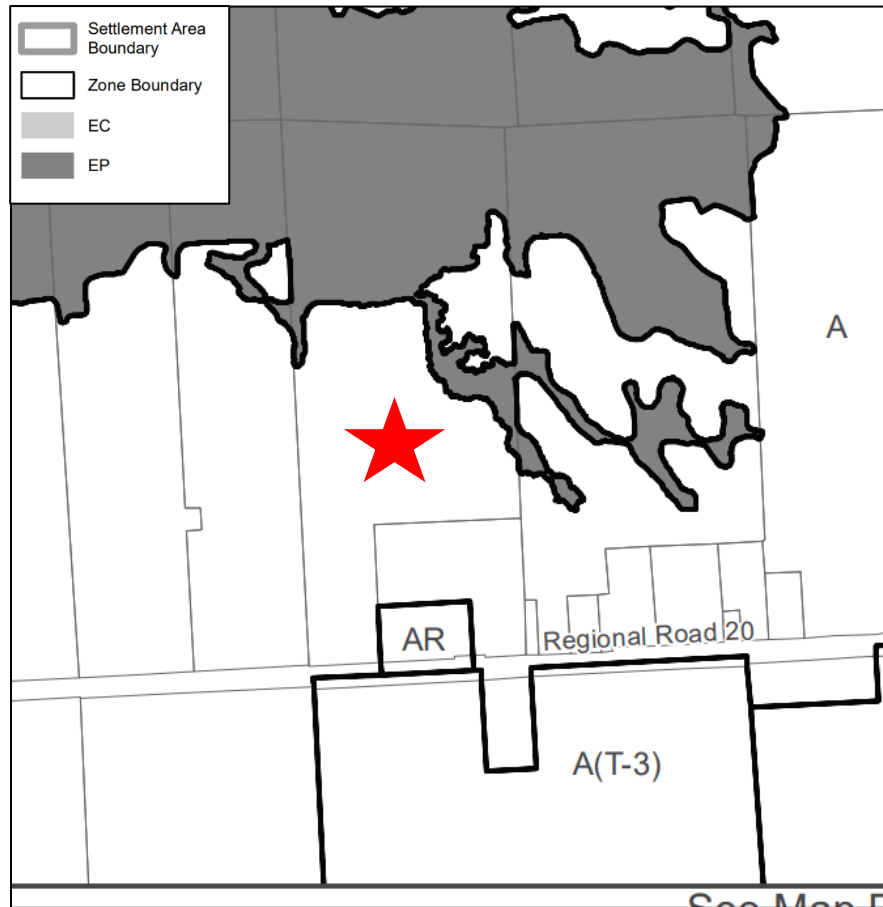


Figure 7 - Map D8 of the Township of West Lincoln Zoning By-law (Cropped)

Consistent with the Official Plan, the subject lands are zoned for Agricultural land uses. Non-agricultural uses are not permitted in Agricultural Zones. Accordingly Councils permission is required to allow for a use not otherwise permitted on these lands.

There is value in noting that outdoor storage on Agricultural properties is permitted, but only in circumstances where it is related to the primary use of the lands.

By virtue of this provision, an argument can be made that the proposed temporary storage use would be no more intrusive than outdoor storage for an agricultural or agricultural related uses. Theoretically, if the use shipped agricultural products, then the storage of pallets or other packing materials could be permitted.

PLANNING POSITION

Based on the submitted analysis, the proposed temporary use will not have any negative impact on the surrounding agricultural area. No additional land, buildings or services are required to facilitate this temporary use. Further, the requested relief will allow for the more expedient construction of a key employer in the municipality.

The requested temporary use by-law is considered appropriate for the property and is appropriate to approve for a three-year period, consistent with Policy 18.4.1 of the Township Official Plan.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Craig Rohe', is positioned above the printed name.

Craig Rohe M.Pl., MCIP, RPP
Senior Planner
Upper Canada Consultants

Appendix I – Annotated Site Plan



Fifteen-Road

Silverdale-Road

Book-Road

Concession 4-Road

Beamer-Road

4981

Highway 20

Schram-Road

Vaughan-Road

Heaslip-Road



Location Map
4981 Regional Road 20



Legend





4981 HIGHWAY 20

-

**TOWNSHIP OF WEST LINCOLN
TEMPORARY USE PLAN**

DATE	2019-11-08
SCALE	1:1000 m
REF No.	.
DWG No.	1363-TEMP



Application Number:	1601-018-19
Date:	November 8, 2019
Property Address:	4981 Regional Road 20
Project:	Temporary use

Planning Staff,

Please be advised that the information circulated for review with respect to the planning application referenced above has been reviewed by this office. In conclusion of the review, the Building and Enforcement Department has no objection to the application and has no comments to offer at this time.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Building Department



Application Number:	1601-018-19
Date:	November 11, 2019
Property Address:	4981 Regional Road 20
Project:	Niagara Pallets

Planning Staff,

Please be advised that the information circulated for review with respect to the planning application referenced above has been reviewed by this office. In conclusion of the review, the Septic Department has no objection to the application and has no comments to offer at this time.

Be further advised that the right is reserved to make additional comment with regard to this application should any additional information be made available. Any further requests of this office should be directed to the undersigned.

Respectfully,

Lyle Killins, C.P.H.I.(c)
Part 8, O.B.C., Septic System Inspector Manager
Building and Bylaw Enforcement Services Department



318 Canborough St. P.O. Box 400
Smithville, ON
L0R 2A0
T: 905-957-3346
F: 905-957-3219
www.westlincoln.ca

NOTICE OF PUBLIC MEETING FOR PLANNING MATTERS

Get involved with your input. The Township of West Lincoln Planning/Building/Environmental Committee will hold a Public Meeting in accordance with the Planning Act at an accessible facility where the matter(s) below will be considered. The meeting will take place:

DATE: MONDAY, DECEMBER 9th, 2019

TIME: 6:30PM

Council Chambers, Township Office, 318 Canborough Street, Smithville

About the Planning Application(s) (Location map on back):

File Number and Name: Niagara Pallets (File No. 1601-018-19)

An application to permit a temporary use has been submitted for lands legally described as Concession 4, Part of Lot 16, in the Township of West Lincoln. The property is municipally known as **4981 Regional Road 20**. The property is located on the north side of Regional Road 20, east of Silverdale Road.

An application has been submitted to allow for the temporary use for the ongoing storage of pallets and wood chips associated with a local business known as Niagara Pallet. A temporary use by-law can permit a temporary use for up to 3 years. The applicant has indicated on their application that they are requesting the temporary use for 3 years.

The Planner to contact for this application:

Name: Alexa Cooper, Planner I

Call: 905-957-3346 ext. 5140

How to provide comment

Any person may attend the meeting and/or provide written or verbal representation on the above proposal(s). We ask that any written comments be provided by **THURSDAY NOVEMBER 28, 2019** to the Township Clerk, Joanne Scime so that they may be incorporated into the staff report, however, written comments may be made any time prior to the meeting **MONDAY, DECEMBER 9, 2019**. Please be sure to clarify which file your comments apply to.

Important information about making a submission

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 Planning/Building/Environmental Committee before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Township of West Lincoln to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submission at a public meeting, or make written submissions to the Township of West Lincoln Planning/Building/Environmental Committee before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Any written comments received with regard to this application will constitute part of the public record for this particular file, in accordance with the Planning Act.

For more information

Planning documents and background material for any application is available for viewing during regular office hours at:

Planning Department

318 Canborough Street, Smithville

Call: 905-957-3346

E-mail: planning@westlincoln.com

Website: www.westlincoln.com

Copies of the Staff Report will be available on FRIDAY, DECEMBER 6th, 2019 after 4 PM.

If you would like to be notified of Township Council's decision with respect to any planning application, you must make a written request (specifying which file number) to: **Joanne Scime, Township of West Lincoln, 318 Canborough Street, Smithville, ON L0R 2A0**

PUBLIC WORKS DEPARTMENT

NO OBJECTION

Name: Jennifer Bernard

Sign: J. Bernard

Date: November 12, 2019

Dated: November 8th, 2019

Attachment 3 to PD-79-2022

From: [Mark Jemison](#)
To: [Alexa Cooper](#)
Cc: [Ray Vachon](#); [Mike DiPaola](#)
Date: November 26, 2019 10:54:41 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image4e2aa.PNG](#)
[imageab3856.PNG](#)
[image5f91b4.PNG](#)

Good morning Alexa,

File No. 10601-018-19: the subject property is not assessed to a municipal drain. As such I have no concerns or comments.

Thank you,

Mark

Mark Jemison	
	Drainage Superintendent
	Tel: 905-957-3346 ext. 4695
	Email: mjemison@westlincoln.ca
	Web: www.westlincoln.ca
	
	

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

November 26, 2019

File: PLZBLA201901009

BY E-MAIL ONLY

Town of West Lincoln
Committee of Adjustment
318 Canborough Street
Smithville, Ontario L0R 2A0
acooper@westlincoln.ca

Attn: Alexa Cooper – Secretary/Treasurer

Subject: Application for Temporary Use: (1601-018-19)
Owner: Fred Vrugteveen
4981 Highway 20, Concession 4, Part of Lot 16
ARN 260202001017100

The Niagara Peninsula Conservation Authority (NPCA) has reviewed Town of West Lincoln Application for a Temporary Use and offers the following comments for your hearing.

The application has been submitted to allow for the temporary use for the ongoing storage of pallets and wood chips associated with a local business known as Niagara Pallet. A temporary use by-law can permit a temporary use for up to 3 years.

The NPCA's Regulation Mapping illustrates that the subject lands contain Provincially Significant Wetland (PSW) associated with the St. Ann's Slough Forest Wetland Complex. The PSW provides for natural flood attenuation during storm events and, as such, it is important to maintain the hydrologic function of wetlands to assist in minimizing flooding impacts downstream. In addition to protecting the natural features and functions of a wetland, development setbacks assist in maintaining the hydrologic regime of the lands adjacent to a wetland, minimize the potential for contamination of the ground water and surface water and provide lands for activities such as nesting, resting, feeding and shelter for wetland species. In accordance with the NPCA's policies and regulations, no development (including lot creation) or site alterations (i.e. grading/fill) are permitted within a wetland and a 30 metre development setback buffer measured from the edge of the wetland is also required for most development and site alterations.

The NPCA has reviewed the Site Plan submitted in support of the subject application and notes that the proposed storage of pallets will be located outside the wetland feature and associated 30 metre buffer. As such, the NPCA has no objection to the Temporary Use Application 1601-018- 19.

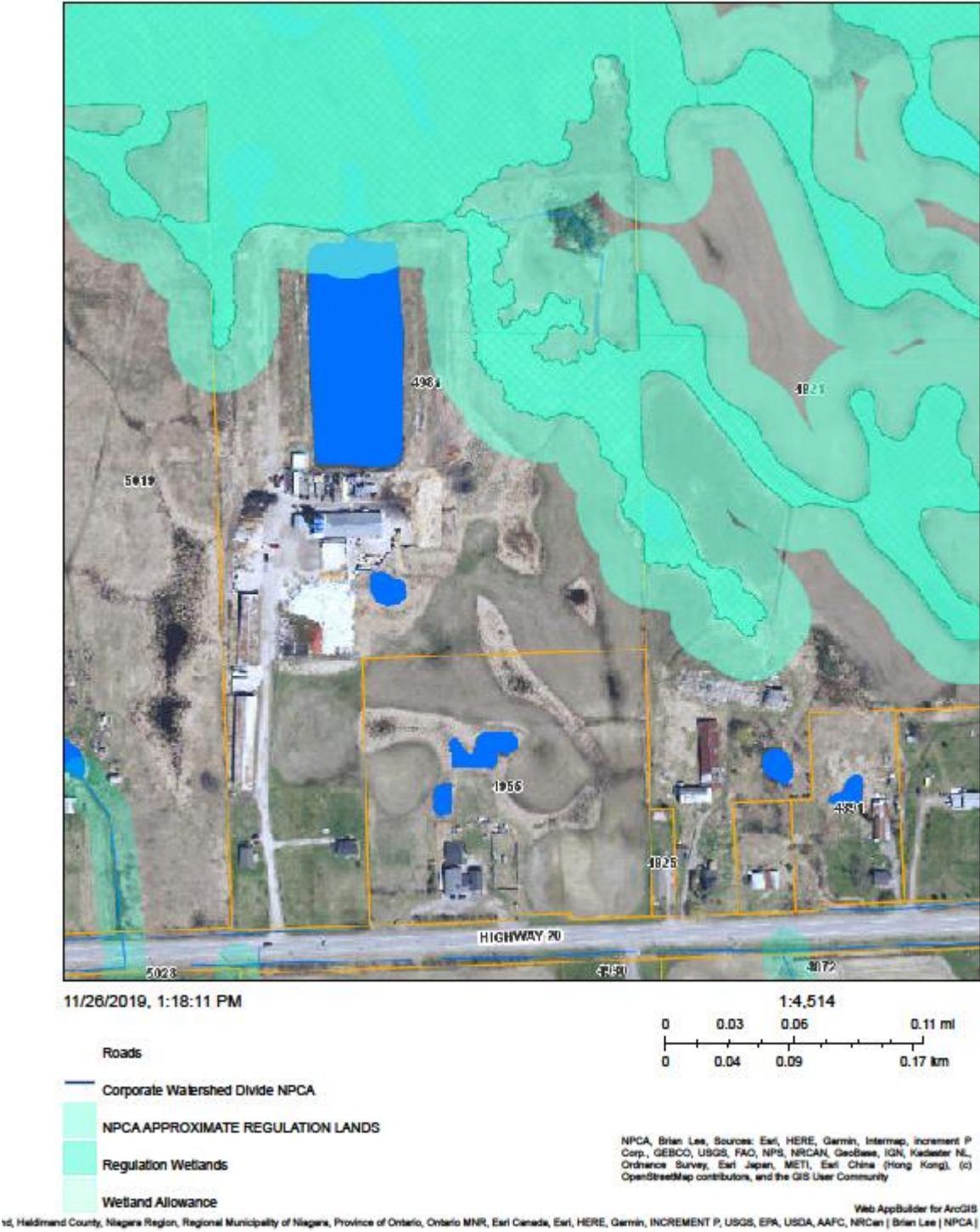
As part of the approval process, The Town of West Lincoln will have the next steps of a technical report and a final recommendation report. The NPCA recommends adding a section requiring erosion and sediment control fencing to be installed along the edge of the pond closest to where pallets will be stored.

Yours truly,
Jessica Abrahamse M.E.S.



Watershed Planner
Niagara Peninsula Conservation Authority
250 Thorold Road West, Welland, On.
Tel: (905) 788-3135 x 235
jabrahamse@npca.ca

4981 Highway 20, West Lincoln



Via Email Only

November 28, 2019

File No.: D.18.12.ZA-19-0129

Alexa Cooper
Planner I
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Ms. Cooper:

**Re: Regional and Provincial Comments
Proposed Temporary Use By-law
Township File No.: 1601-018-19
Applicant: Craig Rohe (Upper Canada Consultants)
Owner: Fred & Beck Vrugteveen
4981 Regional Road 20
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the proposed Temporary Use By-law for the ongoing storage of pallets and wood chips on the subject property, 4981 Regional Road 20, in association with a local business known as Niagara Pallet. The applicant has requested the temporary use for a period of three (3) years on the subject lands. Niagara Pallet has an approved site plan to expand the existing business located at the corner of Regional Road 20 and South Grimsby Road 8. The temporary use by-law has been requested to assist with the expansion of the business through providing for storage space on a separate property (4981 Regional Road 20) in the interim. A pre-consultation meeting was held at the Township on October 17, 2019, with the owner, applicant/agent, and staff from the Township, Region and Niagara Peninsula Conservation Authority. At the time of the pre-consultation meeting, Regional staff informed the applicant/agent and owner that the proposal did not conform to relevant Provincial or Regional policies. The following Provincial and Regional comments are provided to assist the Township in considering this application.

Provincial and Regional Policies

The subject property is located within the Prime Agricultural Area according to the Provincial Policy Statement (PPS), and designated Good General Agricultural Area in

the Regional Official Plan (ROP). Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected. Generally, non-agricultural uses are directed to the urban area and should not be located in the agricultural area. It is important to note that the proposed temporary use has existed on the subject property for a number of years, without municipal approval; the temporary use by-law is sought to permit the existing illegal use on a temporary basis.

Provincial Policy

The PPS promotes the use of agricultural lands for agriculture, agriculture-related and on-farm diversified uses, and generally directs non-agricultural uses outside of the Prime Agricultural Area. Policy 2.3.6.1 of the PPS provides that non-agricultural uses are only permitted in the Prime Agricultural Area in specific circumstances, including:

- b) limited non-residential uses, provided that all of the following are demonstrated:
 - 1. the land does not comprise a *specialty crop area*;
 - 2. the proposed use complies with the *minimum distance separation formulae*;
 - 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
 - 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

The submitted Planning Justification Report (PJR; prepared by Upper Canada Consultants, dated November 2019) provides some analysis of the above PPS policy. The PJR states that the use has already been existing on the subject property; the use does not require a minimum distance separation calculation; and, since the lands are owned by an owner of Niagara Pallet, the use of these lands are the “most logical location” for the storage of the materials. Regional staff are not satisfied that sufficient information has been provided to permit the non-agricultural use in the Prime Agricultural Area in alignment with PPS policies. Specifically, the subject lands are not intended for inclusion within a rural or settlement area boundary expansion; and alternative locations which avoid prime agricultural areas do not appear to have been given due consideration. While the lands are owned by an owner of Niagara Pallet, and the use has illegally existed on the property for a number of years, this rationale does not satisfy the relevant policies in the PPS to permit such non-agricultural use.

Regional Policy

The ROP, in alignment with the PPS, promotes agricultural, agriculture-related and on-farm diversified uses in the Good General Agricultural Area, and notes that “non-

agricultural uses should not be located in agricultural areas [as]...the introduction of [these uses] has an adverse impact on the agricultural and natural resources and shall be strictly limited.” Policy 5.B.7 continues to provide criteria upon which a non-agricultural use may be considered in the agricultural area, which is to be reviewed through a Regional Official Plan Amendment, and subject to numerous conditions. The conditions listed in Policy 5.B.7 are largely synonymous with the criteria listed in Policy 2.3.6.1 of the PPS, including but not limited to:

- c) A demonstrated need for additional land to be designated within the municipality and the desirability of the proposed use to the community.
- d) There are no reasonable alternatives in *Rural Areas* or urban areas.
- e) There are no reasonable alternative locations in other Good General *Agricultural Areas* with lower priority agricultural land.

The PJR provides that it is desirable to store the pallets and wood chips on this property from a financial perspective (i.e. the business does not need to purchase additional lands); however, consideration for alternative lands in the rural or urban areas do not appear to have been contemplated. Further, there has not been a demonstrated need for the subject lands to be brought into the rural or urban area boundary or redesignated.

The submitted PJR also points to ROP Policy 5.B.8.3, which allows for reasonable expansion or change in use of legally established facilities, subject to a number of criteria. However, it is the understanding of Regional Staff that the on-site facilities were not legally established, therefore Policy 5.B.8.3 is not applicable.

While the proposed temporary use by-law has been submitted to recognize the continued use of the property for the storage of pallets and wood chips, Regional staff are not satisfied that the application meets the intent or direction of Provincial or Regional policies.

Natural Heritage

The subject property contains and is adjacent to portions of the Region’s Core Natural Heritage System (CNHS), including the St. Anns Slough Forest Provincially Significant Wetland (PSW) Complex, Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI) known as the South St. Anns Slough Forest, Significant Woodland, and Important (Type 2) Fish Habitat. The property is also partially mapped as part of the Growth Plan (2019) Provincial Natural Heritage System (PNHS). As such, the CNHS features on and adjacent the property are considered Key Hydrologic and Key Natural Heritage Features (KHF/KNHF) and the natural heritage policies identified in the Growth Plan apply.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) to demonstrate no negative impact to KHF/KNHFs. However, given that the application is for temporary storage of pallets and wood chips, and given that the

temporary storage area is greater than 30 metres from the KHF/KNHFs, staff would not require the completion of a NHE should the use be permitted. If the use is approved, Staff would instead require that silt fencing be installed and maintained for the duration of the temporary use around the perimeter of the storage area to prevent sediment/materials from encroaching towards the KHF/KNHFs. Staff understand that this fencing has already been installed and inspected to the satisfaction of the Niagara Peninsula Conservation Authority (NPCA).

Conclusion

Regional Planning and Development Services staff is unable to support the proposed Temporary Use By-law to permit the ongoing storage of pallets and woodchips on the subject property, as it does not conform to or meet the intent of Provincial and Regional policies. It is the understanding of Regional Staff that the property is not afforded legal-non conforming use status, as the existing facilities were established illegally. Further, the proposal fails to meet the requirements for permitting a non-agricultural use in the agricultural area, as listed in the Provincial Policy Statement and Regional Official Plan.

Based on the above comments and conclusion, Regional staff recommends that this application not be approved.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352 or Aaron Butler, MCIP, RPP, Senior Development Planner, at extension 3264.

Please send a copy of the staff report and notice of the Township's decision on this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Mr. A. Butler, MCIP, RPP, Senior Development Planner, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Mr. R. Alguire, Development Approvals Technician, Niagara Region
Mr. A. Boudens, Senior Environmental Planner/Ecologist, Niagara Region

From: [Brian Treble](#)
To: [Busnello, Pat](#)
Cc: [Morreale, Diana](#); [Alderman, Aimee](#); [Development Planning Applications](#); [Alexa Cooper](#)
Date: January 29, 2020 6:09:04 PM
Attachments: [image578c0e.PNG](#)
[image17d13e.PNG](#)
[image0ef700.PNG](#)

Pat:

Thank you for this. It is messy and we are trying to achieve enforcement as effectively as possible.....while at the same time supporting business growth in a legal location and manner.

Diana:

Sorry. I was in interviews all afternoon, and am in Examinations of Discovery tomorrow. We can chat on Friday if we need to.

Brian

Sent from my iPhone



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On Jan 29, 2020, at 5:28 PM, Busnello, Pat <pat.busnello@niagararegion.ca> wrote:

Good Afternoon Brian,

Following up from our discussion on Friday, and further to our comments dated November 28, 2019 on the proposed Temporary Use By-law, the following additional comments are offered for your consideration.

We are aware of the long-standing, non-complying industrial operation by Niagara Pallet at this property and the Township's many efforts to achieve compliance with the Zoning By-law, which includes By-law enforcement actions to compel the owner to cease the illegal activities as well as the

processing of concurrent OPA and ROPA to permit the pallet use (in addition to a switch grass pelletization facility). Those applications were eventually withdrawn by the owner who advised the Township and Region that they were relocating their operation outside of the Township and Niagara region (i.e. to the Hamilton area); however, the illegal activities continue on this site even after Niagara Pallet acquired and established an operation at Regional Road 20 and South Grimsby Road 8, which is the subject of a site plan application for the expansion of this use for required storage. The Temporary Use By-law is requested to allow Niagara Pallet sufficient time to complete its expansion plans.

The Region is appreciative and fully supportive of the Township's efforts to ensure that illegal non-complying uses cease and, as in this instance, relocate to a site with appropriate zoning permissions to accommodate the use. We understand Niagara Pallet has indicated that their expansion will take approximately two years and has requested a Temporary Use By-law for up to three years to provide for a contingency for any unanticipated delays in order to allow continued storage use until that time.

It is also our understanding from our discussions that Township staff is contemplating recommending up to a two year Temporary Use By-law in conjunction with obtaining financial securities (e.g. Letter of Credit), to be registered on title, to ensure that the Niagara Pallet finalizes its expansion at their main site within a reasonable timeframe and restores this site to the Township's satisfaction.

Regional staff is aware of and appreciates the significant financial burden on the Township budget and limited staffing resources in undertaking By-law enforcement actions, which recently includes illegal soil dumping activities and, previously, the establishment of illegal contractor's yards throughout West Lincoln's agricultural lands. We share the Township's concerns and desire to eliminate illegal activities that adversely impact the agricultural area and can appreciate the approach being contemplated by the Township under these circumstances and in this particular instance.

Accordingly, in this regard the Township should be satisfied that Niagara Pallet's ongoing illegal activities on this site cease in a timely manner in line with the expansion of their use at their other property and that there is an appropriate legal mechanism available to require and implement the required securities (e.g. through registering a development agreement?).

Let me know if you have any questions or wish to discuss this further. I am out of the office tomorrow and Friday morning; however, you can contact Diana if you need to reach us.

Regards,
Pat

Pat Busnello, MCIP, RPP

Manager, Development Planning

Niagara Region

Planning and Development

905-980-6000, ext. 3379

pat.busnello@niagararegion.ca

www.niagararegion.ca

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

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2020- ##

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

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

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

1. THAT Schedule ‘A’ Map ‘D8’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 4, Part of Lot 16, Township of West Lincoln, municipally known as 4981 Regional Road 20, shown as the subject lands on Schedule ‘A’, attached hereto and forming part of this By-law.
2. THAT Map ‘D8’ to Schedule ‘A’ to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural ‘A’ zone to an Agricultural zone with a site specific temporary use number A(T-9).
3. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3, Table 30:

Temporary Use Provision #	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-9	D8	A	Con8, Pt Lot 14, 30R2809, Pt Part 1	<i>A business for the purpose of storing pallets</i>	As per the parent zone.	February 24 th , 2020	February 29 th , 2022

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

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
XXTH DAY OF FEBRUARY, 2020.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2017-70

Location:

The subject lands are located on the north side of Regional Road 20, legally described as Concession 4, Part of Lot 16, Township of West Lincoln, municipally known as 4981 Regional Road 20.

Purpose & Effect:

This By-law has been enacted to temporarily permit a business for the purpose of storing pallets on the subject property. This By-law provides for such use for a temporary period commencing February 24th, 2020 and expiring February 28th, 2022.

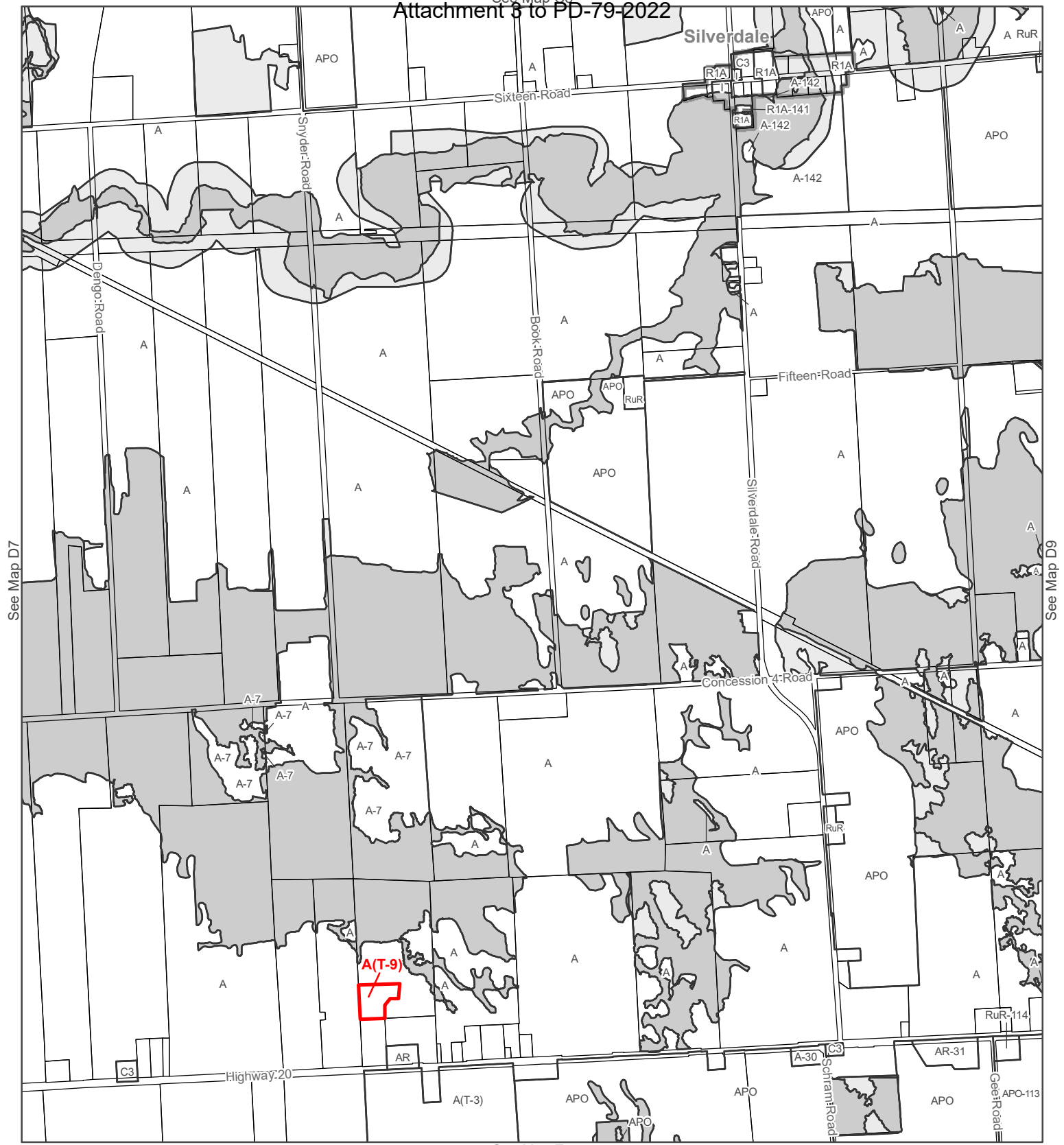
Any extension to the time limit set out in this By-law will require the passage of a further By-law by the Council for the Township of West Lincoln. Such request for an extension must be made in writing to the Township no later than 3 months prior to the expiration of this By-law.

Public Consultation:

The Public Meeting was held on December 9th, 2019. The Township received verbal and written comments from 0 neighbour(s) regarding this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-018-19

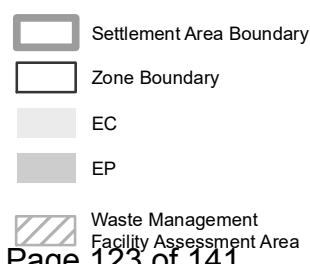
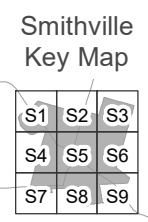
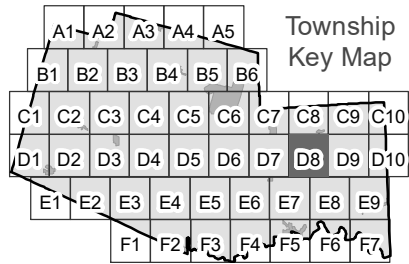
Applicant: Fred & Beck Vrugteveen



See Map D7

See Map D9

See Map E7



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

Map **D8**

1:20,000

0 500 m

Last Updated: July 2019

Planning and Development Services

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

Via Email Only

September 8, 2022

Region File: D.18.12.ZA-22-0068

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

Dear Mr. Boerema:

**Re: Regional and Provincial Comments
Proposed Temporary Use By-law Extension
Township File: 1601-011-22
Applicant/Agent: Upper Canada Consultants
Owners: Rebecca and Fred Vrugteveen
4981 Regional Road 20
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the proposed Temporary Use By-law Extension request for a one year extension for the ongoing commercial operation at 4981 Regional Road 20 in the Township of West Lincoln, which includes the storage of pallets and wood chips operated by Niagara Pallet.

A temporary use by-law was passed by Township Council in February of 2019, which permitted the commercial use for a period of 2 years. The temporary use was requested in order to assist with the expansion of the business at 2906 South Grimsby Road 8. Regional staff provided comment on the application November 28, 2019, indicating that the proposal did not conform to relevant Provincial or Regional policies. Staff provide the following comments from a Provincial and Regional perspective to assist Township Council in considering this extension request.

Provincial and Regional Policies

The subject land is located within the 'Prime Agricultural Area' of the *Provincial Policy Statement, 2020* ("PPS") and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and designated 'Good General Agricultural Area' in the *Regional Official Plan* ("ROP").

Provincial and Regional policies recognize that agricultural land is a valuable asset that must be properly managed and protected for long-term agricultural use. The permitted uses within the Prime Agricultural Area / Good General Agricultural Area is for agricultural uses, agriculture-related uses, and on-farm diversified uses. Compatible uses, such as forestry and conservation of plant and wildlife is also permitted.

As stated in the Region's letter dated November 28, 2019, the property is not afforded legal non-conforming use status as the existing facilities were established contrary to the Township's Zoning By-law. Therefore, Provincial and Regional policies for non-agricultural uses must be assessed.

PPS Policy 2.3.6.1 states that non-agricultural uses are only permitted in the Prime Agricultural Area in specific circumstances, including limited non-residential uses, provided the land does not comprise a 'Specialty Crop Area', complies with the 'Minimum Separation Distance Formulae', there is an identified need within the planning horizon for additional land to accommodate the proposed use, and alternative locations have been evaluated (avoiding Prime Agricultural Areas, or considering lower priority agricultural lands).

In alignment with the PPS, ROP Policy 5.B.7 states that non-agricultural uses should not be located in agricultural areas as non-agricultural development has an adverse impact on agricultural and natural resources. Consideration of non-agricultural uses may be considered through a Regional Official Plan Amendment, subject to several conditions, including but not limited to requiring a demonstrated need for additional land to be designated within the municipality and desirability of the proposed use to the community, no reasonable alternatives in 'Rural Areas' or 'Urban Areas', and no reasonable alternatives in other Good General Agricultural Areas or agricultural areas with lower priority agricultural land.

A letter prepared by Upper Canada Consultants (dated July 14, 2022) was submitted with the extension request citing the COVID-19 pandemic impacting the ability of the owner to develop a new facility and obtain necessary approvals. Regional staff recognizes that the owners are working on relocating the pallet business to another location in the Township (2906 South Grimsby Road 8). The continued use of this property for the commercial business, however, is not consistent with and does not conform to Provincial and Regional policies. Given the continued non-complying use on this site and granting of several temporary use by-laws/extensions, Regional staff is concerned that a further extension could entrench the use. As such, staff is unable to support the extension request for the storage of pallets and wood chips for an additional year.

Natural Heritage

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System ("CNHS"), including the St. Anns Slough Forest Provincially Significant Wetland ("PSW") Complex, Provincially Significant Life Science Area of Natural and

Scientific Interest (ANSI) known as the South St. Anns Slough Forest, Significant Woodland, and Important (Type 2) Fish Habitat. The property is also partially mapped as part of the Growth Plan Provincial Natural Heritage System ("PNHS"). As such, the CNHS features on and adjacent the property are considered Key Hydrologic and Key Natural Heritage Features ("KHF/KNHF") and the natural heritage policies identified in the Growth Plan apply.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation ("NHE") to demonstrate no negative impact to KHF/KNHFs. However, given that the application is for temporary storage of pallets and wood chips, and given that the temporary storage area is greater than 30 m from the KHF/KNHFs, staff will not require the completion of a NHE. As previously noted in the Region's November 28, 2019 comment letter, staff instead required that silt fencing be installed and maintained for the duration of the temporary use around the perimeter of the storage area to prevent sediment/materials from encroaching towards the KHF/KNHFs. Staff understand that this fencing was previously installed and inspected, to the satisfaction of the Niagara Peninsula Conservation Authority ("NPCA") when the temporary use application was circulated in 2019.

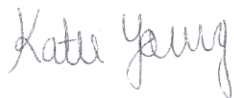
Conclusion

Regional Planning and Development Services staff is unable to support the proposed Temporary Use By-law Extension request to permit the ongoing storage of pallets and woodchips on the subject property for an additional one year as the use does not conform or meet the intent of Provincial and Regional policies.

Should you have any questions related to the above noted comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send a copy of the staff report and notice of Council's decision on the application.

Kind regards,



Katie Young
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Diana Morreale, MCIP, RPP, Director of Development Approvals
Adam Boudens, Senior Environmental Planner

DATE: September 12, 2022

REPORT NO: PD-78-2022

SUBJECT: **Recommendation Report – Zoning Bylaw Amendment – Leonard Snippe – 5444 Concession 4 Road (File No: 1601-010-22)**

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

OVERVIEW:

- An application for rezoning was submitted by Leonard Snippe for the lands legally described as Concession 4, Part Lot 12, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5444 Concession 4 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 B04/2022WL) that was conditionally approved by the Township Committee of Adjustment on July 27th 2022.
- The conditionally approved severance has proposed to sever a 1.5-acre residential lot with a dwelling from the remnant 9.1 hectare retained agricultural lands which are proposed to be merged with an abutting farm parcel also owned by the Snippes.
- The retained Agricultural ‘A’ lot will remain in an Agricultural ‘A’ zoning and no site specific exceptions are required as the property will meet the frontage and lot area requirements as part of a merged new lot. A zoning amendment is required to zone the severed residential lot to a rural residential zone.
- A public meeting was held on August 11, 2022. No members of the public or Committee provided oral or written submissions.
- Planning Staff have reviewed the application for Zoning Bylaw Amendment against the applicable planning policies and can recommend support of the bylaw as found in Attachment 2.

RECOMMENDATION:

1. That, Recommendation Report PD-78-2022, regarding “Zoning Bylaw Amendment – Leonard Snippe – 5444 Concession 4 Road, File No. 1601-010-22” dated September 12, 2022, be RECEIVED; and,
2. That, an application for Zoning By-law Amendment 1601-0010-22 submitted by Leonard Snippe, and a corresponding Zoning By-law be APPROVED and passed; and,
3. That, Staff be authorized to circulate the Notice of Decision for the Zoning By-law Amendment with the corresponding 20-day appeal period.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic, Responsible Growth** – Welcoming new residents and businesses and respecting the heritage and rural identity that people value.

BACKGROUND:

An application for a Zoning Bylaw Amendment has been submitted by Leonard Snippe for the property legally described as Concession 4, Part Lot 12, formerly in the Township of Gainsborough, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 5444 Concession 4 Road. The property is located at the south east corner of Concession 4 Road and Regional Road 20.

On July 27, 2022 the Township Committee of Adjustment granted conditional approval to Mr. Snippe for a surplus farm dwelling severance which proposed to sever a 1.5-acre residential lot with a dwelling from a 9-hectare agricultural lot. The retained agricultural lands are proposed, and are required by way of condition of consent, to be merged with the abutting agricultural lot also owned by Mr. Snippe.

An additional condition for the severance requires Mr. Snippe to apply for, and obtain approval of a Zoning Bylaw Amendment to rezone the severed agricultural lot to Rural Residential 'RuR', as the lot will no longer function as part of an agricultural lot, and to address any site specific zoning deficiencies.

Typically, when considering a surplus farm dwelling severance, a condition to rezone the retained agricultural lands to 'Agricultural Purposes Only – APO' is required, however, in this application, the retained farmlands will be merged to an abutting agricultural parcel and 'APO' is not needed as no new lot is being created.

The resulting agricultural lot will meet the minimum lot area requirements of 40 hectares and the minimum lot frontage of 100 metres for an agricultural 'A' zoned lot and therefore the Snippe's have not requested any additional site specific zone exceptions.

Planning staff have reviewed this application against the applicable Provincial, Regional and Local planning policy and can recommend support. A summary of staff's review can be found below.

CURRENT SITUATION:

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

1. Provincial Policy Statement (PPS)

The PPS guides the growth and development of the Province and provides the general framework for planning in the Province. All planning decisions must be consistent with the PPS. The subject property is within the agricultural area of the Township of West Lincoln. The policies regarding Agriculture are within the 'Wise Use and Management of Resources' section of the PPS. The lot creation policies in the PPS for the Agricultural area are very specific and limited in the number of instances where severances in the agricultural area can occur. The PPS allows for surplus farm severances as a result of

farm consolidation and where the severance does not result in the allowance of new non-residential dwellings and uses being established.

A full review of the severance was completed for the Committee of Adjustment, however, in summary, Mr. Snippe is a bona-fide farmer who has farmed this land for many years as a tenant farmer, but only recently was able to purchase the property. The remnant farmland is required to be merged with the abutting farmland that Mr. Snippe owns, resulting in no lots or dwellings as only one residential dwelling is permitted on the combined agricultural lot.

The rezoning to Rural Residential 'RuR' for the 1.5 acre severed lot with a dwelling is to recognize that the property will no longer be tied to agricultural uses and will function as a residential lot.

The subject application maintains the general intent of the Provincial Policy Statement.

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

Applications filed after June 16, 2006 must conform to the A Place to Grow – Provincial Growth Plan. Section 4.2.6 of the Growth Plan contains policies for the Agricultural System in Ontario. These policies aim to preserve, protect and enhance Ontario's Agricultural System.

Where agricultural uses and non-agricultural uses interact outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed (4.2.6.3).

The geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced (4.2.6.4). The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged (4.2.6.5).

As the dwelling in this situation is existing, and as surplus farm dwelling severances are permitted in the PPS, planning staff are of the opinion that this proposal meets the intent of the Provincial Growth Plan.

3. Greenbelt Plan

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

4. Current Niagara Region Official Plan and Adopted New Regional Official Plan

The new Niagara Region Official Plan was adopted by Regional Council earlier this year, but still awaits Provincial Approval at the time of writing this report. As such, this section will summarize both the current and the newly adopted Regional Official Plan policies with respects to surplus farm dwelling severances.

The policies allow for surplus farm severances as a result of a farm consolidation, so long

as residential dwellings are prohibited in perpetuity on any vacant remnant parcel of agricultural land.

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

Policy 5.B.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) lot creation for a residence surplus to a farming operation as a result of 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.

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 newly adopted Regional Official Plan contains similar policy requirements in Section 4.1.6.2. The newly adopted plan provides more specific policies in regards to lot area and dwelling age. Surplus farm dwelling lots shall be 0.4 hectares in size and the dwelling is now required to have existed prior to June 16, 2006 to be eligible for severance. Additionally, the new Official Plan requires that remnant lots be merged where possible.

The dwelling according to MPAC was constructed in 1988 and the lot size approved was 1.5 acres (0.6 hectares) which was needed to satisfy the NPCA. The Region provided comments that they do not object to the severance and subsequent zoning amendment.

As such, planning staff believe this application meets the intent of both the current and newly adopted Regional Official Plan.

5. Township of West Lincoln Official Plan (OP)

The subject property is designated Good General Agriculture in the Township's Official Plan. The policies in the Township's OP state that a new residential lot being created through a surplus farm dwelling severance should not be larger than 0.4 hectares, nor include more Good General Agricultural land than is required to support the residence and private services required to serve that residence. The policy also requires that the application meet any applicable zoning requirements within the Township's Zoning Bylaw and that the retained agricultural lands be zoned to preclude any future residential uses. As discussed earlier in this report, a zoning amendment to APO for the retained agricultural lands has not been required as those lands will be merged to an abutting agricultural parcel zoned Agricultural 'A'. Therefore, no new lot will be created and no new residential uses introduced.

The residential lot is slightly larger than contemplated in the Official Plan, however, this was done to address NPCA concerns regarding keeping the lot line outside of an environmental feature.

As such, planning staff believe this application meets the intent of the Township's Official Plan.

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

The property located at 5444 Concession 4 Road is currently zoned Agriculture 'A'. The severed lot will need to be rezoned from Agricultural 'A' to Rural Residential 'RUR' to recognize the non-agricultural uses of the property. This amendment does not have any site specific exceptions as the applicant has previously removed the accessory buildings that didn't meet the zoning provisions of a Rural Residential zone.

The applicants abutting property located at 1735 Regional Road 20 is currently zoned agricultural. This property has a single detached dwelling located on it and the applicants are currently reconstructing the house. This parcel will remain farmed and will also remain in an agricultural designation with no site specific exceptions as the newly merged lot will meet the minimum lot area and frontage requirements.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this application.

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

Notice of Public Meeting was circulated to all relevant agencies on July 21st, 2022. A yellow sign was posted on the property and a notice of hearing was posted to the website on July 21st, 2022

A public meeting was held on August 11, 2022 where no members of the public or Committee provided any oral or written comments.

The Region, NPCA, Township Public Works and Septic Inspector provided comments as part of the consent application and had no objections.

CONCLUSION:

Township staff have completed a review of this application against the applicable planning policy. The previously severed 1.5-acre parcel will need to be rezoned from Agricultural (A) to Rural Residential (RUR) The 22.5-acre parcel of agricultural land to be retained will merge on title with the applicant's existing farmland located at 1725 Regional Road 20.

Planning Staff recommend approval of the subject application and associated zoning amendment bylaw found in attachment 2.

ATTACHMENTS:

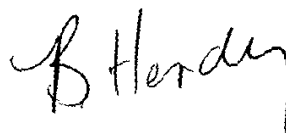
1. Survey Sketch
2. Draft By-Law

Prepared & Submitted by:



Gerrit Boerema
Senior Planner

Approved by:



Bev Hendry
CAO



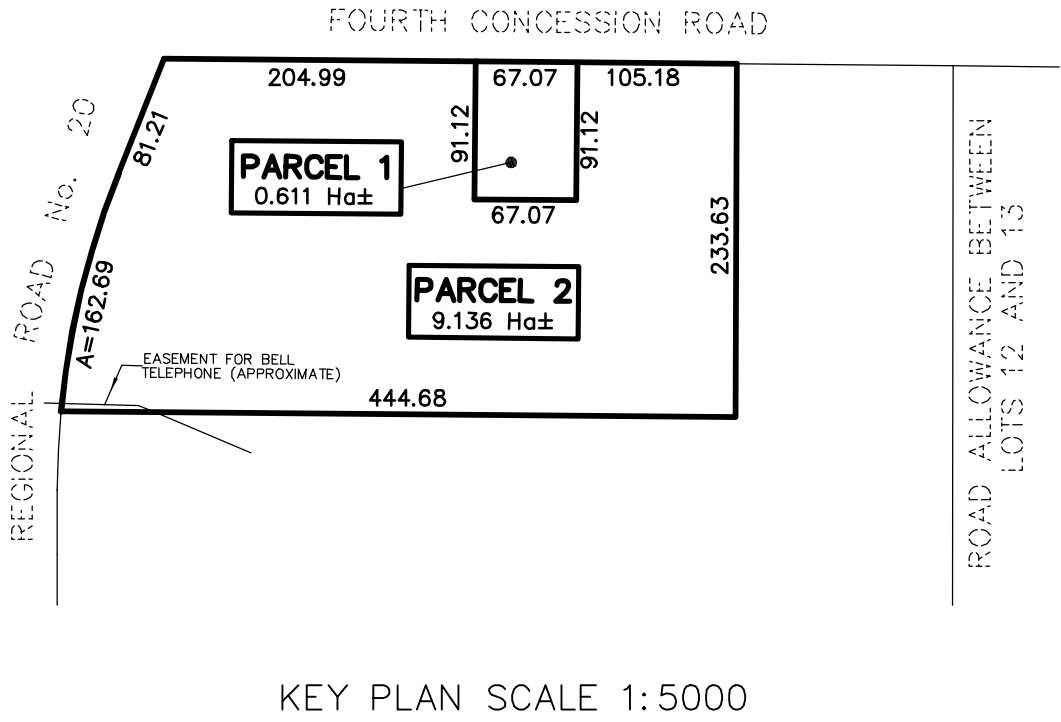
Brian Treble
Director of Planning & Building

SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL
COPY IF EMBOSSED BY
THE SURVEYOR'S SEAL,
OR PDF CERTIFIED

ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5, GAINSBOROUGH
ALSO KNOWN AS CONCESSION 4 ROAD
PIN 46079 – 0081 (LT)



SKETCH FOR SEVERANCE APPLICATION
5444 CONCESSION 4 ROAD
TOWNSHIP OF WEST LINCOLN

0 10 20 30 40m

SCALE 1 : 400
RASCH & HYDE LTD.
ONTARIO LAND SURVEYORS

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND & NOTES

- CLF DENOTES CHAIN LINK FENCE
 - HM DENOTES HYDRO METER
 - HP DENOTES HYDRO/UTILITY POLE
 - OUL DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
 - PWF DENOTES POST AND WIRE FENCE
- **BUILDING TIES, DISTANCES AND AREAS ARE APPROXIMATE.

Harold D. Hyde
MAY 18, 2022
DATE

HAROLD D. HYDE
ONTARIO LAND SURVEYOR

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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 : 400 SURVEY : 21-370 DRWN BY : T. Matheson

BOUNDARY NOTE

BOUNDARIES HAVE BEEN DERIVED FROM REGISTRY
OFFICE RECORDS AND ACTUAL FIELD WORK.

PROPERTY DESCRIPTION

PART OF LOT 12, CONCESSION 4, GEOGRAPHIC
TOWNSHIP OF GAINSBOROUGH, TOWNSHIP OF WEST LINCOLN
REGIONAL MUNICIPALITY OF NIAGARA
PIN 46079-0082 (LT)

CAUTION

- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
EXCEPT FOR THE PURPOSES INDICATED IN THE TITLE BLOCK.
- THIS SKETCH IS PROTECTED BY COPYRIGHT ©
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SURVEYOR'S SEAL, OR PDF CERTIFIED.

LOT

CONCESSION

PIN

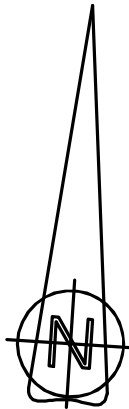
46079

0082

(LT)

PARCEL 2
9.136 Ha±

PARCEL 1
0.611 Ha±



PROpane
TANK

GARDEN

SEPTIC

BARN

BUILDING

POND

PORCH

1.5 STOREY VINYL
SIDED DWELLING No 5444

DECK

HEDGE

DRIVEWAY

GRAVEL

OUL

HP

67.07

91.12

12

4

105.18

67.07

204.99

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 'D7' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 4, Part Lot 12 in the former Township of Gainsborough, now in the Township of West Lincoln, municipally known as 5444 Concession 4 Road, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'D7' 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 'RuR' zone.
3. THAT all other provisions of By-law 2017-70 continue to apply.
4. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND
THIRD TIME AND FINALLY
PASSED THIS
____th DAY OF SEPTEMBER 2022**

MAYOR DAVE BYLSMA

JOANNE SCIME, CLERK

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 4 Road, east of Regional Road 20, legally described as Concession 4, Part Lot 12, in the former Township of Gainsborough, municipally described as 5444 Concession 4 Road.

Purpose & Effect:

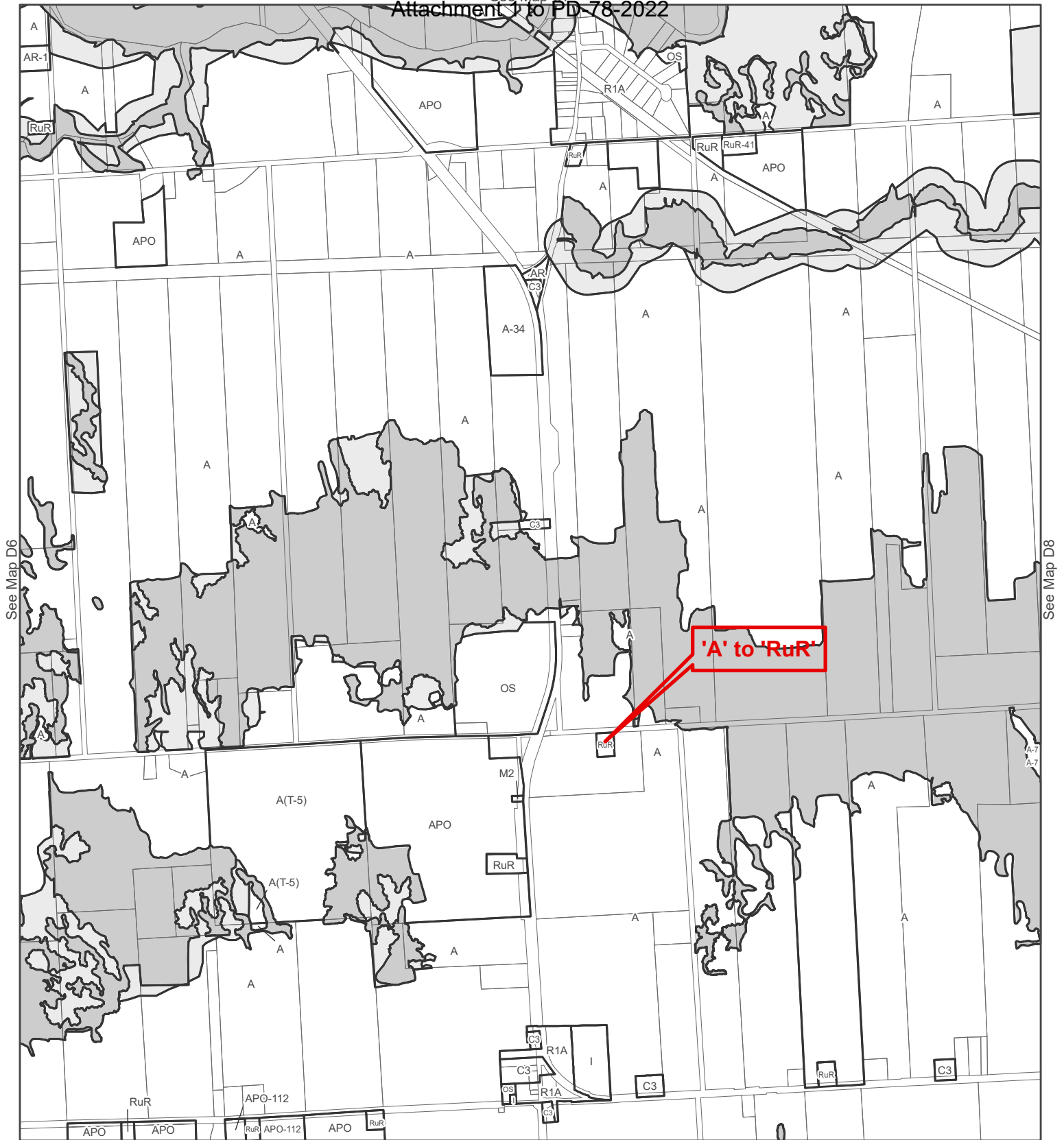
The subject lands were subject to a surplus farm dwelling severance application B4/2022WL which proposed to sever a 1.5 acre residential lot with an existing house from an agricultural farm parcel. The severance was conditionally approved by the Committee of Adjustment subject to a number of conditions, one being a zoning amendment to change the zoning from agricultural 'A' to Rural Residential 'RuR' for the severed residential lot. This zoning application rezones the residential lot from agricultural 'A' to Rural Residential 'RuR'.

Public Consultation:

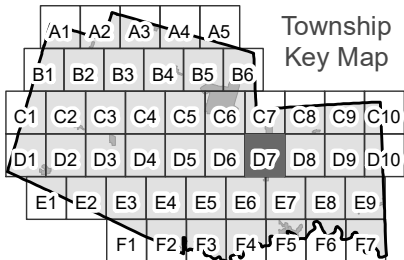
The Public Meeting was held on August 11, 2022. The Township did not receive any verbal or written comments regarding this application.

File: 1601-010-22

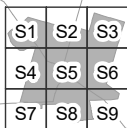
Applicants: Snippe



See Map E6



Smithville Key Map



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

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

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

Map
D7

REPORT
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: September 12, 2022

REPORT NO: PD-80-2022

SUBJECT: **Recommendation Report – Bill 109 – Establish Developmental Control**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- As the Planning/Building/Environmental Committee is aware, on April 14th, 2022, The Provincial Government gave Royal Assent to a Bill (Bill 109) that resulted in many changes that were promoted as streamlining or expediting the planning approval process, with the goal of obtaining planning/housing approvals quicker.
- Many parts of Bill 109 come into effect on July 1, 2022 including a requirement for approval authorities to delegate site plan control decisions to staff.
- In order to be proactive, staff reached out to a private sector planning firm, MHBC Planning, and asked this firm to assist in guiding us on how to become Bill 109 compliant.
- Staff report PD-48-2022 was presented at the June 13, 2022 Planning/Building/Environmental Committee Meeting and ratified at the June 27th, 2022 Council meeting.
- As a result of preliminary comments, by MHBC Planning, staff advise that a new by-law be passed to delegate site plan approval authority to staff, as well as, authority to sign site plan agreements. Parts of this authority already exist, but approval of the by-law will place all authority in one by-law and previous by-laws will be repealed through a future report
- This report represents another step forward in the implementation of Bill 109 within the Township of West Lincoln

RECOMMENDATION:

1. That, Recommendation Report PD-80-2022, regarding “Bill 109 – Establish Developmental Control”, dated September 12, 2022, be RECEIVED; and,
2. That, a by-law be passed to establish Development Control, to delegate approval authority and establish criteria within the Township of West Lincoln.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3 and #6

- Strategic, Responsible Growth
- Efficient, Fiscally Responsible Operations

BACKGROUND:

Bill 109, the More Homes for Everyone Act, 2022, was passed by the Provincial of Ontario and received royal assent on April 14, 2022 and many parts of the Act came into effect on July 1, 2022. Many changes that affected planning approval processes were included in the bill, including timelines for planning approvals or fee rebates must occur and new delegation of authority to staff for site plan decisions.

CURRENT SITUATION:

On June 13, 2022, report PD-61-2022 was presented and approved and authorized the hiring of MHBC Planning to undertake a review of Township Planning processes and to assist with process changes that will help address the timeline imposed in Bill 109. This review is ongoing.

Similarly, the Region has now hired MHBC Planning to undertake a similar review of the implications of Bill 109 to the *Planning Act*, some of which have taken effect on July 1, 2022. This includes a required change to the site plan process that now requires the following:

- Municipalities must delegate authority to approve site plan applications to a designated authorized person (officer, employee, or agent of the municipality). At present, municipal council may, but is not obligated to, delegate its authority to approve site plan applications.
- A new complete application process for site plan applications is proposed. This process is like the complete application process that applies to official plan amendment applications and zoning bylaw amendment applications.
- The timeline to appeal a site plan application for non-decision is increased from 30 days to 60 days

As a result of these changes, staff propose that a new Site Plan Authorizing By-law be passed such as the one attached to this report.

This by-law to delegate site plan approval authority, includes the signing of the site plan agreement, to staff.

FINANCIAL IMPLICATIONS:

The delegation of site plan approval and decisions to staff may result in a more streamlined process, reducing staff's time in preparing site plan authorization reports to Committee and Council.

INTER-DEPARTMENTAL COMMENTS:

Regional Planning staff along with lower tier municipal planning staff have had one workshop to discuss Bill 109 changes and how to improve the development review process. Further meetings are planned to develop an approach that is similar across the Region.

Township Legal Counsel has been and will continue to be involved in this process and staff have reached out for further consultation regarding this matter. This may result in further changes to the by-law prior to the September 26th, 2022 Council meeting.

In the meantime, this change is one further step forward in implementing Bill 109.

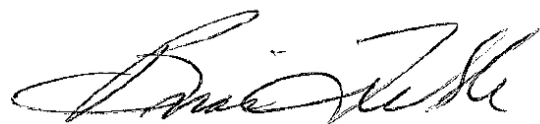
CONCLUSION:

Staff recommend the passage of the attached Site Plan Control By-law that delegates approval authority to staff as one more step forward in the implementation of Bill 109.

ATTACHMENTS:

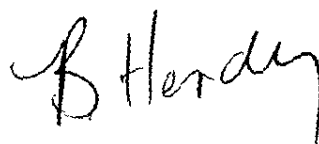
1. By-law to Establish Developmental Control in the Township of West Lincoln

Prepared & Submitted by:



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 ESTABLISH DEVELOPMENT CONTROL, TO DELEGATE APPROVAL AUTHORITY AND ESTABLISH CRITERIA WITHIN THE TOWNSHIP OF WEST LINCOLN.

WHEREAS Section 41(2) of the Planning Act, R.S.O. 1990, c. P.13 allows for an Official Plan to describe an area as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area;

AND WHEREAS the Official Plan of the Township of West Lincoln describes land uses and areas for site plan control;

AND WHEREAS the More Homes for Everyone Act, 2022 (Bill 109) amended the Planning Act to require municipalities, which have adopted a site plan control by-law, to designate an authorized person(s) to approve site plan applications (S. 41(4.0.1)), to allow Council to require by by-law applicants to consult with the municipality prior to submitting an application (S. 41(3.1)), and to define any class or classes of development that may be undertaken without the approval of site plan (S. 41(13)).

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

1. THAT the whole of the Township of West Lincoln is hereby designated as an area of site plan control pursuant to Section 41 of the Planning Act, 1990.
2. THAT no person shall undertake any development in any area designated under site plan control unless Subsection 41(4) of the Planning Act has been complied with.
3. THAT the authority of the Council of the Township of West Lincoln under Section 41 of the Planning Act to approve and decide upon site plans and agreements, including the authority to impose conditions of approval, is hereby delegated to the Director of Planning and Building, or designate, except for those classes outlined in Clause 5 of this By-law. Such authority delegated to the Director of Planning and Building, or designate, shall be carried out and implemented as provided for in Section 41 of the Planning Act.
4. THAT in the event the Director of Planning and Building is absent for any reason, the said authority of Council is delegated to the person or persons designated in writing by the Director of Planning and Building to act as the said Director during their absence.
5. THAT the authority of the Council of the Township of West Lincoln under Section 41 of the Planning Act to approve and decide upon site plans and agreements, including the authority to impose conditions of approval, is hereby delegated to the Chief Building Official of the Township of West Lincoln, for the following classes of development:
 - a) Single-detached dwellings;
 - b) Semi-detached dwellings;
 - c) Duplex Dwellings; and
 - d) Buildings accessory to single-detached dwellings, semi-detached dwellings and duplex dwellings.
 - e) Swimming Pools
 - f) Greenhouses less than 4,000 sq. metres in size and not used for cannabis production.
6. THAT in the event the Chief Building Official is absent for any reason, the said

authority for the classes of development listed is delegated to the person or persons designated in writing by the Chief Building Official to act as the said Building Official in their absence.

7. THAT, prior to submitting plans and drawings for approval under Section 41 of the Planning Act, the applicant shall consult with the appropriate staff in accordance with Subsection 41(3.1) of the Planning Act, including the attendance of a pre-consultation meeting and provide the prescribed material as required at the pre-consultation meeting and as required in the site plan control approval application.
8. THAT Site plans, elevations and cross-section plans shall be required for every residential building or addition and expansion, including for buildings containing less than twenty-five (25) dwelling units.
9. THAT in accordance with Section 41(4)2 of the Planning Act, the drawings showing plans, elevation and cross-section for each building to be erected must be sufficient to display:
 - a) Massing and conceptual design;
 - b) The relationship of the proposed building to its surroundings;
 - c) The provision of features to which the public has access;
 - d) Matters relating to exterior design;
 - e) The sustainable design elements on any adjoining highway under a municipality's jurisdiction; and
 - f) Facilities designed to have regard for accessibility for persons with disabilities.
10. THAT the Mayor and Town Clerk are hereby authorized to execute an agreement with the owner, after the approval has been granted in accordance with this By-law and the owner has signed the agreement.
11. THAT the following classes of development are exempt from the provisions of this By-law:
 - a) Agricultural buildings accessory to a farm operation and located on the same lands, used for the purpose of housing livestock, farm products or farm machinery, except for cannabis production facilities.
12. THAT this By-law shall come into force and effect upon the passing of this by-law.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
26th DAY OF SEPTEMBER 2022.**

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK