



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

**MEETING NO. ONE**

**Monday, January 16, 2023, 5:45 p.m.**

**Township Administration Building**

**318 Canborough Street, Smithville, Ontario**

**NOTE TO MEMBERS OF THE PUBLIC:** All Cell Phones, Pagers and/or PDAs to be turned off. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

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**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. The public may submit comments for matters that are on the agenda to [jdyson@westlincoln.ca](mailto: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.
2. This meeting will be livestreamed as well as recorded and available on the Township's website.

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

For confidential matters

**3. CONFIDENTIAL MATTERS**

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

**RECOMMENDATION:**

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

3.1 Director of Planning & Building (Brian Treble)

Re: Legal/By-law Enforcement Matter - Confidential Recommendation Report  
PD-07-2023 - Natural Severance

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

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

3.2 Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - Smithville Road & Grimsby Mountain Road - Cannabis Enforcement Matter

**VERBAL UPDATE**

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

litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;  
personal matters about an identifiable individual, including municipal or local board employees

3.3 Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

**VERBAL UPDATE**

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

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- personal matters about an identifiable individual, including municipal or local board employees

3.4 Deputy Clerk (Jessica Dyson)

Re: Citizen Appointments on Boards & Committees

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

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

**RECOMMENDATION:**

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

**3.1 ITEM P01-23**

Director of Planning & Building (Brian Treble)

Re: Legal/By-law Enforcement Matter - Confidential Recommendation Report PD-07-2023 - Natural Severance



**RECOMMENDATION:**

1. That, Report PD-07-2023 regarding Confidential Recommendation Report PD-07-2023 – Natural Severance Application, dated January 16, 2023, be RECEIVED; and,
2. That, such a Township position only relates to North Creek and not to any tributary as found/identified on the subject lands; and,
3. That, staff be authorized to proceed as directed in closed session.

**3.2 ITEM P02-23**

Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - Smithville Road & Grimsby Mountain Road - Cannabis Enforcement Matter

**VERBAL UPDATE**

**3.3 ITEM P03-23**

Director of Planning & Building (Brian Treble)

Re: Property Matter/By-law Enforcement Matter - South Grimsby Road Property Matter

**VERBAL UPDATE**

**3.4 ITEM P04-23**

Deputy Clerk (Jessica Dyson)

Re: Citizen Appointments on Boards and Committees

1. West Lincoln Library Board  
The Public Library Board consists of not fewer than five (5) persons (no more than nine (9) persons) appointed by Council one of whom is a member of Council and the remainder being appointed citizens. The Board is responsible for the operation, maintenance and promotion of the Township's library branches pursuant to applicable legislation. A person is qualified to be appointed as a member of a board who is a member of the appointing council or is at least eighteen years old, is a Canadian citizen is a resident of the municipality for which the board is established and is not employed by the board or by the municipality.

**Required number of Board Members** – No fewer than 5 up to 9 Members (desirable to have 2 representatives from each Ward + 1 Councillor Representative = 7) as per By-law 2008-79 – Qualifications per Section 10 of the Public Library Board Act:  
- is at least 18 years old; is a Canadian citizen; is a resident of the municipality; is not employed by the board or by the municipality

**RECOMMENDATION:**

That, the following person(s) be and are hereby appointed to serve on West Lincoln Library Board until their successors are appointed: ...

2. **Age Friendly Advisory Committee**  
The Township of West Lincoln's Age Friendly Advisory Committee shall consist of a maximum of twelve (12) voting members. The committee membership will be represented by members at large from the public. The committee will strive to have representation from JAAC (Joint Accessibility Advisory Committee). Should the committee have representation from the JAAC, disability-related accommodations will be provided including but not limited to transportation to meetings, alternate formats of meeting materials upon request and alternate communication supports upon request (e.g. closed captioning or American Sign Language) as is appropriate to ensure full participation of persons with disabilities.

**Required number of Committee Members** - maximum of twelve (12) members.

**RECOMMENDATION:**

That, the following persons be and are hereby appointed to serve on the West Lincoln Age Friendly Advisory Committee (WLAFAAC) until their successors are appointed: ...

3. **Committee of Adjustment (Includes Land Division and Property Standards)**  
The Committee of Adjustment is an independent body appointed by Council under authority granted by the Province through the Planning Act. The Committee consists of five members of the public. The purpose of this committee is to consider minor variances/adjustments to the setback provisions of to the Township of West Lincoln's zoning by-law and grant consent approval for the severance of land for the creation of new lots or for boundary adjustments in accordance with policy. The Committee of Adjustment/Property Standards Committee consists of not fewer than three (3) members (suggest five (5) members) appointed by Council, for the 4 Year Term of Council (2022 – 2026).

The purpose of the Property Standards Committee is to hear appeals of Property Standards Orders and either confirm,

modify, rescind or extend the time for complying with the order. This order is originally issued by Township By-law Enforcement Staff but can be reviewed by the Committee upon approval.

**Required Number of Committee Members** – Not fewer than 3 as per Section

44(1) of the Planning Act (suggest 5 as we rotate the use of members and 3 sit at one time)

**RECOMMENDATION:**

That, the following person(s) be and are hereby appointed to serve on the Committee of Adjustment (Includes Land Division and Property Standards) until their successors are appointed: ...

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

**5. 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.

**6. PUBLIC MEETING(S)**

**6.1 Zoning By-law Amendment - 197 Griffin Street**

Re: An application has been submitted to address a number of zoning deficiencies generated as part of a redevelopment of the site which would result in office space and four accessory dwelling units with a number of zoning deficiencies. (File No.: 1601-005-22)

**6.2 Zoning By-law Amendment - 8535 Twenty Road (Bruinsma)**

Re: An application for a Zoning Bylaw Amendment has been submitted to rezone the property located at 8535 Twenty Road, to permit an agri-tourism use on subject property, specifically a country market. (File No.: 1601-012-22)

**6.3 Zoning By-law Amendment & Official Plan Amendment - Mill Street (Oyegbami)**

Re: An application for an Official Plan and Zoning Bylaw Amendment has been submitted to re-designate and rezone a vacant property located at

Lot 34, Plan M98, in the Town of Smithville located on the north side of Mill Street. The intent of this official plan and zoning bylaw amendment application is to permit a three dwelling unit townhouse. The purpose of the official plan amendment is to permit three units on the subject property. (File No. 1601-013-22 ZBA & 1701-003-22 OPA)

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

8. **APPOINTMENTS**

There are no appointments.

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

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

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

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

10. **CONSENT AGENDA ITEMS**

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

10.1 **ITEM P05-23**  
**CONSENT AGENDA ITEMS**

**RECOMMENDATION:**

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

- |    |  |    |
|----|--|----|
| 1. | Items 1, 2, 3 and 4 be and are hereby received for information; and,   |    |
| 2. | Item 5 be and is hereby received and that the recommendations contained therein be adopted with the exception of Item no.(s)_____. |    |
| 1. | Multi-Municipal Wind Turbine Working Group (MMWTWG) Minutes – September 8, 2022  | 10 |
| 2. | Technical Report PD-01-2023 - No. 2 - 197 Griffin Street Application for Zoning Amendment - Christoph Arnold (Owner)               | 21 |

and NPG Planning Solutions (Agent) (File No. 1601-005-22)

- |    |  |     |
|----|--|-----|
| 3. | Technical Report PD-02-2023 – Application for Zoning Bylaw Amendment 8535 Twenty Road Bruinsma (File No. 1601-012-22)  | 45  |
| 4. | Technical Report PD-03-2023 - Application for Official Plan Amendment and Zoning Bylaw Amendment Lot 34, Plan M89 Mill Street File No. 1601-013-22 (ZBA) 1701-003-22 (OPA) | 117 |
| 5. | Recommendation Report PD-06-2023 – Domaine Queylus – 3651 Sixteen Road, Need for Municipal Approval of Temporary Patio for 'By the Glass' Operators                        | 163 |

**11. COMMUNICATIONS**

**12. STAFF REPORTS**

<b>12.1</b>	<b>ITEM P06-23</b>	<b>175</b>
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Senior Planner (Gerrit Boerema) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-04-2023 - P Budd Developments - Station Meadows West Redline Revision to Draft Plan of Subdivision (File NO. 2000-89-19)

**RECOMMENDATION:**

1. That, Recommendation Report PD-04-2023 regarding “P Budd Developments- Station Meadows West Redline Revision to Draft Plan of Subdivision – File NO. 2000-89-19”, dated January 16,2023, BE RECEIVED, and,
2. That the Draft Plan of subdivision, File No. 2000-89-19, as revised in Attachment 1, BE REDLINE APPROVED, in accordance with the provisions of the Planning Act, R.S.O. 1990, Chapter P. 13 and revisions thereunder, subject to the revised conditions contained in Attachment 2 to this report (PD-04-2023),
3. That, the change to conditions be deemed as minor and that written notice of the change to conditions is not required under Section 51 (47) of the Planning Act R.S.O. 1990, Chapter P. 13; and,
4. That, the Draft Plan of Subdivision approval be extended by a period of two years following the lapsing of the current three year approval, subject to the conditions as found in Attachment 2 to this report.

<b>12.2</b>	<b>ITEM P07-23</b>	<b>199</b>
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Senior Planner (Gerrit Boerema) and Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-05-2023 – Delegation of Approval to

Sign Agreements Under the Planning Act

**RECOMMENDATION:**

1. That, Recommendation Report PD-05-2023, regarding "Delegation of Approval to Sign Agreements Under the Planning Act", dated January 16, 2023, be RECEIVED; and,
2. That, a bylaw be passed to delegate approval authority for the of approval of agreements under the Planning Act and the delegation of staff to enter into such agreements, as found in Attachment 1.

**13. OTHER BUSINESS**

**13.1 ITEM P08-23**

CAO (Bev Hendry)

Re: Appointment of an additional Acting Deputy Fire Chief

**RECOMMENDATION:**

**WHEREAS**, the Ontario Fire Marshall's Office (OFM), has suggested that it would be best practice to have a resolution of Council to officially name appointment(s) of Acting Deputy Fire Chief;

**AND WHEREAS**, at the December 12, 2022 Council (All Committees) meeting, a resolution was carried to appoint two Captains Zoli Rakonjak and Wayne Bos as Acting Deputy Fire Chief in the absence of the Deputy Fire Chief;

**AND WHEREAS**, in the absence of the two appointed Captains Zoli Rakonjak and Wayne Bos, a third appointment of Acting Deputy Fire Chief be added to whom shall assume all of the powers and duties as may be prescribed of the Deputy Fire Chief

**AND WHEREAS**, there are no financial impacts to this action as only one person at a time can be the Acting Deputy Fire Chief and the others would carry on in their role as Captains;

**NOW THEREFORE BE IT RESOLVED**, that the Captain Phil Clarke be appointed as a third Acting Deputy Fire Chief whom shall assume all of the powers and duties as may be prescribed of the Deputy Fire Chief;

**AND THAT**, due to the time sensitivity of this matter, this appointment take immediate effect prior to ratification of Council.

**13.2 ITEM P09-23**

Members of Committee

Re: Other Business Matters of an Informative Nature

**14. 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).

**15. ADJOURNMENT**

**Multi Municipal Wind Turbine Working Group**  
**MINUTES**

**MMWTWG-04-2022**  
**Thursday, September 8, 2022, 7:00 p.m.**  
**Via Zoom**

Members Present: Mark Davis - Municipality of Arran-Elderslie  
Doug Bell - Municipality of Arran-Elderslie  
Bill Palmer - Citizen - Municipality of Arran-Elderslie  
Steve Adams - Municipality of Brockton  
Alex Westerhout - Municipality of Central Huron  
Scott Mackey - Township of Chatsworth  
Paul McQueen - Municipality of Grey Highlands  
Tom Allwood - Municipality of Grey Highlands  
Stewart Halliday - Citizen - Municipality of Grey Highlands  
Randy Roppel - Municipality of Kincardine  
Margaret Mercer - Township of Melancthon  
Mike Hentz - Municipality of Dutton Dunwich  
Bill Neilson - Township of Melancthon

Others Present: Julie Hamilton - Recording Secretary  
Warren Howard  
Vern Martin

**1. Zoom Meeting Details**

**2. Call to Order**

The Chair called the meeting to order at 7:00 pm. A quorum was present.

**3. Adoption of Agenda**

The Working Group passed the following resolution:

**MMWTWG-2022-29**

**Moved by:** Scott Mackey - Township of Chatsworth

**Seconded by:** Bill Neilson - Township of Melancthon



Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby adopts the agenda of the Thursday, September 8, 2022 as distributed by the Recording Secretary.

**Carried**

**4. Disclosures of Pecuniary Interest and General Nature Thereof**

None.

**5. Minutes of Previous Meetings**

**5.1 June 9, 2022 MMWTWG Minutes**

The Working Group passed the following resolution:

**MMWTWG-2022-30**

**Moved by:** Mike Hentz - Municipality  
of Dutton Dunwich

**Seconded by:** Bill Palmer - Citizen -  
Municipality of Arran-  
Elderslie

Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby approves the minutes of the Thursday, June 9, 2022 meeting as presented by the Recording Secretary.

**Carried**

**6. Business Arising from the Minutes**

**6.1 MECP Response Letter to the MMWTWG February 25, 2022  
Re: Ontario's Energy Plan and Wind Turbines**

The letter was in response to the Working Group's letter sent to the Ministry to address concerns around compliance and the acoustic audit requirements for wind facilities. The letter notes that the requirement to conduct an acoustic audit is included as a condition in most wind facility Renewable Energy Approvals (REAs) and conducted at wind facilities to indicate whether it meets the ministry's noise limits. The ministry requires acoustic audits to be conducted in accordance with the requirements outlined in the current Compliance Protocol for Wind Turbine Noise (Compliance Protocol).

The Chair opened the floor for comments on the response letter.

There are a number of projects that do not appear to be posting the audit reports to their website. The current compliance rate is 47% and 37% of projects are currently under review. There are a number of projects found to be incomplete and non-compliant but there has been no response from those projects back to the Ministry. The Working Group discussed what measures could be taken to become compliant.

The criteria used to measure noise does not cover some of the concerns the working group has raised, so when people are complaining about noise outside of the accepted criteria, it may not be acknowledged by the Ministry.

The Group noted that it was positive that a response was received but the letter indicates that the Ministry responds to all complaints received however, the Working Groups has had several letters go unanswered. A suggestion was made to request quarterly report outlining the complaints received and the response that could assist with better understanding residents concerns.

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

**MMWTWG-2022-31**

**Moved by:** Steve Adams - Municipality of Brockton

**Seconded by:** Alex Westerhout - Municipality of Central Huron

Be It Resolved that the Multi-Municipal Wind Turbine Working Group hereby,

1. Receives agenda item, 5.1 MECP Response Letter to the MMWTWG February 25, 2022 Re: Ontario's Energy Plan and Wind Turbines, for information.
2. Directs that a response letter be provided to the Ministry requesting quarterly reports regarding complaints with respect to industrial wind turbine projects.

**Carried**

## **7. Delegations/Presentations**

## **7.1 Verbal Update on Items of Interest to the the MMWTWG - Warren Howard**

Mr. Howard provided an update on items of interest to the Working Group.

### **Independent Electrical System Operator (IESO)**

The IESO is very active on a number of initiatives.

There are four winners of the medium-term contract. Four gas companies, Melancthon I and Convergent which is a battery storage facility in Sue Ste Marie.

The long-term RFP has announced qualified applicants and there are 15 wind companies included. The actual RFP will be in 2023.

Pumped storage projects appear to have active focus on projects in Meaford, Marmora and Schreiber.

### **Melancthon I – Five Year Contract Offered**

Wind Concerns Ontario responded with letter to Minister of Energy noting a number of points on why the project should not proceed. It is the worst wind project in Ontario for resident complaints. Some of the points addressed in the letter include:

- Ministry field assessment – wind turbines are tonal and cyclic – 35 dBA standard applies
- Ministry directive to field – wind turbines cannot be tonal or cyclic
- Project remodeled – 2006 assessment underestimated wind shear
- 25% of wind turbines located too close to non-participating receptors
- Maximum power reductions implemented to reach 40 dBA standard
- Current noise protocol requires consideration of tonal quality – must be non-compliant
- No consultation with municipality or community

### **Saugeen Hydrogen Plant**

A proposal to use surplus electricity to create hydrogen was presented to Ashfield Colborne Wawanosh for municipal support. Council supported the project. During the process, there was no

community engagement or location for plant proposed. The rumour is that it may be adjacent to existing transformer station which is located on top of sensitive ground water recharge area.

### **Brookfield Storage Facility – SS Marie**

The company owns Price I & II wind projects is building a storage facility. The proposal presented to Councils for support and support received. The contracts deal with the purchase of power from the projects but no details on the storage of the power. The details are rather vague at this time and a letter will be drafted to the minister questioning the particulars of the project and contracts.

### **Discussions with Minister of Energy Todd Smith**

Discussion on the following were with Todd Smith were initiated by an activist from Todd's Smith's riding of Bay of Quinte.

- SMR (Small Nuclear) capabilities is being moved forward to 2028
- Any procurement must have municipal support
- Minister Smith sees limited role for wind turbines
- Updating setback rules for wind turbines should be achievable

The Working Group discussed the contract award of the Melancthon I project. The contract has been offered and is to be accepted by the end of September. Members from Melancthon Township raised concerns that they have around the process of the contract award and the lack of consultation with the municipality and residents. It was noted that more details around the projects can be found on the IESO website.

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

### **MMWTWG-2022-32**

**Moved by:** Steve Adams - Municipality of Brockton

**Seconded by:** Mike Hentz - Municipality of Dutton Dunwich

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby receives the verbal updates made by Mr. Howard for information purposes.

**Carried**

## **8. Correspondence**

### **8.1 Requiring Action**

#### **8.1.1 Approval of Recording Secretary Invoice**

The Working Group passed the following resolution:

#### **MMWTWG-2022-33**

**Moved by:** Scott Mackey - Township of Chatsworth

**Seconded by:** Doug Bell - Municipality of Arran-Elderslie

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby approves the Recording Secretary invoice for June, July and August for payment.

**Carried**

### **8.2 For Information**

#### **8.2.1 Wind Concerns Ontario - RFP Feedback**

The document provides the feedback from Wind Concerns Ontario (WCO) on the IESO's proposals for the Long-Term RFP to procure additional electrical generation capacity.

The Working Group passed the following resolution:

#### **MMWTWG-2022-34**

**Moved by:** Mark Davis - Municipality of Arran-Elderslie

**Seconded by:** Mike Hentz - Municipality of Dutton Dunwich

Be It resolved that the Multi Municipal Wind Turbine Working Group hereby accepts the correspondence 7.2.1 Wind Concerns Ontario RFP Feedback, for information purposes.

**Carried**

#### 8.2.2 Statement of Financial Position as of August 31 2022

The Working Group passed the following resolution:

##### **MMWTWG-2022-35**

**Moved by:** Scott Mackey - Township of Chatsworth

**Seconded by:** Doug Bell - Municipality of Arran-Elderslie

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby receives the statement of financial position as of August 31, 2022 for information purposes.

**Carried**

## **9. Members Updates**

There is a paper being developed that provides a measure that can be used to predict citizen annoyance. The study has included citizen annoyance cases related to wind turbines projects including the Enbridge project and K2 as well as areas outside of wind turbine areas to show that the measure is effective in determining whether citizen annoyance relating to wind turbines exists. The paper has not been yet been published.

A citizen has asked whether the MMWTWG would return to the in-person method of meeting. At this time the meetings will remain by Zoom and the meeting platform can be revisited in the future by the Members.

The government in Newfoundland has removed the moratorium recently and the province is erecting 180 offshore wind turbines and developing technology to produce green hydrogen. There could be increased pressure to get the negative side of wind turbines out to the public.

The Working Group discussed the varying role that AMO has played regarding the position of the MMWTWG over the years with respect to wind turbines. AMO has recently reached out to the group and in the past, has not necessarily wanted to be involved with the group. AMO has been provided with Chair Allwood's contact details and he has offered to meet with them to discuss the position that the MMWTWG

continues to hold. AMO has also connected the City of Ottawa with the Working Group. New interest has arisen from the City of Ottawa to potentially become Members of the Working Group. The Terms of Reference for the Working Group and meeting details have been provided.

## **10. New Business**

### **10.1 Letter to Minister of Finance Re: Taxation on IWT Projects**

Under Section 42.5 of Ontario Regulation 282/98, the current assessed value for each turbine for the years 2017 to 2023 is fixed at \$50,460 multiplied by the installed capacity in megawatts of the generator attached to the wind turbine tower. This value is well short of the replacement value of the structure. The letter requests a review of the tax assessment rate assigned to wind turbines by a regulation under the authority of the Minister of Finance. The current assessment value does not reflect the impact of the wind turbines on the municipal costs.

Also of note, the new MP for Bruce Grey Owen Sound is the Parliamentary Assistant to the Minister of Finance and this could be a good topic for him to bring forward.

The Working Group also discussed the building permit fees associated with wind turbines. There is the potential to write these into your fee bylaw. Inclusion would be subject to a public review process and there is a one-year period for complaints to be received. There is the potential that IWT companies may challenge the fee structure.

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

#### **MMWTWG-2022-36**

**Moved by:** Randy Roppel -  
Municipality of Kincardine

**Seconded by:** Paul McQueen -  
Municipality of Grey  
Highlands

Be It Resolved that the Multi Municipal Wind Turbine Working Group hereby approves the letter as presented for distribution once the table details for the member municipalities with wind turbines has been finalized.

## **10.2 Municipal Support Resolution Letter**

The letter addresses concerns that the current proposals on the process to consider municipal support for energy projects does not reflect statements that were thought to reflect government policy. It was the understanding of the Working Group that the PC government was committed to providing municipalities with the power to prevent the siting of these projects in their communities without the consent of the municipality. However, in the IESO presentation on August 10th, it indicates that rating criteria will provide proposals with municipal support resolutions with additional points during the scoring process indicating that the municipal support is not a mandatory requirement.

The letter notes a project in Dutton Dunwich where a contract was awarded because of 50% participation from an Indigenous community in located in northwestern Ontario that had no relationship to the community, which increased the score despite municipal opposition. It also notes that the local Indigenous community was opposed to the project.

The Working Group believes that the IESO process should include:

- Restrictions and rules related to renewable energy projects adopted by municipalities as zoning bylaws must be respected and cannot be overridden in IESO decision making by other criteria.
- The Municipal Support Resolutions must be a mandatory requirement to be awarded by the IESO that cannot be overridden by other rated criteria.
- Indigenous community support will only apply to projects located within their traditional territories, not elsewhere in the province

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

**MMWTWG-2022-37**



**Moved by:** Bill Palmer - Citizen -  
Municipality of Arran-  
Elderslie

**Seconded by:** Steve Adams - Municipality  
of Brockton

Be It Resolved that the Multi Municipal Wind Turbine Working  
Group hereby approves the letter for distribution as amended.

**Carried**

**11. Closed Session (if required)**

There was Closed Session during this meeting.

**12. Resolution to Reconvene in Open Session**

**13. Adoption of Recommendations Arising from Closed Session (If Any)**

**14. Adoption of Closed Session Minutes**

**15. Confirmation of Next Meeting**

The next meeting will be held on November 10, 2022.

**16. Adjournment**

The Working Group passed the following resolution:

**MMWTWG-2022-38**

**Moved by:** Paul McQueen -  
Municipality of Grey  
Highlands

**Seconded by:** Mark Davis - Municipality  
of Arran-Elderslie

Be it Resolved that the meeting of the Multi-Municipal Wind Turbine  
Working Group is hereby adjourned at 8:43 p.m.

**Carried**

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Tom Allwood, Chair

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Julie Hamilton,  
Recording Secretary

**DATE:** January 16, 2023

**REPORT NO:** PD-01-2023

**SUBJECT:** **Technical Report No. 2 - 197 Griffin Street Application for Zoning Amendment - Owner – Christoph Arnold, Agent – NPG Planning Solutions (File No. 1601-005-22)**

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

**OVERVIEW:**

- An application for zoning bylaw amendment has been made by the owner of 197 Griffin Street, C A Real Estate Holdings Inc. (Christoph Arnold) and NPG Planning Solutions Inc. as agent.
- The subject property currently contains a converted dwelling with commercial space on the ground floor and a secondary apartment on the second storey. There is also a detached garage with three parking spaces.
- A zoning bylaw amendment has been submitted to modify certain zoning provisions to allow for the redevelopment of this property to result in four dwelling units and a ground floor commercial space within the existing main building.
- The subject property is designated Commercial Core within the Township's Official Plan and is zoned Core Commercial 'C1' which permits a number of commercial uses and accessory apartments above the ground floor.
- A public meeting was held on April 11, 2022 where a number of concerns were raised by members of Council, the Public and Planning Staff.
- The applicants have now revised their development proposal, including the design of the building and have also modified their zoning bylaw amendment request.
- To accommodate the revised development proposal, the applicants are now requesting the following site specific amendments to the Township's Zoning Bylaw:
  - Permit an area of 75 m<sup>2</sup> on the ground floor to be used for entrance purposes to the above ground floor accessory dwelling units
  - Permit ingress and egress to the site through an existing lane/driveway, with a width of 3.3 metres for travel in two directions
  - Clarify that Section 3.12.2 d) of the bylaw requiring driveways not exceed 50% of a required yard does not apply.

**OVERVIEW (Continued):**

- Following receipt of comments from agencies, Committee and members of the public, staff are recommending the preparation and presentation of a Recommendation report at a future Planning, Building and Environmental Committee Meeting.
  - Clarify that Section 3.12.7 (h) of the Zoning Bylaw regarding maximum garage width for an attached private garage does not apply.
- The applicants have removed the private garage and the proposed dwelling unit above the private garage in the rear of the property to address privacy and shadow concerns, and replaced it with more parking spaces to provide the required number of parking spaces in the rear yard.
- The elevations of the redevelopment have also been revised to address concerns regarding the historical character of the downtown core.
- A second public meeting is being held to allow the public and members of Council and additional opportunity to provide comments on the revised plan.
- Following receipt of all agency and public comments, and a full review of the revised application, Planning Staff recommend the preparation and presentation of a final Recommendation report at a future Planning/ Building/Environment Committee
- As this application was deemed complete in March of 2022, the 90 days for approval has since lapsed and if the punitive fee return was in place, the applicants would be entitled to a refund for their entire fee. Fee returns do not commence under Bill 23 until July 1<sup>st</sup>, 2023.

**RECOMMENDATION:**

1. That, report PD-01-2023, regarding “Technical Report No. 2 - 197 Griffin Street Application for Zoning Amendment Owner – Christoph Arnold, Agent – NPG Planning Solutions File No. 1601-005-22”, dated January 16, 2023, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee meeting.

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

- **Strategic Responsible Growth**

**BACKGROUND:**

An application for zoning bylaw amendment has been made by NPG Planning Solutions Inc. on behalf of C A Real Estate Holdings Inc (Christoph Arnold) for the property municipally known as 197 Griffin Street Smithville. The property is approximately 838 square metres in size and is located just south of the intersection of Station Street, Griffin Street and West Street.

The property contains a converted dwelling constructed in the 1920's but later converted to have commercial space on the ground floor and residential on the second storey. The property also contains a detached three car garage and an asphalt driveway and parking area. The house and property are not designated under the Heritage Act, R.S.O 1990, c. O.18.

The owners were originally proposing to redevelop the property, maintaining the existing buildings but significantly altering the façade and dimensions of both the main building and the detached garage. The result of the initial development proposal would be 4 residential dwelling units and one commercial leasable space. Three of the residential dwelling units and the commercial space would be contained within the existing main building, while the fourth residential unit would be within the detached garage, following the addition of a second storey.

The original zoning bylaw amendment had been submitted to address a number of site specific modifications required as part of this redevelopment plan. These changes included:

- reduction to the minimum rear lot line setback for accessory buildings
- increase to the maximum height limitation for accessory buildings
- increase to the maximum lot coverage for accessory buildings
- exceptions to the accessory dwelling regulations
- reduction to the required number of parking spaces and parking provisions
- allowance of accessory dwelling units in the accessory building without a main floor commercial use.

As a result of a public meeting that was held on April 11, 2022, and comments made by the Township Planning Department, Council and members of the public, the proposal has been significantly revised to reduce the number of site specific exceptions being requested and to revise the elevations of the proposed redevelopment to address concerns regarding the historic character of the downtown core.

To accommodate the revised development proposal, the applicants are now requesting the following site specific amendments to the Township's Zoning Bylaw:

- Permit an area of 75 m<sup>2</sup> on the ground floor to be used for entrance purposes to the above ground floor accessory dwelling units
- Permit ingress and egress to the site through an existing lane/driveway, with a width of 3.3 metres for travel in two directions
- Clarify that Section 3.12.2 d) of the bylaw requiring driveways not exceed 50% of a required yard does not apply.
- Clarify that Section 3.12.7 (h) of the Zoning Bylaw regarding maximum garage width for an attached private garage does not apply.

Four units are still being proposed as part of this development with the unit that was above the detached garage now being located within an addition to the main building. A second public meeting is being held to provide members of Council and the public another opportunity to provide comments on the revised development proposal.

### **CURRENT SITUATION:**

Staff have completed a preliminary review of the revised application against the applicable planning policies and have provided a summary of this review below:

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

The subject lands are located within the built up area of the Smithville Urban Settlement Area, as designated by the Provincial Policy Statement and Growth Plan. Provincial Policy strongly encourages intensification and infill development within existing fully serviced built up areas within urban settlement areas. Infill and intensification contributes to a more compact community, supporting walkability and other alternative transportation methods, as well as downtown businesses.

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Planning authorities shall also establish and implement minimum targets for intensification and redevelopment within built-up areas on local conditions. The subject property is located within the designated built-up area and the Township's intensification target for 2021-2051 is 13% or 1,130 units (38 units per year on average). Intensification and redevelopment help reduce urban sprawl over agricultural lands through increasing the population density within the existing built area.

The proposed revised redevelopment is still providing a total of 4 residential units (now all within the main building and an addition thereto) and 1 commercial unit is a form of intensification within the built up core of Smithville.

### **Greenbelt Plan**

The subject property is not within the lands designated under the Provincial Greenbelt Plan and therefore the only provincial plans that apply are the PPS and Growth Plan.

### **Niagara Official Plan, 2022**

On November 4, 2022 the Ministry of Municipal Affairs and Housing approved the Niagara Official Plan. The plan provides a framework of policies to guide growth and development within the Niagara Region to the year 2051.

The new Niagara Official Plan has the subject lands designated as being within the settlement area of Smithville and within the Delineated Built-Up Area. In the Niagara Official Plan, the Township of West Lincoln has been assigned a minimum residential intensification target of 13% or 1,130 units to the year 2051, which are units that are to be located within the Delineated Built-Up Area. The subject lands are within the Delineated Built-Up Area and as the property is currently vacant, would be considered an intensification and would support the Township's overall intensification target by adding three additional residential units.

The Niagara Official Plan provides additional policies with regards to housing in Section 2.3 of the Plan. The objects of the plan are to provide a mix of housing options to address current and future needs, provide more affordable and attainable housing options within our communities, and to achieve affordable housing targets through land use and financial incentive tools.

This application would contribute to the overall intensification target established by the new Niagara Official Plan.

### **Township Official Plan, 2014**

The subject property is located within the Core Commercial Designation in the Township Official Plan. The objectives of the Core Commercial designation include the protection and enhancement of the character of the historic downtown, promote new development in appropriate locations at appropriate scales, ensure new development is compatible with existing development, to enhance and encourage the maintenance of commercial and residential buildings and to encourage the provision of sufficient parking to accommodate new development.

Within the Core Commercial designation, a number of uses are permitted including apartment buildings and mixed use buildings with at grade commercial space, offices, retail stores, restaurants, personal and commercial services and at grade parking facilities, among other uses. There are a number of uses prohibited in the Core Commercial Designation, including single and semi-detached dwellings, drive-through facilities, and automotive centred commercial uses, among other uses.

The Township Official Plan provides further policies in regards to developments within the commercial core. They include the requirement for parking to be behind the main building, retail uses at grade, main entry facing the street with the facade of the building having an attractive design, adaptive reuse permitted including intensification opportunities provided that commercial spaces are protected, new buildings to have a minimum of 2 storeys and a maximum of 5, and developments are required to be on full municipal water and sewer services and are to be subject to site plan control.

Staff have completed a preliminary review of the revised development proposal and note that the proposed development is now entirely within an existing three storey house and the one storey detached garage will be removed and be replaced with surface parking. The main dwelling is still within the permitted number of storeys. Additionally, parking is proposed to be located behind the main building, where parking already exists. Based on the submitted draft elevation drawings, one main entry way is located on the front façade, with additional entries on the south façade. It appears that there are separate entry ways for each unit and the commercial space.

The proposed façade of the main building, which is a house that was built in the 1920's, was originally proposed to be more of a modern design, however, the design has now been revised in a way that is more sympathetic to the historical character of the downtown core and adjacent housing. Please see more discussion with regards to urban design under "Urban Design Standard" later in this report.

The Official Plan also provides policy with respect to Infill Development and Redevelopment compatibility. Achieving compatibility is of paramount importance for infill and redevelopment opportunities. To achieve this, new dwelling units and conversions of existing houses within Smithville shall:

1. Be of a building height which reflects adjacent housing
2. Provide for a similar lot coverage to adjacent properties
3. Maintain the average front yard setback for adjacent housing to preserve streetscape and character

4. Provide for similar side yard setbacks to preserve spaciousness of the street
5. Provide a built form that reflects the variety of façade details and material of adjacent housing
6. Provide limitation on width of a garage.

The Township can request architectural design guidelines for new and altered buildings to reflect the existing character and compact form of the area including guidance on setbacks, coverage, building massing, building materials and patterns of detailing.

### **Township of West Lincoln Zoning Bylaw 2017-70**

The subject property, 197 Griffin Street, is currently zoned Core Commercial 'C1'. Permitted uses within the Core Commercial 'C1' zone include Apartment Dwelling, Art Gallery, Financial Institution and Funeral Homes, among other uses. Also permitted are accessory apartments, secondary to a principle use.

The revised concept would still result in 4 accessory apartments and a principle commercial space on the ground floor, all now within the main building, with the existing detached garage to be removed. As a result, a number of the originally proposed zoning modifications are no longer needed, including reduced setbacks to the rear and side yard setbacks, lot coverage and parking space requirements.

The applicants have now requested a zoning amendment to address four remaining and new zoning deficiencies. The table below provides an overview of the zoning exceptions being requested:

<b>Bylaw Section</b>	<b>Required</b>	<b>Proposed</b>	<b>Notes</b>
<b>Accessory Dwelling Provisions</b>			
Section 3.2.1 a. – Accessory Dwelling units are only permitted to occupy a maximum of 10 sq. metres on the main floor		75 m <sup>2</sup>	Regulation to ensure that the prominent use of the main floor is commercial
<b>Driveways, Parking Aisles and Off Street Parking</b>			
Minimum driveway width for two way traffic	7.5m	3.3 m	To recognize existing width of driveway to access rear of the property
Driveways within required yards	Not to exceed 50% in area	Does not apply	
3.12.7 h) Garage Width	50% of total width of dwelling to max. 9.2m	Does not apply	Private garage attached to the main building but located in behind the building. Not a streetscape concern.

The revised concept plan now also provides the minimum number of parking spaces for the 4 accessory units and main commercial unit and zoning relief for parking spaces is no longer required.

### **Urban Design Manual**

The subject property is located within the Central Node designation of the Downtown core of Smithville and would fall under an apartment building in the Township Urban Design Manual. Section 7 of the design manual provides the design guidelines for buildings within the Downtown core central node.



Section 7 of the manual provides 13 guidelines for developments within Downtown Smithville. The guidelines are:

1. Minimum height for all new buildings shall be two storeys
2. Minimum Ground floor height 4 metres for new buildings
3. New buildings shall be oriented towards Regional Road 14/20
4. Provides ample articulation and fenestration on building facades along and visible from RR 20/14
5. A minimum of 50% of the building must front the public street
6. Built form, architectural details and materials should maintain and enhance the Main Street character of downtown Smithville
7. Use high quality exterior cladding materials including brick, stone and precast concrete
8. At street level, buildings should exhibit pedestrian friendly architectural design, well defined entrances and ample fenestration with clear vision glass.
9. Provide retail uses at street level where possible to create a continuous retail edge
10. New buildings situated at either of the two intersections of Regional Road 20 and Regional Road 14 should have greater building height emphasis and architectural detailing incorporated into the design of all facades facing the intersection
11. Buildings located adjacent to the proposed Town Square must provide enhanced façade design and general fenestration along elevations facing the square.
12. Parking, loading and service area for new buildings within the Downtown must be located in the rear or side yards and should be visually screened from adjacent streets and properties
13. No parking, driveways or laneways should be location between building and regional Road 20 or Regional Road 14.

An urban design report was not submitted with the original zoning amendment application or the revised application. It was listed as a requirement for the site plan stage, which was not submitted with the zoning amendment application, however, recent legislative changes at a provincial level through Bill 23 means that site plan control may be limited on this property, and can no longer consider urban design.

Urban design can still be evaluated through the zoning amendment application, however, there are challenges with implementation outside of a site plan process.

The applicants have significantly revised the façade and architecture of the proposed redevelopment. The applicants state in their resubmission that the architectural style has been 'softened' and is generally in keeping with the architectural vernacular, materials and colours of the early 20<sup>th</sup> century.



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Staff note that the proposed façade of the main building would have a number of features that draw on the essence of the current façade.

## Facing Griffin Street North (East Elevation)

*Original*

*Revised*



## South Elevation

*Original*

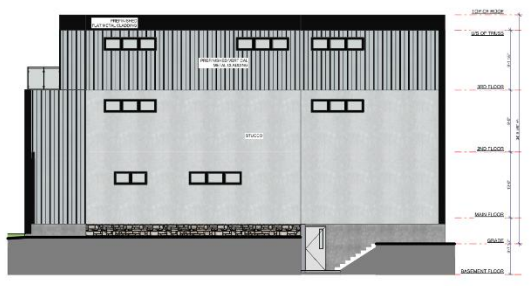
*Revised*



## North Elevation

*Original*

*Revised*



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## West Elevation

*Original*

*Revised*



The changes to the elevations include an addition on to the rear of the main building to accommodate one additional accessory dwelling unit with covered surface parking at grade.

The most visible elevations of the building would be the east façade, facing Griffin Street, and the south elevation, also clearly visible from Griffin Street. Staff note that the façade, although it has elements that capture some of the essence of the original 20<sup>th</sup> century façade, will be completely altered, including dormers that will change the roofline.

Staff note that on the north elevation, a significant portion of the wall is being proposed as stucco, and may not be the most desirable building material that reflects the historical character. A brick that matches the current exterior of the house would, in the opinion of staff be a more suitable material to enhance the historical character of the downtown core.

Additionally, staff note that many of the proposed windows also do not reflect the historical character of the area of the home itself and there may be more favourable options that are more reflective of this homes heritage.

Staff will continue to review the proposed urban design. We do believe improvements could be made, specifically though the use of quality materials that enhance the historical character of the area, but as a result of Bill 23, urban design elements may be difficult to implement through a site plan approval process.

## FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report except for the potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1<sup>st</sup>, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions. Council must make a decision within 90 days of complete application or they will be required to refund.

	<b>Zoning and Official Plan Combined</b>	<b>Zoning Bylaw Amendment</b>	<b>Site Plan</b>
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 9 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1<sup>st</sup>, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

As this application has exceeded the 209 days, a full return of the fee would be required under Bill 23, however, that does not come into effect until July 1<sup>st</sup>, 2023.

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

At the time of writing this report the Township has received one comment from a member of the public as a part of the second round of consultation, in addition to the comments received as part of the original public consultation period in April of 2022.

The owner of 197 Griffin Street has provided comments with concerns around the ability for vehicles to turn and manoeuvre in the rear yard parking area without crossing the property line south onto his property. Additionally, there is concern around snow management and storage on the property. These comments have been given to the applicants for response. Staff do note that most of both 197 and 195 Griffin Street are already covered in asphalt parking and driveway and that the property line run down the centre of the driveway. Most likely both properties experience vehicles crossing the property line, especially when entering and exiting the property. The changes to 197 Griffin street, in the opinion of staff, may not significantly change this existing situation.

Planning staff will continue to review this public submission, as well as any oral submissions made during the public meeting and provide a response in a future report, as well as give the applicant an opportunity to respond to the concerns raised.

#### **CONCLUSION:**

An application for zoning bylaw amendment has been made to address a number of proposed zoning deficiencies for the proposed redevelopment of 197 Griffin Street. This application was presented at a public meeting and then later revised to address the comments and concerns raised. The revised submission has significantly reduced the number of site specific zoning modifications required, and has proposed a design that is more sympathetic to the character of the downtown core.

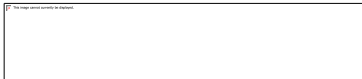
These zoning modifications have been requested to facilitate a redevelopment of the property which would result in 4 accessory dwelling units (all four units now within the main building) and a commercial space.

Comments have been received by a number of agencies and one member of the public at this time. Following any additional comments made at the public meeting, staff recommend that a recommendation report be prepared and presented at a future Committee meeting.

**ATTACHMENTS:**

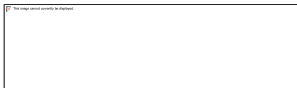
1. Location map
2. Revised Site Plan
3. Re-submission cover letter
4. Revised Elevation Drawings
5. Public and Agency Comments – Second Round

**Prepared & Submitted by:**



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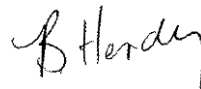
**Gerrit Boerema**  
**Senior Planner**



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

**Approved by:**



---

**Bev Hendry**  
**CAO**





### Legend

 Subject Property

**March 2022**



Project Site Data:				
	Building	Garage	Total	% of GLA
Gross Lot Area			838.5 m <sup>2</sup>	
Existing Gross Lot Coverage	143.3	85.8	229.0 m <sup>2</sup>	27.3%
Proposed Gross Lot Coverage	238.5	0	257.5 m <sup>2</sup>	28.4%
Existing Gross Lot Coverage (INCLUDING RAMPS WALKS AND STEPS)	177.5	85.8	263.3 m <sup>2</sup>	31.4%
Proposed Gross Lot Coverage (INCLUDING RAMPS WALKS AND STEPS)	287.0	0.0	287.0 m <sup>2</sup>	34.2%
Existing Landscape Area			92.4 m <sup>2</sup>	11.0%
Proposed Landscape Area			46.5 m <sup>2</sup>	5.5%

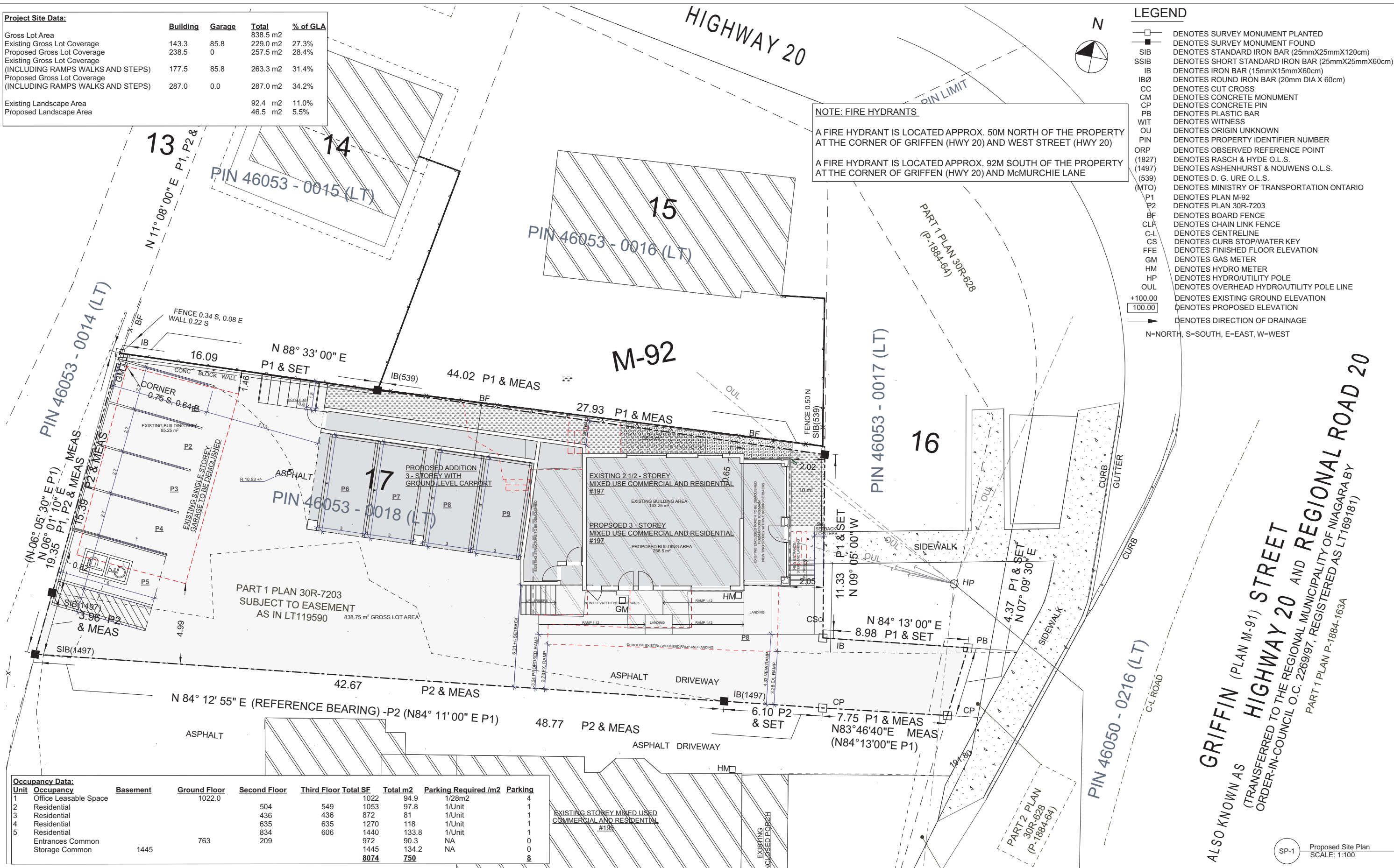
LEGEND

□	DENOTES SURVEY MONUMENT PLANTED
■	DENOTES SURVEY MONUMENT FOUND
SIB	DENOTES STANDARD IRON BAR (25mmX25mmX120cm)
SSIB	DENOTES SHORT STANDARD IRON BAR (25mmX25mmX60cm)
IB	DENOTES IRON BAR (15mmX15mmX60cm)
IBØ	DENOTES ROUND IRON BAR (20mm DIA X 60cm)
CC	DENOTES CUT CROSS
CM	DENOTES CONCRETE MONUMENT
CP	DENOTES CONCRETE PIN
PB	DENOTES PLASTIC BAR
WIT	DENOTES WITNESS
OU	DENOTES ORIGIN UNKNOWN
PIN	DENOTES PROPERTY IDENTIFIER NUMBER
ORP	DENOTES OBSERVED REFERENCE POINT
(1827)	DENOTES RASCH & HYDE O.L.S.
(1497)	DENOTES ASHENHURST & NOUWENS O.L.S.
(539)	DENOTES D. G. URE O.L.S.
(MTO)	DENOTES MINISTRY OF TRANSPORTATION ONTARIO
P1	DENOTES PLAN M-92
P2	DENOTES PLAN 30R-7203
BF	DENOTES BOARD FENCE
CLF	DENOTES CHAIN LINK FENCE
C-L	DENOTES CENTRELINE
CS	DENOTES CURB STOP/WATER KEY
FFE	DENOTES FINISHED FLOOR ELEVATION
GM	DENOTES GAS METER
HM	DENOTES HYDRO METER
HP	DENOTES HYDRO/UTILITY POLE
OUL	DENOTES OVERHEAD HYDRO/UTILITY POLE LINE
+100.00	DENOTES EXISTING GROUND ELEVATION
100.00	DENOTES PROPOSED ELEVATION
→	DENOTES DIRECTION OF DRAINAGE
N=NORTH, S=SOUTH, E=EAST, W=WEST	

NOTE: FIRE HYDRANTS

A FIRE HYDRANT IS LOCATED APPROX. 50M NORTH OF THE PROPERTY AT THE CORNER OF GRIFFEN (HWY 20) AND WEST STREET (HWY 20)

A FIRE HYDRANT IS LOCATED APPROX. 92M SOUTH OF THE PROPERTY AT THE CORNER OF GRIFFEN (HWY 20) AND McMURCHIE LANE



Occupancy Data:									
Unit	Occupancy	Basement	Ground Floor	Second Floor	Third Floor	Total SF	Total m <sup>2</sup>	Parking Required /m <sup>2</sup>	Parking
1	Office Leasable Space		1022.0			1022	94.9	1/28m <sup>2</sup>	4
2	Residential			504	549	1053	97.8	1/Unit	1
3	Residential			436	436	872	81	1/Unit	1
4	Residential			635	635	1270	118	1/Unit	1
5	Residential			834	606	1440	133.8	1/Unit	1
	Entrances Common		763	209		972	90.3	NA	0
	Storage Common	1445				1445	134.2	NA	0
						8074	750		8

EXISTING STOREY MIXED USED COMMERCIAL AND RESIDENTIAL #199

Do not scale drawings. Report any Discrepancies to the Designer prior to proceeding with the work. All drawings must bear the Designer's BCIN No. and signature for permit application and construction purposes. All drawings and related documentation remain the property of the Konsept and are protected by copyright laws. All construction to be in accordance with the Ontario Building Code and local by-laws.

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the attached documents.

Qualification Information Required unless design is exempt under Div. C - 3.2.5.1. of the building code

Name: Shawn P. Ryan

Signature: [Signature]  
BCIN: 36441

Registration Information  
Required unless design is exempt under Div. C - 3.2.4.1. of the building code

Firm Name: Bicubic Project Management Inc. - O/A Konsept  
BCIN: 43704

[konsept]

Page 33 of 203

Konsept  
30 NIAGARA STREET UNIT #1  
WELLAND, ONTARIO L3C 1H9  
T 905.682.8934  
E konsept@konsept.com

KONSEPT IS A REGISTERED BUILDER WITH TARION REG. # 38901



Rev	Date	Description

Project Name  
21495  
Additions and Alterations to  
197 Griffin St.,  
197 Griffin Street (Hwy #20)  
Smithville, ON

Plot Date  
8/15/2022

Scale  
AS GIVEN

Drawing Description  
Proposed Site Plan

Drawing Number

SP-1



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August 15, 2022

Gerrit Boerema  
Township of West Lincoln  
318 Canborough St.  
Box 400  
Smithville, ON L0R 2A0

[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)

-VIA EMAIL ONLY-

Dear Mr. Gerrit Boerema

RE: File# 1601-005-22: 197 Griffin Street, West Lincoln

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This letter is submitted in support of revisions to an Application for Zoning By-law Amendment (the "Application") submitted on February 28, 2022 pertaining to lands municipality addressed as 197 Griffin Street (File No: 1601-005-22). A Public Meeting was held regarding the Application on April 11, 2022. At the Public Meeting and through written comments, residents and councillors raised several concerns with respect to the Application. Revisions to the original Application are being proposed to address these concerns.

The original Application proposed a Zoning By-law Amendment to facilitate the adaptive reuse and intensification of existing buildings on the Subject Lands. The main building, presently being used for commercial and residential use was proposed to be used for a mix of 94.9 m<sup>2</sup> of office leasable space with three (3) accessory dwelling units. Two (2) storeys were proposed to be constructed on top of the detached, three (3) port garage, located at the rear of the Subject Lands to provide for one (1) accessory dwelling unit. A total of seven (7) parking spaces were proposed to service the uses.



The revised Application would continue to provide for 94.9 m<sup>2</sup> of office leasable space and four (4) accessory dwelling units. However, this intensification is proposed to be accommodated through renovations to primary building and the construction of a three (3) storey addition at the rear of the primary building. The three (3) port garage at the rear of the Subject Lands is proposed to be demolished.

Nine (9) parking spaces are proposed to be accommodated on the Subject Lands, including four (4) standard parking spaces and one (1) accessible parking space in the rear yard; and four (4) parking spaces within the rear addition.

The following is a summary of how revisions to the conceptual plan address the concerns of residents and councillors:

<b>Concern</b>	<b>Response</b>
There were concerns regarding potential privacy, and shadowing impacts pertaining to the addition of an accessory dwelling unit above an existing private garage at the rear of the property.	The private garage is proposed to be demolished and replaced with parking. Accessory dwelling units are proposed via a three-storey rear addition to the existing building. The proposed addition would be setback 1.5 metres from the north lot line. Minimal fenestration is provided along the north elevation to further mitigate potential impacts.
The proposed development did not accommodate sufficient parking.	The concept plan has been revised to accommodate parking in accordance with required parking rates as per Table 6: Required Parking Facilities of Zoning By-law 2017-70). Required parking would be accommodated in the rear yard and within the rear addition.
The location of the accessible parking space and accessibility access aisle was a safety concern, and also would have resulted in vehicular trespass onto the abutting lands to the south.	The location of the accessible parking space and accessibility access aisle has been relocated to the rear of the Subject Lands to address this concern. The existing accessibility ramp is also proposed to be replaced with a reconfigured orientation that would permit an increased driveway width.
There were concerns that the architectural style of the proposed buildings was not in keeping with the character of the downtown core.	The architectural style has been "softened" and is generally keeping with the architectural vernacular, materials and colours of the early 20 <sup>th</sup> century.

### **Zoning Relief Required**

To accommodate the revised Concept Plan the following site-specific provisions are required:

1. To permit an area of 75 m<sup>2</sup> on the ground floor to be used for entrance purposes to the above ground floor accessory dwelling units (see Section 3.2.1(a) of the Zoning By-law 2017-70)
2. To permit ingress and egress to the site through an existing traffic lane, with a width of 3.3 metres for travel in two directions (Table 3 - Section 3.12.2 of Zoning By-law 2017-70)
3. To clarify that Section 3.12.2(d) of Zoning By-law 2017-70 providing that no driveway shall exceed 50% of the area of a required yard does not apply to the Subject Lands
4. To clarify that Section 3.12.7(h) of Zoning By-law 2017-70 regarding the maximum garage width for an attached private garage does not apply to the Subject Lands

With respect to Bullet #1, the intent of the Official Plan and the Zoning By-law is to ensure that the predominant use along the main street for lands designated “Commercial Core” and zoned “Commercial (C1)” remains commercial, while at the same time permitting residential uses that do not adversely impact the mixed-use character of Griffin Street. The intent of the Official Plan and the Zoning By-law would be retained, as there would still be 94.9 m<sup>2</sup> of Office Leasable Space at the front of the building. The amount of Office Leasable Space proposed with the revised Application is consistent with the original proposal.

Bullets #2 and #3 are intended to recognize the existing driveway at the front of the building. No changes are being made to the site access.

Bullet #4 is intended to permit the attached private garage at the rear of the building. Section 3.12.7(h) of Zoning By-law 2017-70 provides that “the maximum garage width for an attached private garage shall be 50% of the total width of the dwelling on the lot, or 9.2 metres, whichever is less, except where otherwise specified in this By-law. The width of the dwelling shall be measured in a straight line along the main front wall of the dwelling between the outside edges of the side walls of the dwelling.” The intent of Section 3.12.7(h) is to reduce the impacts of garages on the streetscape. The attached garage is proposed to be located at the rear of the building with side entries. This siting reduces any visual impact on the streetscape, meeting the intent of the Zoning By-law.

### **Revised Submission Materials**

The following is included in support of these revisions:

1. Conceptual Site Plan (SP-1) – Plot date – August 8, 2022

2. Architectural Elevations – dated August 15, 2022
3. Conceptual Renderings

We trust the above is satisfactory, should you require anything further or have any questions please do not hesitate to contact the undersigned by email at [jauspitz@npgsolutions.ca](mailto:jauspitz@npgsolutions.ca).


Yours truly,

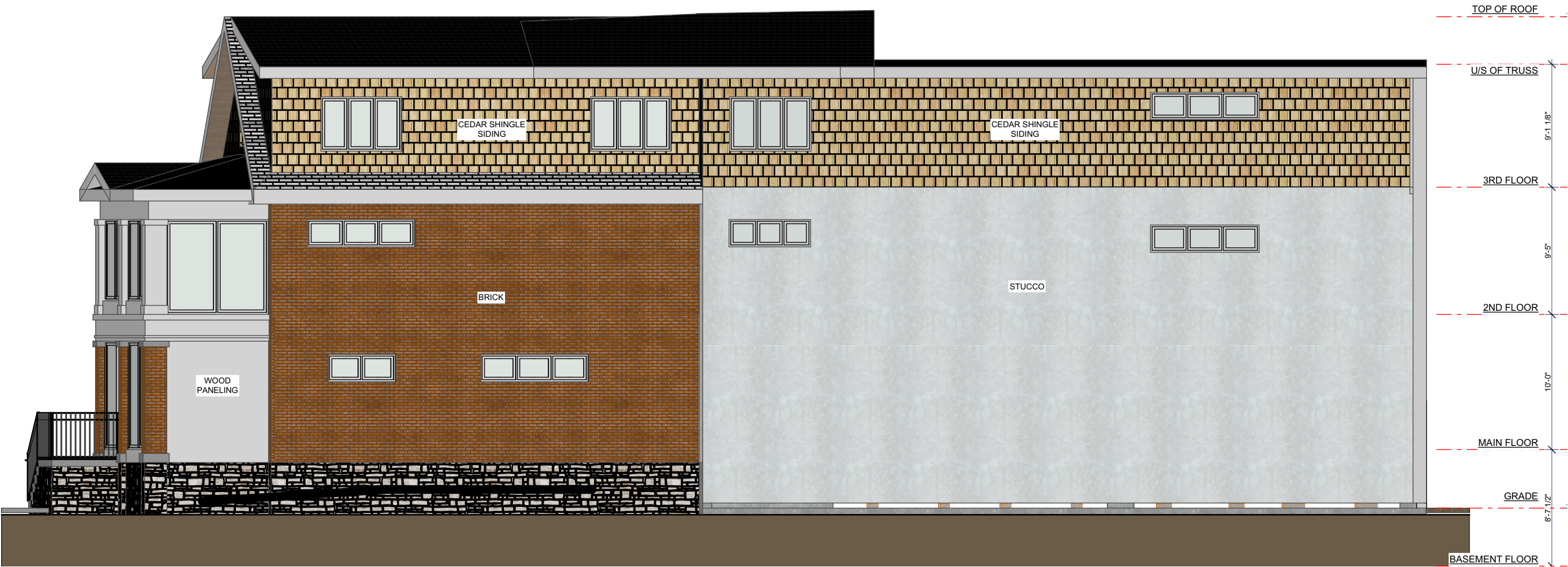
A handwritten signature in black ink, appearing to read 'Jesse Auspitz', written in a cursive style.

Jesse Auspitz, MCIP, RPP  
Senior Planner  
NPG Planning Solutions



1 East Elevation  
SCALE: 3/16" = 1'-0"

 30 Niagara Street, Unit #1, Welland, ON, L3C 1H9 Ph. 905.682.8934 - www.konsept.ca - info@konsept.ca	Project	Additions and Alterations to 197 Griffin St.	Date	7/24/2022
	Location	197 Griffin Street (Hwy #20) Smithville ON	Project No.	21495
	Title	East Elevation	Dwg. No.	A2-4



1 North Elevation  
SCALE: 1/8" = 1'-0"


Project	197 Griffin Street (Hwy #20) Smithville ON	Date	7/24/2022
Location	197 Griffin Street (Hwy #20) Smithville ON	Project No.	21495
Title	North Elevation	Dwg. No.	A2-3

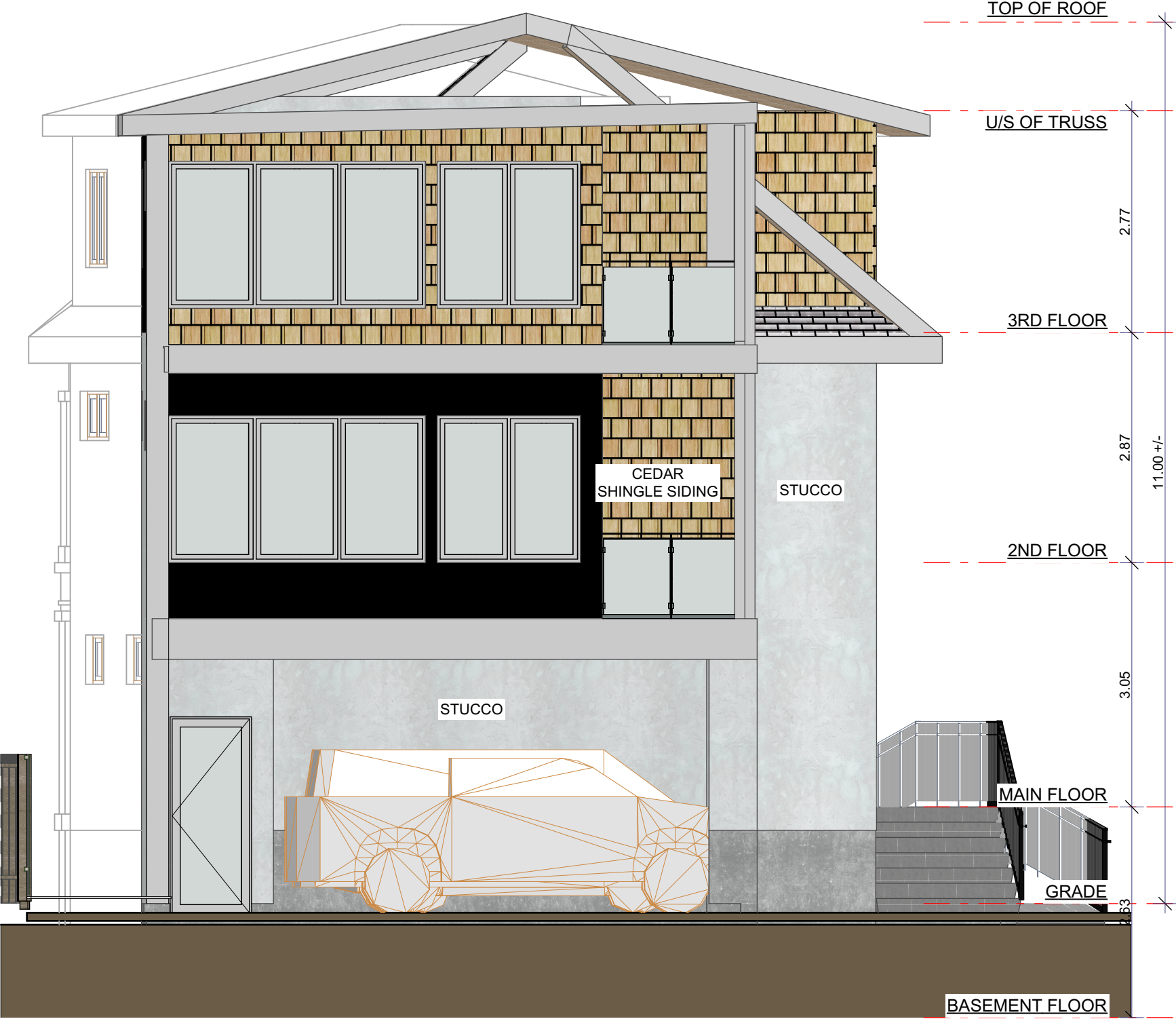
Project Additions and Alterations to 197 Griffin St.






1 South Elevation  
SCALE: 1/8" = 1'-0"

 30 Niagara Street, Unit #1, Welland, ON, L3C 1H9 Ph. 905.682.8934 - www.konsept.ca - info@konsept.ca	Project	Additions and Alterations to 197 Griffin St.		
	Location	197 Griffin Street (Hwy #20) Smithville ON		
	Title	South Elevation		
	Date	7/24/2022	Project No.	21495
			Dwg. No.	A2-1



1 West Elevation  
SCALE: 3/16" = 1'-0"

 30 Niagara Street, Unit #1, Welland, ON, L3C 1H9 Ph. 905.682.8934 - www.konsept.ca - info@konsept.ca	Project	Additions and Alterations to 197 Griffin St.	Date	7/24/2022
	Location	197 Griffin Street (Hwy #20) Smithville ON	Project No.	21495
	Title	West Elevation	Dwg. No.	A2-2

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## Memo

**To:** Gerrit Boerema, Planner II, Jessica Dyson, Deputy Clerk  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** January 5, 2023  
**Re:** File 1601-005-22 – 197 Griffin St

---

A review has been completed of this application for a Zoning By-law Amendment to address zoning deficiencies as part of the redevelopment of the site.

Public Works has no objections to this application. Staff will want to review the site servicing plan which should detail the location of the existing/proposed water and sewer services for the development. It should be noted that the sanitary sewer is located in an easement behind the property.



**Gerrit Boerema**

---

**From:** Matt Wichmann [REDACTED]  
**Sent:** January 2, 2023 7:37 PM  
**To:** Gerrit Boerema  
**Cc:** Andrea Wichmann; Jessica Dyson; Jeni Fisher; Jeni Fisher  
**Subject:** Re: 197 Griffin Street Zoning Amendment Revised application

Morning Gerrit,

As discussed I would like to attend the public meeting for the 197 griffin st #1601-005-22 i am expecting to attend in person but would like to have the option to receive the link to attend virtually. For clarification I am the owner of 195 griffin st.

would you be able to provide me with the east and west elevations if available, as well as any further information you may have? there appears to be less detail with this application with comparison from their last application!

Below are questions for the meeting if you can please review?

-I am concerned that there is not enough space to turn/maneuver a vehicle into the garage or even simply use the traffic lane without vehicular trespass?

-\*\*\*\*what is the water management plan for the site as all of the absorptive areas have been removed?  
\*\*\*\*

-snow management/storage plan on property?

-this is a big project! What is the plan for preservation of neighbouring properties, and not just simply trampling all over?

If I have any further questions I will have them submitted before the january 6th deadline.

Thanks Matt

On Mon, Dec 19, 2022 at 1:15 PM Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)> wrote:

*Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.*

	<b>Gerrit Boerema</b>
	<b>Planner II</b>
	Tel: 905-957-3346 ext.5133 Email: <a href="mailto:gboerema@westlincoln.ca">gboerema@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a>
	 



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**DATE:** January 16, 2023

**REPORT NO:** PD-02-2023

**SUBJECT:** **Technical Report – Application for Zoning Bylaw Amendment  
8535 Twenty Road Bruinsma (File No. 1601-012-22)**

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

**OVERVIEW:**

- An application for zoning bylaw amendment has been submitted by Mr. Steven Rivers of South Coast Planning Consultants and by Ms. Atjse Bruinsma, the sole owner of the subject property being 8535 Twenty Road.
- 8535 Twenty Road is located on the north side of Twenty Road near the intersection of Twenty Road and Caistor Centre Road.
- The subject property is approximately 3 hectares in area and contains a dwelling and another building formerly used to store and sell apples and locally known as Packham Apples. The property is zoned Agricultural 'A', Environmental Protection 'EP' and Agricultural Related 'AR'.
- The application for zoning bylaw amendment has been submitted to permit an agri-tourism use on the subject property, namely a Country Market retail store, whereas the Township's zoning bylaw does not permit agri-tourism uses as an on-farm diversified use on properties having less than 10 hectares of land area.
- The zoning bylaw amendment application is also requesting to increase the area use on the lot for the agri-tourism business from 1% to 2.2%.
- Finally, the application requests that the requirement for the operator of the agri-tourism/on-farm diversified use to live on the same property as the use, not apply, as the owner and operator of the proposed business does not reside on the subject property.
- At the time of writing this report, two public comment submissions have been made, and can be found in Attachment 3 to this report.
- Township Staff have completed a preliminary review of the applications and recommend that a Recommendation report be prepared and presented at a future Planning/ Building/Environment Committee Meeting once all agency and public comments have been received and staff have completed their full review, to maintain the legislated 90 day review and approval timeline applicable in the Planning Act and Bill 109.
- From the date of complete application, being October 18, 2022, 90 days would result in a decision having to be made by January 23<sup>rd</sup>, 2023. This is in part due to the municipal election which resulted in no public meetings under the planning act for the months of October, November and December.

## **RECOMMENDATION:**

1. That Report PD-02-2023, regarding “Technical Report – Application for Zoning Bylaw Amendment, 8535 Twenty Road, File No. 1601-012-22”, dated January 16, 2023, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee Meeting following the review of all agency and public comments and a full review of the planning application.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #2, #3 & #4**

- **Strategic Responsible Growth**
- **Support for Business and Employment Opportunities for Residents**
- **Local Attractions**

## **BACKGROUND:**

An application for zoning bylaw amendment has been submitted by Mr. Steven Rivers of South Coast Planning Consultants on behalf of the property owner of 8535 Twenty Road, Ms. Atjse Bruinsma. 8535 Twenty Road is a three hectare property located on the north side of Twenty Road, directly north of where Caistor Centre Road connects with Twenty Road. The property contains a single detached one storey dwelling adjacent to an older agricultural related building which formerly stored and sold apples. Prior to 2010 the majority of the property was used as an apple orchard, and the agricultural building was used to store and sell apples. The business was known locally as Packham Apples.

The property was recently acquired by Ms. Atjse Bruinsma and another individual and operated for a short period of time as a retail store which primarily sold frozen chicken products and ice cream known as ‘Coop n’ Scoop’, however, this use was not a permitted use within the zoning bylaw for the subject property. Since that time, Ms. Atjse Bruinsma has taken over as sole owner of the property.

The subject property is currently zoned Agricultural ‘A’ over the farmed area and where the dwelling is located, environmental protection abutting the Twenty Mile Creek, and Agricultural Related ‘AR’ over the agriculturally related building formerly used for the storage and sale of apples. The Agriculturally Related zone permits a variety of uses, but does not permit a retail store or restaurant type business, which the proposed use would fall under. The proposed use has elements of an Agriculturally Related use, however, the sale of non-agricultural products and the sale of produce not produced on the premises is not considered agriculturally related as it is not directly related to the agricultural uses on the property or in the area.

The owner and her agent, Mr. Steven Rivers have now submitted an application for zoning bylaw amendment to permit an agri-tourism use on the subject property, namely a Country Market store which would sell honey produced on the property, fresh flowers grown on the property and from local greenhouses, frozen chicken, take-out ice cream, homemade crafts and décor and wearable items.

The zoning amendment application is also requesting that the on-farm diversified/agri-tourism use, be permitted on a lot with an area of less than 10 hectares, whereas the zoning bylaw requires a minimum lot area of 10 hectares. Additionally, they have requested an area of 2.2% of the property be used for the on-farm diversified use, whereas the zoning bylaw has a maximum area of the lesser of 1% of the lot area or 0.5 hectares. Finally, the application has requested that the zoning regulation requiring the operator of the agri-tourism use to reside on the property be removed as the proposed operator does not reside on the property.

### **CURRENT SITUATION:**

#### **Provincial Policy Statement 2020 and Guidelines on Permitted Uses in Ontario's Prime Agricultural Area**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement (PPS) provides the policy foundation for regulating the development and use of land with the goal of enhancing the quality of life for all Ontarians. Section 2.3 of the PPS provides specific policy in regards to agriculture and lands designated as Prime Agricultural areas within the Province. The subject lands fall within the Prime Agricultural area designation and are to be protected for long-term agricultural use.

Agricultural uses and normal farm practices shall be promoted within this designation and any new uses in the prime agricultural area shall comply with the minimum distance separation formulae. Non-agricultural uses in Prime Agricultural Areas shall generally not be permitted, only for a limited number of non-residential uses. Impacts from non-agricultural uses shall be mitigated to the extent feasible.

In order to provide more direction on what is and is not permitted in Ontario's Prime Agricultural Areas, the Ontario Ministry of Agriculture, Food and Rural Affairs have created a document entitled *Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas*.

The document is structured around four main types of land uses:

*Agricultural Use* – The growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities and accommodation for full time farm labour when the size and nature of the operation requires additional employment.

*Agricultural Related Use* – means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

*On-farm diversified Use* – means uses that are secondary to the principle agricultural use of the property that are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

*Non-agricultural Use* – those uses that are not agricultural, agricultural related or on-farm diversified uses.

The zoning bylaw application is requesting to permit an on-farm diversified use, specifically being an agri-tourism use on the subject property. Agri-tourism is defined in the Guidelines on Permitted Uses in Ontario's Prime Agricultural Area as "farm related tourism uses, including limited accommodation such as a bed and breakfast that promote the enjoyment, education or activities related to the farm operation."

Examples of on-farm diversified uses shown in the guidelines include retail uses such as farm markets, antique business and seed supplier.

The key criteria for On-farm diversified uses are as follows:

1. Located on a farm

On-farm diversified uses must be secondary to the principle agricultural use of the property, meaning there has to be active agricultural uses on the subject lands. The lands must be large enough to support an agricultural use and typically smaller lots do not qualify to be considered a farm.

2. Secondary to the principle agricultural use of the property.

Agricultural uses must remain the dominant use of the property. This is measured both spatially, meaning the area used for the on-farm diversified use is limited, and temporally, as in the on-farm diversified use must not interfere with agricultural operations.

3. Limited in Area

On-farm diversified uses should be limited in area to minimize the amount of land taken out of agricultural production, ensure agriculture remains the main land use, and to limit off site impacts to ensure compatibility with surrounding agricultural operations. The guidelines recommend that a maximum lot coverage of 2% be permitted for on-farm diversified uses to a maximum of 1 hectare.

4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.

The Provincial Policy Statement provides a number of examples of on-farm diversified uses, however there may be more uses that can be considered as on-farm diversified land uses.

5. Shall be compatible with, and shall not hinder, surrounding agricultural operations.

On-farm diversified uses that have negative impacts on the farm itself, generate excessive noise and trespass issues, or uses that are better suited for settlement areas may not be located within the Prime Agricultural Area.

Staff are still reviewing this application to understand if the proposed Country Market store that sells a variety of products, but most of which are not produced on the property, meets the criteria for an on-farm diversified use and an agri-tourism use.

Staff have concerns that the principle agricultural use on the property currently appears to be field crops, which is not directly related to the on-farm diversified use proposed. Additionally, staff wish to be provided with additional information regarding the timing of the apiary on the property and the growing of flowers and other produce on the property that the Planning Justification Report eludes to. The main related agricultural uses must be established prior to the establishment of on-farm diversified secondary uses.

### **A Place to Grow, Growth Plan for the Greater Golden Horseshoe – 2020 Consolidation**

The A Place to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) builds on the Provincial Policy Statement to establish a unique land use planning framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment and social equality. The policy document specifically guides how and where to grow communities, how to support growth while protecting what is valuable, such as the natural environment and agricultural lands.

Section 4.2.6 of the plan provides policy direction concerning the Agricultural System. Prime Agricultural Areas, as this property is designated, falls within the Agricultural System. The Growth Plan requires that any new non-agricultural land uses within the Prime Agricultural Area need to be compatible with, and/or minimize and mitigate and adverse impacts on the Agricultural System. The PPS and Guidelines on Permitted Uses in Ontario's Prime Agricultural Lands provide more significant policy direction regarding the agricultural area.

### **Greenbelt Plan**

The subject property is not located within lands designated as being within the Greenbelt and therefore the PPS and Growth Plan are the only provincial policy plans that apply. The Township of West Lincoln only has approximately 360 hectares of land designated as Greenbelt north of Young Street and east of Thirty Road.

### **Niagara Official Plan, 2022**

On November 4, 2022 the Ministry of Municipal Affairs and Housing approved the Niagara Official Plan. The plan provides a framework of policies to guide growth and development within the Niagara Region to the year 2051.

The new Niagara Official Plan has the subject lands designated as being within the Prime Agricultural Area. Policies with respect to the Prime Agricultural Area and the Agricultural System are found within Chapter 4.1 of the new plan.

The Niagara Official Plan permits agricultural uses, agriculture-related use and on-farm diversified uses within prime agricultural areas (4.1.7.3), provided they are compatible with, and do not hinder surrounding agricultural operations. In alignment with the PPS and



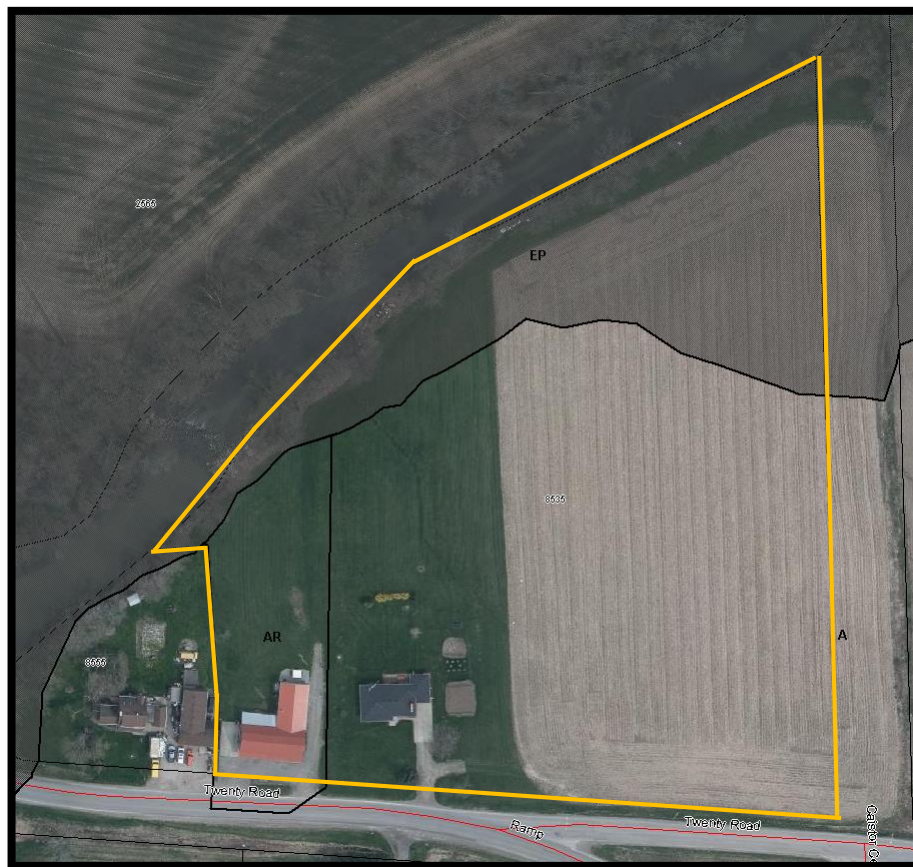
Guidelines for Permitted Uses in Ontario's Prime Agricultural Lands, On-farm diversified uses shall be located on a farm, secondary to the principle agricultural use on the property, limited in area and compatible with surrounding agricultural operations.

The appropriate scale of on-farm diversified uses may vary depending on the type of use and whether that use is located within a specialty crop area or prime agricultural area. The Niagara Official Plan outlines additional criteria including; whether the use is more appropriate in the settlement area or rural lands, the proximity to the related agricultural operation, the extent of compatibility with farming operations, scale of the activity in relation to the farming practices, consistency of character, potential off-site impacts and water usage (4.1.7.7).

Staff note that the only concern so far raised by members of the public was with respect to traffic and pedestrian safety concerns, and not specifically regarding impacts to surrounding agricultural operations. Staff will continue to review this application against the Niagara Official Plan policies, however, it would appear that generally this use may not have significant impact on surrounding agricultural operations.

### **Township of West Lincoln Zoning Bylaw**

The subject property is zoned Agricultural 'A', Environmental Protection 'EP' and Agricultural Related 'AR'. Below is an image of the zoning on the subject property:





Neither the Agriculturally related zone or the Agricultural zone permit what is being proposed on the subject property. The Agriculturally Related zone permits a variety of uses, but does not permit a retail store, restaurant or agri-tourism type business, which the propose use would fall under. The proposed use has elements of an Agriculturally Related use, however, the sale of non-agricultural products and the sale of produce not produced on the premises is not considered agriculturally related as it is not directly related to the agricultural uses on the property or in the area. The AR zone was appropriate for the former use of the building as it stored and sold apples that grew on the property until sometime before 2010 when the orchard covering the majority of the property was removed.

The Agricultural 'A' zone only permits a single detached dwelling and accessory uses, one of which is on-farm diversified uses, however, that requires a minimum lot area of 10 hectares, which this property does not have.

The applicants have submitted a zoning bylaw amendment request to permit an agri-tourism business, namely a Country Market Store business on the property.

Agri-tourism is defined in combination with Value-added uses in the Township's zoning bylaw:

*Agri-tourism/Value-added use:*

*Means the use of land, buildings or structures for accessory uses to the principal agricultural use of the lot conducted for gain or profit to support, promote and sustain the viability of the agricultural use, including but not limited to agricultural education and research facilities, bed and breakfast establishments, farm markets and the retail sale of farm products, pick your own facilities, farm mazes, special event facilities related to farming, and value-added assembly, fabrication, processing, packing or storage operations.*

The applicants have also requested three additional modifications to the zoning bylaw Section 3.11, which include:

1. The on-farm diversified/agri-tourism use, be permitted on a lot with an area of less than 10 hectares, whereas the zoning bylaw requires a minimum lot area of 10 hectares (3.11, a).
2. An area of 2.2% of the property be used for the on-farm diversified, whereas the zoning bylaw has a maximum area of the lesser of 1% of the lot area or 0.5 hectares (3.11, c) i).
3. The zoning regulation requiring the operator of the agri-tourism use to reside on the property be removed as the proposed operator does not reside on the property (3.11 h).

In addition to the modifications requested, staff note that Section 3.11 d) requires that On-farm diversified uses shall be accessory and directly related to the existing permitted agricultural use(s) on the lot and shall primarily serve the existing permitted agricultural use(s) on the lot and the existing permitted agricultural uses on surrounding lots in the

area. Planning staff wish to seek clarification on whether any of the agricultural uses outlined in the Planning Justification Report have been established on the property, or if the property is still mainly in field crop production.

The purpose of these regulations are to ensure that secondary uses that exist within the agricultural area remain secondary to principle agricultural uses, that agricultural lands are protected, and that uses that conflict with agricultural practices are located within settlement areas.

Staff have reviewed the Planning Justification report and note that there is limited discussion and justification with regards to the reduction in the required 10 hectares of lot area to the 3 hectares provided, except that 3 hectares is the existing size of the lot. Planning Staff would like additional information on how an on-farm diversified use can remain secondary to a principal agricultural use on a 3 hectare lot. Additionally, Planning staff are also looking for justification as to the removal of the requirement that the operator of the on-farm diversified use reside on the subject property.

The final request that has been submitted with regards to zoning is to recognize the deficient lot area and setback for existing buildings on the subject property.

Planning staff will continue to review the information provided and any additional information provided by the applicants and their agent.

### FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report except for the potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1<sup>st</sup>, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions. Council must make a decision within 90 days of complete application or they will be required to refund.

	<b>Zoning and Official Plan Combined</b>	<b>Zoning Bylaw Amendment</b>	<b>Site Plan</b>
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 9 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1<sup>st</sup>, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

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

The notice and application for zoning bylaw amendment was circulated to agencies and the public on December 13, 2022. A notice sign was also placed on the property on December 23, 2022. At the time of writing this report, the Township has received comments from two members of the public.

Comments were received by property owners who live to the east of the property at 8431 Twenty Road. They have no objections to the type of business being proposed, but they do have concern regarding traffic in that location.

This is not the first concern regarding traffic and parking on this site and the Township Public Works Department has also echoed this concern and is looking for an on-site parking plan.

Comments were also submitted by the property owners west of the subject lands at 8555 Twenty Road. They have provided two sets of comments, the first being in regards to the proposal and the second with respect to a private well on the subject property which services 8555 Twenty Road.

The initial comments have requested additional time to review the application as they have concerns with the application. The first comment raised is if a building permit has been applied for on the subject property as there have been changes made in the recent past.

The second point is a private well that is located on the property, between the dwelling and the agriculturally related building which services, by way of easement, 8555 Twenty Road. The owners of 8555 Twenty Road have provided additional information with regards to this easement, which can be found in Attachment 3. They have a concern regarding the easement and the well as there have been extensions to the driveway over this easement.

In a preliminary response to the comments received from the owners of 8555 Twenty Road, due to the Planning Act requirements, the Township has only 90 days from complete application submission to review and decide upon a zoning bylaw application. Staff also note that the applicants have additional time to submit comments up to the time a decision is made on the application.

Staff also note that a septic permit was issued in 2021 for a new private septic system to service both the dwelling and the agricultural related building.

The Township of West Lincoln Public Works Department has also provided comments on the application. They state that they have no objection to the application, but wish to see a parking plan due to previous concerns and complaints regarding traffic in the area.

The Township is still awaiting comments from the Region at this time. They will be included in a future report when they are provided to the Township.

### **CONCLUSION:**

An application for zoning bylaw amendment has been submitted by Mr. Steven Rivers on behalf of the sole property owner, Ms. Atsje Bruinsma for the property located at 8535 Twenty Road. The application has been submitted to permit a portion of the property and the existing agriculturally related building to be used for an on-farm diversified use, namely an agri-tourism use. As this use is not permitted within the Agriculturally Related 'AR' zone, or the Agricultural 'A' zone, a zoning amendment is required.

The application requests to permit an agri-tourism use, on a lot that is approximately 3 hectares in area and occupying a total of 2.2% of the lot area, whereas the zoning bylaw requires a minimum lot area of 10 hectares and only permits a maximum of 1% to be used for the on-farm diversified use. The applicant has additionally requested that the requirement to reside on the property be removed. Finally, they have requested that the existing lot area and setbacks for the agricultural related building be recognized through this zoning amendment process.

The Township has received a number of public and agency comments and will review those comments as well as any additional comments that are received. Staff recommend that a recommendation report be prepared and presented to a future Planning Building and Environment Committee Meeting.

A final note for consideration are the Planning Act changes that have been made through Bill 109, the *More Homes for Everyone Act, 2022* requiring zoning amendments be decided upon within 90 days or face punitive costs back to the applicant starting on July 1<sup>st</sup>, 2023. In order to avoid these fee returns, staff will be required to prepare recommendation reports within the required timeframe that potentially recommend:

1. Approval, subject to a holding provision,
2. Approval of application as submitted,
3. Approval of staff modified application
4. Denial

Staff will continue to work with the applicants, members of the Public and Committee and Council while meeting these tight timelines for decisions.

**ATTACHMENTS:**

1. Location Map
2. Planning Justification Report
3. Agency and Public Comments

**Prepared & Submitted by:**



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**Gerrit Boerema**  
Senior Planner

**Approved by:**



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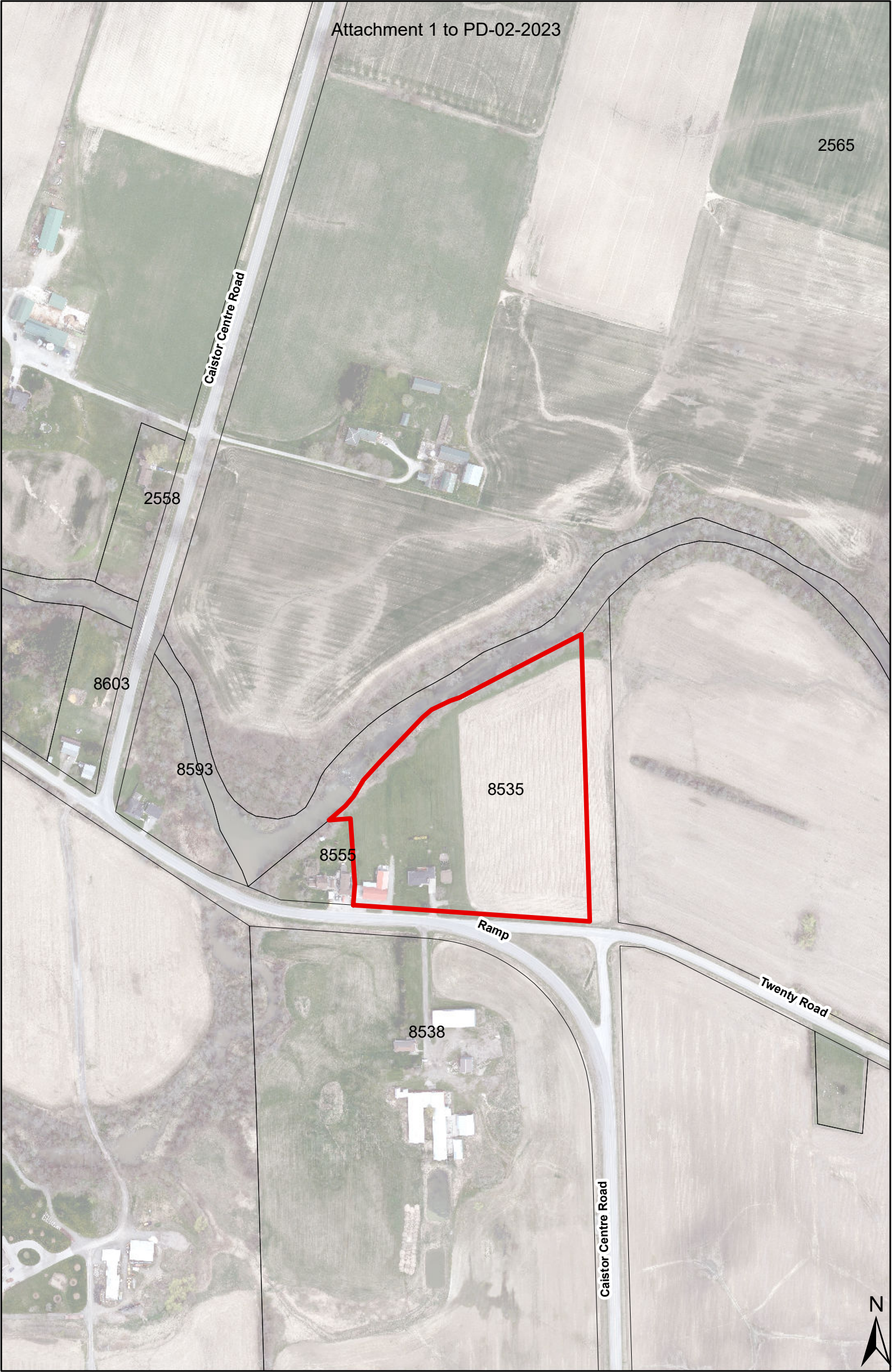
**Bev Hendry**  
CAO



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**Brian Treble**  
Director of Planning & Building






**Location Map**  
**8535 Twenty Road**



**Legend**

 Subject Property



8535 Twenty Road

**PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT  
AND  
IMPACT ANALYSIS  
For  
Atsje Bruinsma  
8535 Twenty Road  
CONCESSION 7, PART LOT 11, RP 30R1419, PART 2, PART 4  
Township of West Lincoln, Regional Municipality of Niagara**



**Disclaimer**

The Report was prepared by South Coast Consulting for a Zoning By-law Amendment application for 8535 Twenty Road, Parts 2 and 3, Plan 30R-1419. The Report reflects South Coast Consulting's best judgment.

This Report may not be used for another purpose and South Coast Consulting disclaims any responsibility for losses or damages incurred through use of this Report for a purpose other than as described in this Report. It should not be reproduced in whole or in part without South Coast Consulting's express written permission, other than as required by the Client in relation to obtaining *Planning Act* approvals.

South Coast Consulting reserves the right, but is under no obligation, to review and / or revise this Report considering information which becomes known to South Coast Consulting after the date of this Report.

8535 Twenty Road

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## INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained on 2022-04-05 by Atsje Bruinsma (the landowner who resides at 7650 Twenty Road and has a farm at 7706 Twenty Road) to prepare this [Preliminary Planning Policy Justification and Impact Analysis Report](#). A Zoning By-law Amendment application is being submitted to amend the existing Agricultural 'A' zoning to permit an *agri-tourism* use on the Subject Property to permit a small business known as Creekside Country Market on the Subject Property, formerly an apple store, to sell, among other things:

- Produce grown on the property.
- Honey from hives on the property.
- Fresh flowers grown on the property and from local greenhouses.
- Frozen chicken products from chicken produced on applicant's farm property located at 7706 Twenty Road (Farm Business Registration Number 82840 8971 RT 0001).
- Take-out ice cream.
- Homemade crafts.
- Décor and wearable items.

*Agri-tourism* uses are defined as the use of land, buildings or structures for accessory uses to the principal agricultural use of the lot, conducted for gain or profit to support, promote and sustain the viability of the agricultural use, including but not limited to, among other uses, farm markets and the retail sale of farm produce.

The purpose this [Preliminary Planning Policy Justification Report and Impact Analysis](#) is to review the proposed *agri-tourism* use of the Subject Property and provide the planning rationale in support of the proposed Zoning Bylaw Amendment application and justification for the *agri-tourism* use. It is recognized an application for Site Plan Control

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Approval may be required to fully implement the proposed development. That application will be submitted under separate cover at a later date.

The Report also outlines the nature of the proposed *development* and evaluates how the *agri-tourism use* complies in the context of the good planning principles, the policies of the Provincial Policy Statement (PPS), the Growth Plan for the Greater Golden Horseshoe (Growth Plan), the Niagara Region Official Plan (ROP), the Township of West Lincoln Official Plan (WLOP), the Township of West Lincoln Official Zoning By-law (WLZB) applicable to the Subject Property.

On 2021-08-31 the Township of West Lincoln hosted a formal **pre-consultation** meeting for the proposal on the Subject Property. The meeting established *Planning Act* applications were required to accommodate the *agriculture-related use*. Since the concept has been refined, the Township may host a second **pre-consultation** meeting to discuss the *agri-tourism use*. This Report is submitted in anticipation of that meeting. The application and supporting materials will be submitted in accordance with the result of the pre-consultation meeting. A Public Open House can be held by the Township with the support of the applicant in the Township Hall in the near future. Notice of the informal public meeting will be circulated to property owners within 120 metres of the Subject Property.

The Subject Property is **designated Good General Agriculture** in the ROP, **Good General Agriculture** in the WLOP and zoned **"Agricultural 'A', Agriculturally Related 'AR', Environmental Protection 'EP'"**. The building where the business is being operated is in the **Agriculturally Related** zone. This zone allows for a variety of uses but does not include the use of a retail store or restaurant type business.

The Subject Property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Lower Twenty Mile Creek Provincially Significant Wetland Complex (PSW), Significant Woodland and Type 1 (Critical) Fish Habitat. The Region says Significant Valleyland is also mapped but is likely restricted to the watercourse / PSW area. The property is mapped as part of the Growth Plan Provincial Natural Heritage System (NHS). These features are considered Key Natural Heritage Features (KNHF) and Key Hydrologic Features (KHF), and the natural heritage policies identified in the Growth Plan apply.

Growth Plan policies typically require the completion of a Natural Heritage Evaluation (NHE) when development and /or site alteration is proposed within 120 metres of a KNHF / KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and / or site alteration is proposed within 120 m of PSW, within 50 metres of Significant Woodland / Significant Valleyland, and within 30 m of Type 1 Fish Habitat. The barn which contains the *agri-tourism use* is within the above-noted setbacks. However, no development or site alteration has taken place or is proposed.

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Pending agency, municipal, and public comments

South Coast Consulting

Atsje Bruinsma

2022-09-06

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Further, the environmental features are appropriately zoned Environmental Protection. As such, Regional Environmental Planning offered no objection to the rezoning / site plan.

The **ROP** policies require the completion of an *environmental impact study* when *development* and / or *site alteration* is proposed within 120 metres of a *provincially significant wetland*. **ROP** policies also provide exemptions.

## AGRI-TOURISM USE DESCRIPTION

This section of the Report provides details about the proposed *agri-tourism use*, existing buildings, and their siting.

### Conceptual Site Plan

See **Annex 1, Site Plan**, dated 2022-05-17, by Jordan Station Design Co. Most of the Subject Property has been in orchard or field crop production since at least 1934. The one-storey single detached dwelling owned by the applicant appears to have been constructed between 1955 and 1965 and severed some time later. There is an existing currently unused accessory building on the Subject Property where former owners sold apples, cider, and home crafts. The Subject Property is essentially triangular, with watercourse on its north side, Twenty Road on the south side, and an un-opened road allowance on the east side.

### Site Context

The Subject Property, illustrated in **Figure 1, Subject Property Location**, and **Annex 1, Site Plan**, located on the north side of Twenty Road, has a total area of about 2.7 hectares and frontage of about 185 metres on Twenty Road.

### Surrounding Land Uses

Nearby uses include a motorcycle parts store abutting the Subject Property on the west, an agricultural operation with large barns to the south, and agricultural uses. The *agri-tourism use* is compatible with the mixed-use context of the neighbourhood as illustrated on the **Figure 2, Land Use Schematic**.

### Development Concept

*Planning Act* approval is required to permit the proposed *agri-tourism use*, specifically a retail store / restaurant type business, which Staff believe the selling of ice-cream and food falls within.



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## POLICY REVIEW SUMMARY

The Policy and Planning Analysis:

- provides the basis for establishing why a proposal should be considered and approved.
- provides an outline of applicable planning policy documents and regulatory context reviewing specific policies relevant to the proposal.
- establishes the basis for the applications by explaining how the proposal conforms to the policies.

**Figure 1**  
**Subject Property Location**



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Where changes to the Official Plan and Zoning By-law are proposed, the Analysis discusses the **appropriateness** of the requested amendments, including the policy basis for requested modifications specific to the proposal.

#### Planning Act

The Zoning By-law can be amended to change either the zoning of the land or add special provisions to the zoning for a specific property. An amending by-law can change the zone from one to another, add a use, or change a requirement.

<b>Figure 2</b> <b>Land Use Schematic</b>		
<b>Use-</b> Natural Heritage Feature <b>Official Plan-</b> Good General Agriculture & Natural Heritage System <b>Zone-</b> EP	<b>Use-</b> Natural Heritage Feature <b>Official Plan-</b> Good General Agriculture & Natural Heritage System <b>Zone-</b> EP	<b>Use-</b> Agriculture <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A
<b>Use-</b> Commercial <b>Official Plan-</b> Good General Agriculture & Natural Heritage System <b>Zone-</b> RuR	<b>Subject Property</b>	<b>Use-</b> Agriculture <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A
<b>Use-</b> Industrial & Non-agricultural Residential <b>Official Plan-</b> Good General <b>Zone-</b> A	<b>Use-</b> Non-agricultural Residential <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A	<b>Use-</b> Non-agricultural Residential <b>Official Plan-</b> Good General Agriculture <b>Zone-</b> A

#### Provincial Policy Statement

The **PPS** provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. A **basic principle of policy** led land use planning, iterated in the **PPS** is that, when more than one policy is relevant, decision-makers should consider all of the policies to understand how they work together. The language of each policy, including the **Implementation** and **Interpretation** policies, assist **decision-maker's** understanding how the policies are to be implemented.

Another important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the **PPS**, some policies set out positive directives, such as "**settlement areas** shall be the focus of growth and development." Other policies set out limitations and prohibitions, such as "**development and site alteration** shall not be

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permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

[Policy 1.1.1a](#), states, Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns reflected by the the *agri-tourism use* and thus sustaining the financial well-being of the Province and the Township over the long term.

### Rural Areas

#### Rural Areas from the Provincial Policy Statement

Rural areas like that surrounding the Subject Property are important to the economic success of the Province and the quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and *urban areas* are interdependent in terms of markets, resources and amenities. As encouraged by the [PPS](#) the *agri-tourism use* leverages rural assets and amenities and protects the environment as a foundation for a sustainable economy.

The *agri-tourism use* complies with [Policy 1.1.4.1](#), supporting a healthy, integrated, and viable *rural area* by:

- Building upon the rural character of West Lincoln and Niagara.
- Leveraging rural amenities and assets.
- Using existing rural *infrastructure* and *public service facilities* efficiently.
- Promoting diversification of the economic base.
- Providing opportunities for sustainable and diversified tourism.
- Leveraging natural assets.
- Providing opportunities for economic activities in *prime agricultural areas*.

On *rural lands* located in municipalities, uses permitted by [Policy 1.1.5.2](#) include, and [Policies 1.1.5.3](#) and [1.1.5.4](#) promote, tourism and other economic opportunities like those of this *agri-tourism use*, compatible with the rural landscape and sustainable by rural service levels.

The requested Zoning By-law Amendment supports an opportunity for diversified rural economy because the proposed use does not negatively impact agricultural uses by reusing an existing building as envisaged by [Policy 1.1.5.7](#).



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OMMAFA MDS Guideline 35 states MDS I setbacks from *existing livestock facilities and anaerobic digesters* will generally not be needed for land use planning applications which propose *on-farm diversified uses* such as the proposed *agri-tourism use*. The proposed land use complies with the *MDS formulae* as required by Policy 1.1.5.8.

#### Rural Areas from the Growth Plan – Where and How to Grow

Section 2.1 speaks to building compact and complete communities, and protecting agricultural lands, water resources, and natural areas that help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change. Strong, healthy; and prosperous rural communities are vital to the economic success of the Greater Golden Horseshoe (GGH) and contribute to the quality of life. The Growth Plan recognizes and promotes the important role of rural towns and villages as a focus of economic, cultural and social activities that support surrounding rural and agricultural areas across the GGH. Opportunities to support a diversified rural economy should be promoted by protecting farmland and the viability of the agri-food sector in rural areas. Healthy rural communities are important to the vitality and well-being of the larger region and settlement areas and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the GGH.

The proposed *agri-tourism* use is:

- Compatible with the rural landscape and surrounding local land uses.
- Sustainable by rural service levels.
- Will not adversely affect the protection of *agricultural uses* and other resource-based uses such as *mineral aggregate operations*.

#### Rural Areas from the Regional Plan

Unlike the broad concept of *rural areas* in the PPS and Growth Plan the *rural area* in the ROP is land use designation. The Preamble to the Rural and Agricultural section of the ROP says the Region also has large areas of *good general agricultural* lands suitable for the production of field crops, livestock operations and some opportunities for *development*, including commercial, uses compatible with the rural. Objectives satisfied by the proposed *agri-tourism use* include:

- Preserving Niagara's *agricultural* lands by not removing land from agricultural production (Objective 5.A.1)
- Conserving natural resources of the *rural areas* by not encroaching on natural heritage features (Objective 5.A.3)
- Limited non-farm development in *rural areas*.” (Objective 5.A.4)
- Providing an efficient and orderly pattern of land uses in the *rural areas*, which.
  - Has no land use conflicts.
  - requires no municipal services and conserves natural resources. (Objective 5.A.5)
- Creating no conflicts between farm and non-farm uses (Objective 5.A.6)

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- Providing *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to profitable and economically sustainable agriculture ([Objective 5.A.8](#))

Rural Areas from the West Lincoln Official Plan

Like the [ROP](#), the *rural area* in the [WLOP](#) is land use designation. One small area of the Township is designated as *rural area* and is predominately used for non-agricultural uses.

Infrastructure

Infrastructure from the Provincial Policy Statement

Policies with respect to *infrastructure* are in [Section 1.6.6](#) of the [PPS](#) and specifically, [Section 1.6.6.4](#) states, where *municipal sewage services and municipal water services or private communal sewage services and private communal water services* are not provided, *individual on-site sewage services and individual on-site water services* may be used provided site conditions are suitable for the long-term provision of such services with no *negative impacts*. The Subject Property has a septic system.

Infrastructure from the Growth Plan

The proposal complies with [The Growth Plan's](#) 25-year intent to [among other things]:

- Providing flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Protecting natural heritage, hydrologic, and landform systems, features, and functions.
- Supporting and enhancing the long-term viability and productivity of agriculture by protecting prime agricultural areas and the *agri-food network*.

Infrastructure from the Regional Plan

[Policy 8.B.19](#) states the Region will consult and co-operate with other authorities having jurisdiction for the issuance of permits for private water supply and sewage disposal systems to ensure a common objective. The proposal meets following proposed guidelines:

- Existing soils and drainage facilities are capable of permitting private installations.
- Proper consideration is given to abutting existing development ensuring problems will not be created for the existing or proposed *development*.
- The operation of the septic tank installation will not result in the pollution of watercourses.

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## Infrastructure from the West Lincoln Official Plan

The proposed use satisfies [Policy 14.3.1](#) requiring new development on private water or sanitary services in the agricultural area to only be permitted where the Township is satisfied lot size, topography, soils, drainage and siting of the buildings will permit the installation of an adequate means of sewage disposal.

## Natural Heritage

## Natural Heritage from the Provincial Policy Statement

Policies with respect to natural heritage are in [Section 2.1](#) of the PPS and specifically, [Section 2.1.1](#), regarding the *Wise Use and Management of Resources*, *Natural Heritage* states, natural features and areas shall be protected for the long term. [Section 2.1.2](#) states the diversity and connectivity of natural features in an area, and *the long-term ecological function and biodiversity of natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

[Policy 2.1.4](#) prohibits *development and site alteration in significant wetlands* and [Policy 2.1.5](#) prohibits *development and site alteration in significant woodlands, and significant wildlife habitat, significant areas of natural and scientific interest*; unless it has been demonstrated that there will be no *negative impacts* on the natural features or their ecological functions. There is not *development proposed* in any of the prohibited natural features.

As required by [Policies 2.1.4 and 2.1.5](#) the *agri-tourism use* has no new buildings or structures in the Lower Twenty Mile Creek Provincially Significant Wetland Complex, or the area designated Environmental Protection Area, Environmental Conservation Area, or Fish Habitat in the WLOP.

## Natural Heritage System from the Growth Plan – Protecting What is Valuable

[Section 4.1](#) speaks to protecting what is valuable, stating the Greater Golden Horseshoe contains a broad array of important hydrologic and *natural heritage features and areas*, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and **non-renewable** resources. These valuable assets must be protected and managed as part of planning for future growth. [The Growth Plan](#) also provides for the identification and protection of a *natural heritage system* for the Greater Golden Horseshoe outside of the *Greenbelt Area*.

[Section 4.1](#) also states the Greater Golden Horseshoe is home to important and productive farmland - a finite, **non-renewable** resource. The fertile soil, favourable climate, and access to water make the *GGH* significant on both a national and international scale. [The Growth Plan](#) provides for the identification and protection of the *agricultural system*



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in the *GGH* including a continuous and productive land base, comprised of *prime agricultural areas*, including *rural lands*, as well as a **complementary agri-food network** that together enable the agri- food sector to thrive. Protecting the *agricultural system* will support the viability of the agricultural sector as the region grows.

A *natural heritage system for the Growth Plan* has been mapped by the Province to support a **comprehensive**, integrated, and long-term approach to planning for the protection of natural heritage and biodiversity. *Policy 4.2.2.2* requires West Lincoln to incorporate the *natural heritage system* as an overlay in *WLOP* and apply appropriate policies to maintain, restore, or enhance the diversity and connectivity of the system and the longterm ecological or *hydrologic functions* of the features and areas as set out in the policies.

According to *Policy 4.2.2.4* provincial mapping of the *natural heritage system for the Growth Plan* does not apply until it has been implemented in the *ROP*. Until that time, the policies in the *Growth Plan* referring to the *natural heritage system* will apply outside *settlement areas* to the *natural heritage systems identified in the WLOP* approved and in effect as of July 1, 2017.

*Policy 4.2.4.1* requires that outside *settlement areas*, a proposal for new *development or site alteration* within 120 metres of a *wetland or significant woodland* within the *natural heritage system for the Growth Plan* or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic evaluation identifying a *vegetation protection zone*.

As required by *Policy 4.2.2.3.a* the *agri-tourism use* has no new buildings or structures in the Lower Twenty Mile Creek **Provincially Significant Wetland Complex**, or the area designated **Environmental Protection Area**, **Environmental Conservation Area**, or **Fish Habitat** in the *WLOP*. Therefore:

- There are **no negative impacts** on *key natural heritage features* or *key hydrologic features* or their functions.
- **Connectivity is maintained** for the movement of native plants and animals across the *landscape key natural heritage features* and *key hydrologic features* located within 240 metres of each other.
- There is no removal of other natural features not identified as *key natural heritage features* and *key hydrologic features*.
- The disturbed area does not exceed 25% of the *total developable area*, and the impervious surface will not exceed 10% of the *total developable area*.

As provided for in *Policy 4.2.4.4.c* the *agri-tourism use* is exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* because the land is, will continue to be used for agricultural purposes

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## Natural Heritage from the Regional Plan

As required by [Policy 7.A.2.9](#) the proposed *development* and *site alteration* will not have *significant* adverse impacts on *ground water* quality or quantity because there is an existing waste disposal system. As required by [Policy 7.B.1.11b](#) the proposed new *development* may be permitted without an amendment to the [ROP](#) on adjacent lands to Environmental Conservation Areas as set out in [Table 7-1](#) because, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed *development* is not prohibited by other Policies in the Plan.

[Table 7-1](#) requires an Environmental Impact Statement if the *development* on adjacent lands to an Environmental Conservation Area is within 50 metres of *significant woodlands* or *significant valleyland*, and 30 metres of *critical fish habitat (type 1)*. Given the definition of *development*, the Zoning By-law Amendment required for the proposed *agri-tourism use* requires an Environmental Impact Assessment. However, since the proposed new use is in the existing building an Environmental Impact Assessment may not be required.

As provided for in [Growth Plan Policy 4.2.4.4.b](#), the *agri-tourism use* is not required to undertake a natural heritage or hydrologic evaluation because there is no encroachment into the *vegetation protection zone*. As provided for in [Policy 4.2.4.4.c](#) the *agri-tourism use* is exempt from the requirement of establishing a condition of *natural self-sustaining vegetation* because the land is, and will continue to be, used for agricultural purposes.

## Natural Heritage from the West Lincoln Official Plan

[Policy 10.7.2I](#) states *development* may be permitted without an amendment to [WLOP](#) on adjacent lands to Conservation Areas as set out in [Table 10-1](#) if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System or adjacent lands and the proposed *development* is not prohibited by other Policies in the Plan. Given the definition of *development*, the Zoning By-law Amendment required for the proposed *agri-tourism use*, requires for an Environmental Impact Assessment. However, since the proposed new use is in the existing building an Environmental Impact Assessment may not be required.

## Agriculture

## Agriculture from the Provincial Policy Statement

A significant theme in the [PPS](#) is protecting agricultural. The proposal complies with [Policy 1.1.5.7](#) providing opportunities to support and promote a diversified rural economy by protecting agricultural and other resource-related uses, [Policy 1.1.5.8](#) requiring new land uses to comply with the *MDS* and [Policy 2.3.1](#) requiring *prime agricultural areas* to be protected for long-term use for agriculture. In *prime agricultural areas*, permitted uses include *on-farm diversified uses*, like the proposal, compatible with, and that do not

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hinder, surrounding agricultural operations. *On-farm diversified uses* including *agri-tourism*, as proposed by this application, is permitted in [Policy 2.3.3.1](#).

The Ontario Ministry of Agriculture, Food, and Rural Affairs [Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas \(OMAFRA Guidelines\)](#) help interpret the policies in the [PPS](#) on the range of the permitted uses. As promoted by [Section 1.3](#), the proposal meets the stated criteria for uses permitted in *prime agricultural areas* revolving around the objectives of maintaining the land base for agriculture and supporting a thriving agricultural industry and rural economy. The proposal satisfies the following specific criteria for *on-farm diversified uses*. In addition to the *agricultural use* of growing crops the proposed *agri-tourism use* is:

- Located on a farm.
- Secondary to the principal *agricultural use* of the property.
- Limited in area.

#### [On-farm Diversified Uses from the Provincial Policy Statement](#)

The proposed *agri-tourism, on-farm diversified use* enables the farm operator to accommodate *value-added use* in *prime agricultural areas*. All of the following criteria are met qualifying the proposed use as an *on-farm diversified use*, in accordance with the [PPS](#).

#### [Located on a Farm](#)

The proposed use is an *on-farm diversified use* located on a farm property actively in, which, [Section 2.1](#) of the [OMAFRA Guidelines](#) says is required to be on a farm with the expectation of gain or reward. The applicant owns and operates a poultry farm located at 7706 Twenty Road and the *agri-tourism use* business is part of the farm.

#### [Secondary to the Principal Agricultural Use of the Property](#)

The [PPS](#) definition of *on-farm diversified uses* allows for a wide range of on-farm economic and as required the proposal is secondary to the principal *agricultural use* of the property. As required, *agricultural use* remains the dominant use of the property measured in spatial and temporal terms. Spatially, the use is secondary relative to the *agricultural use* of the property. The spatial limits are addressed below under the "limited in area" criterion. Temporal considerations apply to uses that are temporary or intermittent, such as the retail use which is likely to only operate for part of the year. The *on-farm diversified use* is compatible with surrounding agricultural operations and does not interfere with other *agricultural uses* on the farm or in the surrounding area.

Given the use of a total of about 335 square metres, the footprint of the accessory building, and given the access to the Subject Property is directly off Twenty Road, there is anticipated to be no interference from the *agri-tourism use* with the *agricultural uses* on



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the farm or in the surrounding area. The *agri-tourism use* is compatible with and able to coexist with surrounding agricultural operations, because it:

- Reuses and existing building and do not permanently displace agricultural land.
- Does not require site grading and / or drainage.
- Meets compatibility requirements (i.e., does not require significant water and wastewater services and maintains reasonable noise and traffic levels in the area)

**Limited in Area**

Many municipalities limit the scale of *on-farm diversified uses* by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm, or floor area of buildings and outdoor storage. However, these factors do not have a direct bearing on the amount of farmland displaced or fully account for all the land occupied by the uses. A preferred approach is to base "limited in area" on the total footprint of the uses, on a lot coverage ratio basis.

The "limited in area" requirement should be based on the total land area unavailable for agricultural production as a result of the *agri-tourism use* (i.e., the footprint occupied by the use, expressed as a percentage of lot coverage). The area calculation should account for all aspects related to an *agri-tourism use* such as buildings, outdoor storage, landscaped areas, berms, well and septic systems, parking, and new access roads. The lot coverage should be based on the size of the parcel of land where the use is located.

The **OMAFRA Guidelines** recommend the area of existing laneways not be included in area calculations. The footprint of an *agri-tourism use* in an existing outbuilding may be calculated at 50% of the area of the building but, 100% of the area needed for parking and outdoor storage should be included. The **OMAFRA Guidelines** also recommend "limited in area" be relative to the size of the farm property the *agri-tourism use* is located on. The size of the entire farm property and not just the portion of an *agricultural use*, should be considered. The **OMAFRA Guidelines** recommend the standard for the acceptable area occupied by *agri-tourism use* is up to 2% of a farm parcel to a maximum of 1 hectare (10,000 square metres). The **OMAFRA Guidelines** recommended area calculations for *on-farm diversified uses* are:

- Existing laneways shared between agricultural uses and *on-farm diversified uses* are not counted.
- Area of existing buildings or structures, built prior to April 30, 2014, occupied by *on-farm diversified uses* is discounted (e.g., 50%).
- Area of new buildings, structures, setbacks, outdoor storage, landscaped areas, berms, laneways, parking, etc. are counted at 100%.
- *On-farm diversified uses* may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 hectare.

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- The *gross floor area* of buildings used for *on-farm diversified uses* is limited (e.g., 20% of the 2%).

The *agri-tourism use* satisfies the PPS requirement for *on-farm diversified uses* by:

- Taking only limited land (about 169 square metres - 50% of the existing building) and 436.5 metres for the new parking area out of agricultural production.
- Ensuring agriculture remains the main land use in *prime agricultural areas* - the total area taken out of agricultural use by the *agri-tourism use* is about 605 square metres or about 2.1% of the approximately 28,620 square metre farm property.
- Limiting the *gross floor area* of building used to about 28% of area taken out of agricultural production.
- Limiting off-site impacts (e.g., traffic or changes to the **agricultural-rural** character) ensuring compatibility with surrounding agricultural operations.

Shall Be Compatible With, and Shall Not Hinder, Surrounding Agricultural

Some uses meeting the other *on-farm diversified uses* criteria may not meet the compatibility criterion. For example, uses attracting large numbers of people onto the farm for non-farm events or for recreational purposes could result in soil, excessive noise and trespass issues possibly incompatible with **surrounding** agricultural operations. Commercial or industrial uses with a large **number** of employees or attracting a large number of customers may also not be compatible in the *prime agricultural area*. In addition, some uses may be better suited to *settlement areas* where municipal services are available.

The proposed *agri-tourism use* satisfies compatibility considerations because:

- It does not hinder **surrounding agricultural** operations.
- It is appropriate to **available rural services** and infrastructure.
- It maintains the agricultural / rural character of the area.
- It is able to meet all applicable environmental standards.

The cumulative impact of multiple use in the *prime agricultural areas* is limited and does not undermine the agricultural nature of the area

The *agri-tourism use* does not negatively impact the *prime agricultural area* for long-term use for agriculture by ensuring the continued agricultural use of the Subject Property and by not taking a significant area of agricultural land out of production.

As suggested by the **OMAFRA Guidelines**, the *agri-tourism use* supports agriculture in West Lincoln and Niagara through the sale of local produce and co-existing with agriculture without conflict.

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## Agricultural System from the Growth Plan

The **Growth Plan**, among other things supports and enhances the long-term viability and productivity of agriculture by protecting *prime agricultural areas*. The policies of the **Growth Plan** take precedence over the policies of the **PPS** where they conflict, except where the relevant legislation provides otherwise.

An *Agricultural System* for the *GGH* has been identified by the Province. (**Policy 4.2.6.1**) Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the **ROP**. Until that time, *prime agricultural areas* identified in the **ROP** are considered the agricultural land base for the purposes of the **Growth Plan** (**Policy 4.2.6.8**)

## Agriculture from the Regional Plan

**Objective 5.A.8** of **ROP** is to encourage a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to profitable and economically sustainable agriculture and **Policy 5.B.3a** provides for support for a wide range of *farm diversification* uses in appropriate locations and at a scale suitable to the farm and the *agricultural area* where they contribute to economically sustainable agriculture.

**Policy 5.B.18** requires *Farm diversification* uses to complement the principal *agricultural uses* on the property and in the surrounding area and to contribute to the sustainability and viability of the farming operation. All uses outside of *settlement areas* are subject to the *Region's* servicing policies and **Policy 5.B.21** requires the following criteria to be considered when identifying whether or not diversification activities should be permitted:

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



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**Policy 5.B.22** requires *farm diversification* uses to be small scale in relation to the principal farming operation. Preference is to be given to defining scale on the basis of size of the facilities and relationship to other uses. The appropriate scale for diversification uses may vary depending on the type of use and whether the activities are located in the *Specialty Crop Areas* (Tender Fruit or Grape Areas) or in the other *Prime Agricultural Areas* (Good General Agricultural Areas).

The proposed *agri-tourism* use satisfies the objective of the ROP encouraging *farm diversification* uses. It is small scale, in a suitable location, in an appropriate agricultural area, and will contribute to a profitable and economically sustainable agriculture operation.

The proposed *agri-tourism* use

- Is not more appropriately located in a nearby *settlement area*.
- Is close proximity to the agricultural operation supporting and complementing the agricultural activity.
- Is compatible with the existing farming operation and surrounding farming operations.
- Is at a scale appropriate to the site and the farming operation.
- Is consistent with and maintains the character of the *agricultural area*.
- Does not generate potentially conflicting off-site impacts.
- Is limited to low water and low effluent producing uses.
- Is on a site capable of accommodating the use on private water and private sewage treatment systems
- Does not require significant improvements to *utilities* or *infrastructure* such as roads or hydro services.
- Complies with all other applicable provisions of the ROP

The proposal ensures the predominant use of the Subject Property will continue to be *agriculture*.

The proposal is orderly and well planned, has adequate services such as policing and fire protection, does not interfere with the operation of the arterial road system, and does not aggravate any existing problems.

Agriculture from the West Lincoln Official Plan

**Policy 4.2.1b)iv)** provides for uses secondary to the principal agricultural use of the Subject Property including uses that provide value-added agricultural products from the farm operation on the same property. **Policy 4.2.1d)** requires all development within all Agricultural Areas to supported by private sewage disposal systems and private water supply in accordance with the requirements of Township of West Lincoln, the Ministry of

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the Environment and / or the Ministry of Municipal Affairs and Housing and that approvals for servicing that are less than 10,000 litres per day will be issued by the Township as per the requirements in the *Ontario Building Code*.

**Objective 4.4.1a)** encourages the preservation of Good General Agricultural Lands for agricultural purposes. **Policy 4.6.1** provides for products process and / or sold by an **agriculture-related use** may be from surrounding local farm operations or further away provided the majority of product is from farm operations in the area.

**Policy 4.6.2** provides for *agri-tourism uses* secondary to the principal agricultural use on a property, limited in area, and complementing and contributing to the sustainability and viability of the farming operation.

**Policy 4.6.3** provides criteria for consideration when identifying whether or not *agri-tourism uses* should be permitted. The proposed use is directly or indirectly related to agriculture and benefits from a farm location:

- It has a limited scale of operation appropriate to the site and surrounding farming operations.
- Has no or minimal impact on, does not interfere with and is compatible with surrounding agricultural uses.
- Does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation.
- Is a low water and low effluent-producing use, on a site where the existing water and waste disposal systems are capable of accommodating the use and will not generate the need for additional public infrastructure.
- The timing and duration of the use does not hinder the agricultural operation on the site or on surrounding lands.
- The use does not require significant improvements to utilities or infrastructure such as roads or hydro services.
- Complies with all of policies of the WLPO and the ROP.
- Does not negatively impact cultural heritage resources.

### Efficient Development

#### Efficient Development from the Provincial Policy Statement

The PPS says Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Policy 1.1.4.1 states healthy, integrated and viable rural areas should be supported by, among other things, using rural infrastructure and public service facilities efficiently.

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## Efficient Development from the Regional Plan

ROP Strategic Objective 2.1 and Objective 4.A.1.9 direct growth and development, to urban and rural settlement areas, and support the viability of rural areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. Efficient development patterns also minimize the undesirable effects of development, including impacts on air, water, and other resources. Recognizing the diversified opportunities and needs in Niagara and balancing both urban development and the conservation of natural resources by providing a choice of employment locations, the efficient use of lands and the minimization of conflict is the Strategic Objective of the ROP.

The proposed *agri-tourism use*:

- Creates diversified opportunities for employment.
- Is the efficient use of land
- Does not create conflict between incompatible uses.
- Does not adversely impact farming.
- Does not introduce incompatible land uses within the agricultural area.
- Preserves agricultural lands.

As provided for in Policy 5.B.6, the *agri-tourism use* ensures the predominant use in Good General Agricultural Areas will be for agriculture. As required by Policy 5.D.7, the *agri-tourism use* is:

- orderly and well planned.
- Has adequate services such as policing and fire protection.
- Does not interfere with the operation of the arterial road system.

Does not aggravate any existing problems.

As required by Policy 5.D.8, as a condition of site plan control approval, it can be ensured the *development* has an adequate water supply and suitable for private waste disposal systems.



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### Zoning By-law

As illustrated on Figure 2.8, Schedule A, Map F3, the Subject Property is zoned **"Agricultural 'A', Agriculturally Related 'AR', Environmental Protection 'EP'"**. The building where the business is being operated is in the Agriculturally Related Zone. This zone allows for a variety of uses but does not include the use of a retail store or restaurant type business. The Zoning By-law provision are outlined in the following table.

### Zoning Relief Required

- Permitted Use – add *agri-tourism / value-added retail and restaurant type uses*.
- An on-farm diversified use shall be located on a lot having a minimum lot area of 10ha and containing a permitted agricultural use and associated single detached dwelling, where the specific type of on-farm diversified use is permitted by the applicable zone. (S. 3.11a) – 10ha to 2.7 ha recognizing the existing lot.
- The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed the lesser of 1% of the lot area or 0.5ha, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the lot used for the on-farm diversified use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop; and (S. 3.11c)i – increase the 1% to 2.2% to recognize the relationship between the existing building gross floor area and the existing lot size.
- On-farm diversified uses shall be operated by the person or persons whose principal residence is the dwelling on the lot, and a maximum of two (2) persons other than the residents of the dwelling on the lot are permitted to be employed in the business of the on-farm diversified uses (S. 3.11h) – delete the no existing dwelling requirement.

### POLICY AND PLANNING ANALYSIS SUMMARY

The Policy and Planning Analysis provides the basis for establishing why the *agri-tourism use is appropriate and permitted*. The Analysis provides an outline of applicable planning policy documents and regulatory context quoting specific policies that are relevant to the issue. The Analysis establishes the basis for a planning opinion by providing detailed analysis of the identified relevant policies and explaining how the *home occupation office* conforms to the policies. The Analysis discusses the appropriateness of the *home occupation office use* in relation to following planning:

- Provincial Policy and Legislation.
  - Provincial Policy Statement.
  - Growth Plan for the Greater Golden Horseshoe.
- Municipal Policy.
  - Region of Niagara Official Plan.
  - Township of West Lincoln Official Plan.
- NPCA Policy.

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Zoning Provision	AR Zone Requirement	Existing / Comment
Minimum lot area (S. 5.3)	0.4ha	2.7ha - existing lot - satisfied
Minimum lot frontage (S. 5.3)	50m	111.7m - existing lot - satisfied
Minimum front yard other main building (S. 5.3)	10m	6.5m – existing 338sqm one storey building
Minimum interior side yard other main building (S. 5.3)	7.5	5.8m – existing 338sqm one storey building
Minimum rear yard other main building (S. 5.3)	20m	20m+ - existing 338sqm one storey building - satisfied
Maximum lot coverage other buildings or structures (S. 5.3)	40%	1.2% - satisfied
Maximum height (S. 5.3)	15m	existing 338sqm one storey building - satisfied
Minimum landscaped open space (S. 5.3)	10%	Will comply
Maximum outside storage (S. 5.3)	10% of lot area	Will comply
ON-FARM DIVERSIFIED USES (S. 3.11)	An on-farm diversified use shall be located on a lot having a minimum lot area of 10ha and containing a permitted agricultural use and associated single detached dwelling, where the specific type of on-farm diversified use is permitted by the applicable zone. (S. 3.11a)	2.7ha - approval for reduced lot area required
	A maximum of three (3) on-farm diversified uses shall be permitted on a lot. (S. 3.11b)	Satisfied
	The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed the lesser of 1% of the lot area or 0.5ha, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the lot used for the on-farm diversified use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop; and (S. 3.11c)i)	2.1% - approval for increased size limit required
	On-farm diversified uses shall not exceed the following size limits	
	The total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 500sqm including the gross floor areas	338sqm - satisfied

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	used within all main buildings or structures and accessory buildings or structures on the lot; and (S. 3.11c)ii) For the purposes of determining the maximum gross floor area permitted in accordance with Subclause (v), the gross floor area that is used for on-farm diversified uses within existing main buildings on the lot shall be discounted by 50%; and (S. 3.11c)iii). Accessory buildings or structures that are used for on-farm diversified uses shall comply with the requirements of S. 3.1; and (S. 3.11c)iv). Main buildings or structures that are used for on-farm diversified uses shall comply with the regulations of the applicable zone; and (S. 3.11c)v). The total lot coverage of all main buildings or structures and accessory buildings or structures shall not exceed the maximum lot coverage of the applicable zone and (S. 3.11c)vi)	169sqm - satisfied
		satisfied
		Approval for reduced lot area required
		satisfied
		satisfied
	On-farm diversified uses shall be accessory and directly related to the existing permitted agriculture use(s) on the lot and shall primarily serve the existing permitted agricultural uses on surrounding lots in the area and (S. 3.11d) On-farm diversified uses that involve value-added packaging, processing, sale and / or storage of products shall be limited to products produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product and may include product sourced from agricultural uses on surrounding lots in the area as a secondary source of product. (S. 3.11e) The gross floor area devoted to retail sales shall not exceed 50% of the gross floor area of all buildings and structures used in conjunction with the on-farm diversified uses, to a maximum of 200 square metres of gross floor area for retail use; and (S. 3.11f) ), The gross floor area devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the lot, shall not exceed 25% of the gross floor area of all buildings and structures used in conjunction with the on-farm diversified uses, and (S. 3.11f)ii) A maximum of one (1) retail outlet shall be permitted on a lot; and (S. 3.11f)iii). The maximum area of the lot permitted to be used for outside display and sales areas shall be 25 square metres and such outdoor area shall not be counted as part of the maximum gross floor area permitted for retail use; and (S. 3.11f)iv) Outside display and sales areas shall be setback a minimum of 3m to all lot lines; and (S. 3.11f)v) Outside display and sales areas and any related structures shall not exceed a maximum height of 3m and, (S. 3.11f)vi)	n/a
		Can be satisfied
		Can be satisfied
		Can be satisfied
		Can be satisfied
		Can be satisfied
		Can be satisfied
		Can be satisfied
	Retail sales that form part of on-farm diversified uses shall be subject to the following regulations:   <	

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On-farm diversified uses that include overnight accommodations shall be limited to a permitted bed and breakfast establishment in accordance with S. 3.4, (S. 3.11i)		n/a
Notwithstanding the regulations of this Section to the contrary, certain on-farm diversified uses are subject to additional or different regulations contained in other Sections of this By-law, as follows		n/a
Parking for on-farm diversified uses shall be provided in accordance with S. 3.12, (S. 3.11k)		n/a
	1 parking space per 55 m2 of gross floor area	Can be satisfied
		169sqm of maximum agri-tourism use divided by 55sqm equals 4 parking spaces
	A maximum of one (1) sign is permitted on a lot for each permitted home occupation; and (S. 3.11)i)	Can be satisfied
	The sign shall not be illuminated; and (S. 3.11)ii)	Can be satisfied
	The sign shall have a maximum area of 0.2sqm per side; and (S. 3.11)iii)	Can be satisfied
	The sign shall be setback a minimum of 1m to all lot lines and shall not be located within a sight triangle; and (S. 3.11)iv)	Can be satisfied
	The maximum height of the sign shall be 0.8m; and (S. 3.11)v)	Can be satisfied
	The sign shall comply with the Township's Sign By-law, (S. 3.11)vi)	Can be satisfied
A sign is permitted to be displayed on the lot for on-farm diversified uses, provided		

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Good planning practice directs a plan and its policies are not written in stone. Policies such as those of the [PPS](#), [Growth Plan](#), [ROP](#), and [WLOP](#) reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and West Lincoln is about development. Protecting and preserving resources is important but land use planning is primarily about promoting and encouraging appropriate development. There are aspects of control to protect valuable and sensitive resources such as significant *cultural and natural heritage features*, from negative impacts from nearby uses but, the primary purpose is guiding development.

The philosophy of guiding development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the [Citizen's Guide](#)) states the *Act*, among other things, promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The [Citizen's Guide](#) further states, the *Act* provides the basis for preparing official plans and planning policies that will guide future development.

The [Citizen's Guide](#) states the [PPS](#) provides policy direction that will help build strong communities by protecting, among others, *natural heritage features*. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

The Objectives for Agricultural and Rural Areas in the Regional Official Plan, are, among others, to preserve Niagara's agricultural lands and provide an efficient and orderly pattern of land uses. In Good General Agricultural Areas, the predominant use of land will be for *agriculture and farm diversification agricultural related value added uses*. The West Lincoln Official Plan designates the Subject Property Good General Agricultural which permits all types of *agricultural uses and agri-tourism use*.

- Regional Strategic Objectives are satisfied including:
  - Efficient use of land through utilization of the existing barn.
  - Because there is no incompatibility with neighbouring *uses*.
  - Minimization of conflict between incompatible *uses*.
  - Minimizing the introduction of incompatible land *uses* within the *agricultural areas*.
- The Township's Vision of continued viability of agriculture on prime agricultural lands is not offended because there is no impact on existing and potential agricultural operations. Supportive accessory uses are encouraged.
- The Township's Goals and Objectives are satisfied including:

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- Provision of an environment for sustainable agriculture and related activities through the protection of *prime agricultural land* s and by preventing incompatible land *uses*.
- Recognition of the mixed-use landscape of agricultural areas.
- Recognizing the benefits of tourism and related commercial **establishments** as it relates to the economy of the Township and make provisions for its continued growth.
- Encouragement of more diversified employment opportunities for residents of the Township through the promotion new and expanding commercial businesses.
- Ensuring the long-term sustainability of the Township by expanding the property tax base.
- Since there is no need for a Severance, support of a pattern of agricultural land holdings that **increase the flexibility of agricultural operations** and avoid the fragmentation of land ownership by developing undersized and underutilized rural parcels.
- Promoting small scale secondary *uses* compatible with and do not hinder surrounding agricultural operations.

## OPINION

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the *Planning Act*; *PPS*; *Growth Plan*; *ROP*; and *WLOP*.
- Permits the proposed *agri-tourism use*.

Council can be confident the Zoning By-law Amendment is consistent with the Provincial, Regional, and Township policies. The applicant is required to enter into a Plan Agreement ensuring the development is built and maintained as approved by the Township.

The approval of the proposed Zoning By-law Amendment allows an agri-tourism use of an underutilized existing agricultural building. The proposed *Planning Act* application for a Zoning By-law Amendment is consistent with the policies for permitting and encouraging farm diversification within the Township. The proposed development constitutes good planning.

## CLOSING

This report is intended solely for Atsje Bruinsma (the "Client") in providing the Township of West Lincoln this requested Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed on-farm diversified agri-tourism use development at 8535 Twenty Road. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered

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Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site **reconnaissance** on the date(s) set out in the report, records review and interviews **with appropriate** people and the work scope provided by the Client and described in the **report** and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, **misstatement, or inaccuracy** contained in this report as a result of omissions, **misinterpretations or fraudulent acts of persons** interviewed or contacted. Reliance on this report is **only** extended to the Client. No other **representations** or warranties of any kind, either **expressed** or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes **available** at a future date, modifications to the findings, conclusions and **recommendations** in this report may be necessary.

I trust this information **will meet** your current requirements. Please do not hesitate to contact me should you **have any** questions or require additional information.

*Steven Rivers*

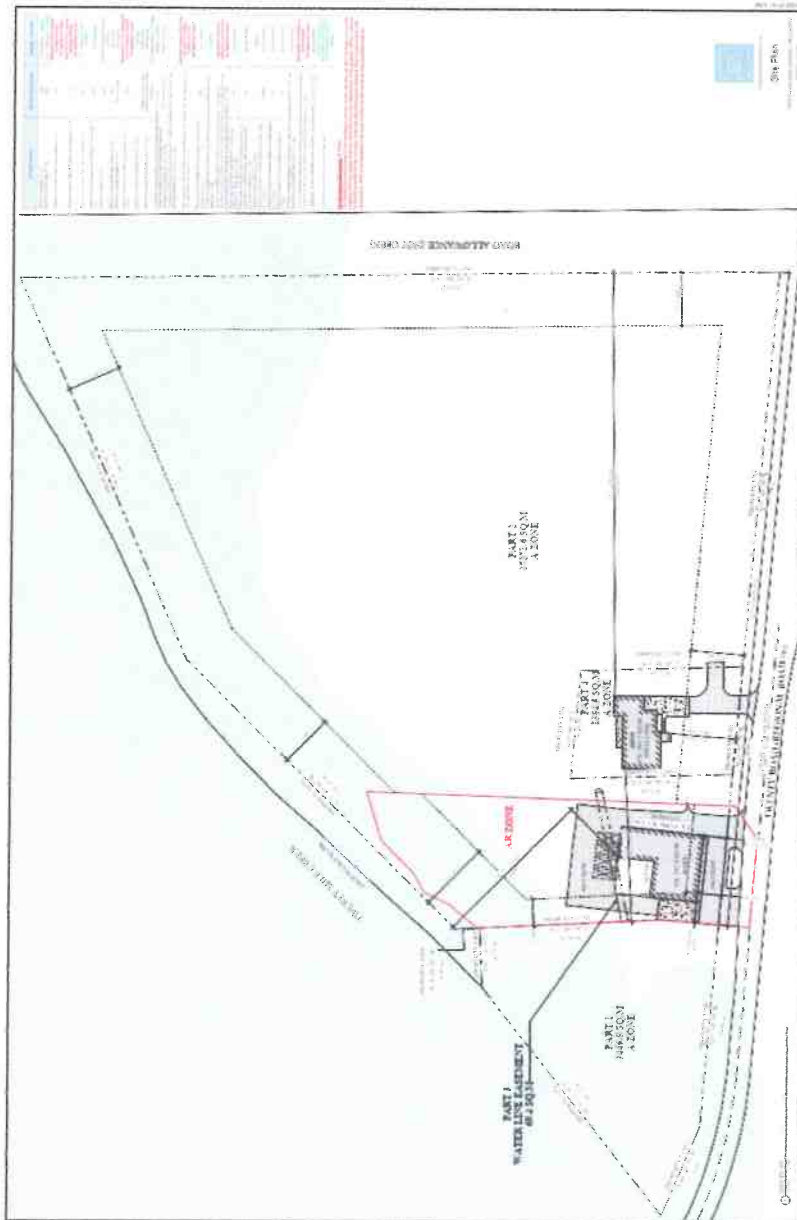
South Coast Consulting  
Land Use Planning and Development Project Management  
Steven Rivers, MCIP, RPP  
189 Clare Avenue  
Port Colborne, Ontario L3K 5Y1  
Phone: 905-733-8843  
Email: [info@southcoastconsulting.ca](mailto:info@southcoastconsulting.ca)

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## ANNEX 1

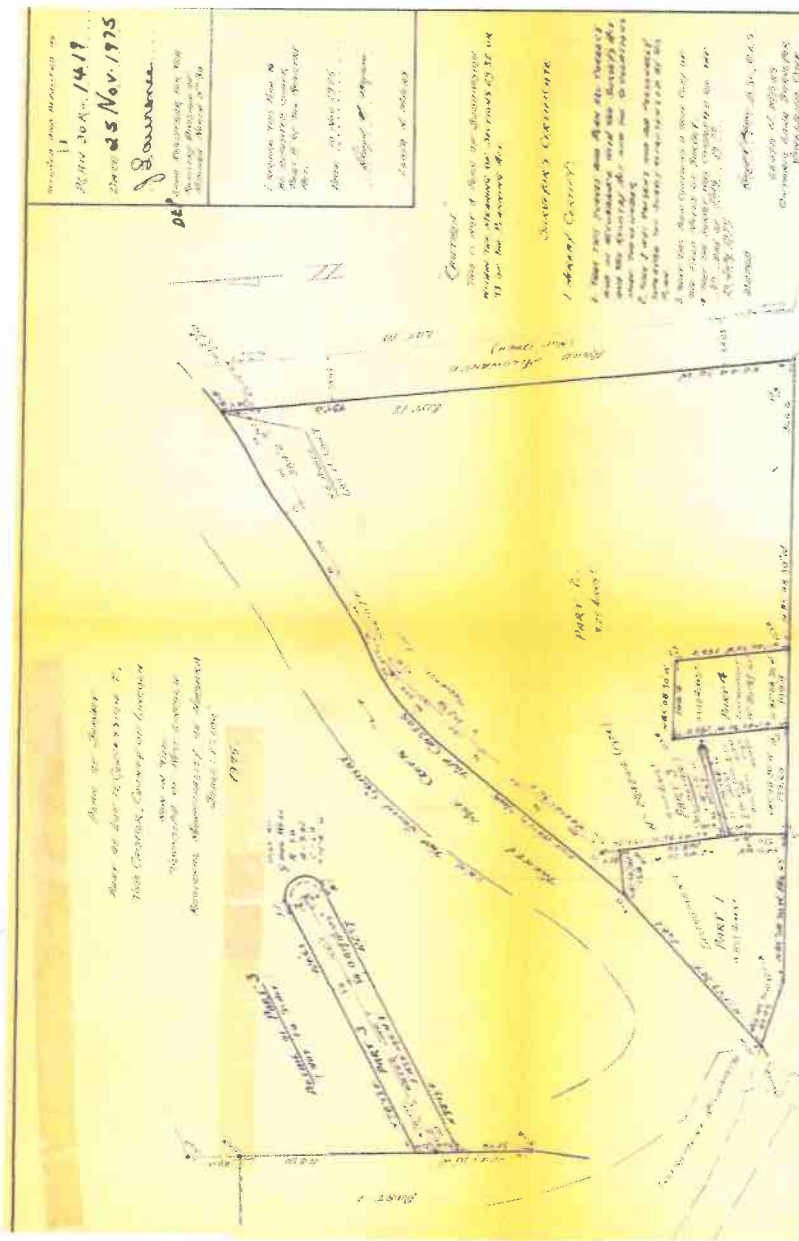
### CONCEPTUAL SITE PLAN



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## ANNEX 2

## SURVEY

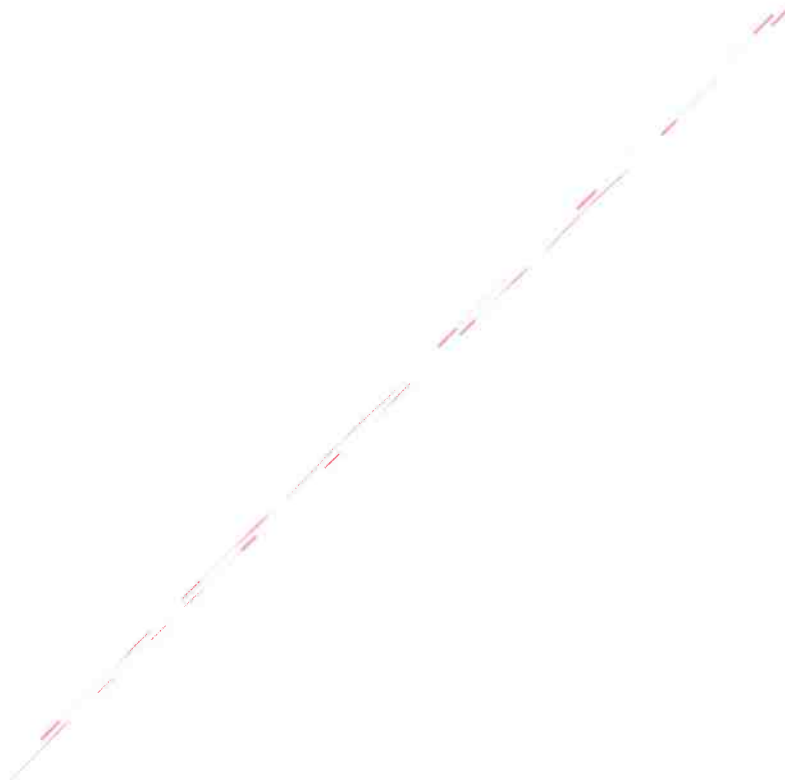


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ANNEX 3

EXCERPTS FROM RELEVANT DOCUMENTS AND COMMENTS

**AVAILABLE ON REQUEST**





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ANNEX 4

RELEVANT MINIMUM DISTANCE SEPARATION GUIDELINES

**AVAILABLE ON REQUEST**

8535 Twenty Road

## ANNEX 5

## PRE-CONSULTATION MEETING FORM



506 Cambridge St., P.O. Box 400  
Smithville, ON  
L0R 1A0  
T: 905-957-5946  
F: 905-957-5219  
www.westlincoln.ca

## Pre-consultation Meeting Form

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

Pre-Consultation Meeting Date: August 31, 2021

Site Address: 8535 Twenty Road Approximate Land Area (metric):

Site Legal Description: Concession 7, Part Lot 11, RP 30R1419, Part 2, Part 4

## Owner Contact Information:

Name of Owner: Pamela Thomaske-Haywards, & Alsje Bruinsma

Phone Number: Email: [dore\\_5@hotmail.com](mailto:dore_5@hotmail.com) (Pamela)

Principal Contact:

Phone Number: Email: [alsjebruinsma@hotmail.com](mailto:alsjebruinsma@hotmail.com) (Alsje)

## Application Type:

- ☐ Official Plan Amendment (OPA)
- ☒ Zoning Bylaw Amendment (ZBA)
- ☐ Combined OPA/ZBA
- ☐ Consent – Severance to Create New Lot
- ☐ Boundary Adjustment
- ☐ Consent – Easement
- ☐ Minor Variance
- ☒ Site Plan
- ☐ Draft Plan of Subdivision
- ☐ Draft Plan of Condominium – Standard
- ☐ Vacant Land
- ☐ Common Element

Local Municipal Contact: Garit Rowena Phone: 905-957-5133 Email: [growena@westlincoln.ca](mailto:growena@westlincoln.ca)

1. Brief description of proposed development:  
The owners have started a small business known as 'Coop n' Scoop' on the subject property. The business sells frozen chicken products (Maple Lodge), take-out icecream and other décor and wearable items. The subject property is zoned Agricultural Related 'AR' and Agriculture 'A'.
2. Check All Applicable: Brownfield ☐ Greenfield ☐ Built-up ☐ Greenbelt ☐ Local O.P. Area ☐
3. Development Charges: Regional ☐ By-law 62-2012, Local ☐ By-law 2009-63
4. Existing Regional Policy Plan Designation: Good General Agriculture  
Conformity with Regional Policy Plan land use designations and policies?: Yes ☐ No ☐  
If 'No', what is the nature of the amendment needed?
5. Existing Local Official Plan Designation: Good General Agriculture  
Conformity with Official Plan land use designations and policies? Yes ☐ No ☐

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If 'No', what is the nature of the amendment needed? \_\_\_\_\_

6. Existing Zoning: Agricultural 'A', Agriculturally Related 'AR', Environmental Protection 'EP'Conformity with existing zoning?: Yes ☐ No ☒If 'No', what is the proposed zoning: The applicants need to amend the zoning to permit retail establishment and/or connect the retail use of the property to agricultural uses on the property.7. Urban Design Guideline Applicable? Yes ☐ No ☒8. Is Site Plan approval required? Yes ☒ No ☐9. Open House Required? Yes ☐ No ☒

10. Fees Required at time of Submission of the Application

Application	Township Planning Department	Region of Niagara	Niagara Peninsula Conservation Authority	Other Fees
Regional Policy Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment	\$6,930.00	\$1,315.00	-	
Plan of subdivision				
Plan of Condominium				
Consent				
Site Plan Control or Amendment	\$2,450.00	*Region to confirm	-	
Other				
Pre-con fee deposit	- \$250.00*			
<b>TOTAL</b>				

Notes on Fees:

- **Notwithstanding** the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.
- In addition to all application fees set out above, the applicant shall pay to the Township prior to final approval, all peer review fees, engineering review costs and legal fees incurred by the Township in reviewing the application.
- \*\$250 or \$255 to be taken off of one application fee if applied for within one year.

11. Development Charges (if applicable)

	Township Fee Rate	Region of Niagara Fee Rate	Notes
Building Permit Fee			
Conditional Permit (if applicable)			
Municipal Development Charge			
Site Specific Development Charge - Sanitary			
Site Specific Development Charge - Storm			
Site Specific Development Charge - Water			
Development Charge Credits			
Other			
<b>TOTAL</b>			

12. Additional Agencies to be contacted:

☐ HYDRO   ☐ PIPELINES   ☐ OTHER \_\_\_\_\_

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4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. It is hereby understood that during the review of the application additional applications, studies or information may be required as a result of issues arising during the processing of the application.
11. There may also be financial requirements arising from the application, including, but not limited to, parkland dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, cost for lifting 0.3 metres reserves, and reimbursement for road widening acquisition or road improvements.
12. Engineering review done in association with an application will be billed to the applicant.

**Signatures:**

<u>Gerrit Boerema</u> Township Planning Staff	_____	_____
	Township Planning Staff (signature)	Date
 Township Public Works Staff	 _____	 _____
	Township Public Works (signature)	Date
 Township Building Staff	 _____	 _____
	Township CBO (signature)	Date
 <u>Lindsay Earl</u> Regional Staff	 _____	 _____
	Regional Staff (signature)	Date
 Regional Staff	 _____	 _____
	Regional Staff (signature)	Date
 <u>Nik Wensing</u> NPCA Staff	 _____	 _____
	Conservation Staff (signature)	Date
 <u>Aisje Bruinsma</u> Owner	 _____	 _____
	Agent (signature)	Date
 <u>Pamela Hendricks</u> Owner	 _____	 _____
	Owner (signature)	Date
 <u>Anja Upeac</u> Other	 _____	 _____
	Other (signature)	Date

## 8535 Twenty Road

- i. In accordance with Section 3.5; and,
  - ii. Provided that, for any *existing building or structure* that is subject to MDS II the *building or structure* shall not be *altered*, renovated, repaired or replaced in a manner that would increase the required separation distance calculated in accordance with Schedule "B".
- c) Notwithstanding this Subsection, an *existing* manure storage system which does not meet the MDS II requirements may be replaced by a more compatible system which results in a reduction in the required separation distance calculated in accordance with Schedule "B", provided the livestock housing capacity is not increased.
  - d) The requirements of this Subsection shall not apply to require setbacks to permitted *agriculture-related uses* and *on-farm diversified uses*, except where such uses are subject to MDS I where specifically required in this By-law.
  - e) Nothing in this Subsection shall provide relief from the requirement for all *buildings and structures* used for housing livestock or manure storage or anaerobic digesters to comply with the minimum *yard* and setback requirements of the *applicable zone* and the General Provisions of this By-law.
  - f) For the purposes of this By-law and application of MDS II, *existing structures* which are closed or inactive and receive low levels of visitation shall be treated as Type A land uses.

## 3.10.3 Cannabis Production (By-law 2019-04)

The following regulations apply to *cannabis production*:

- a) All *cannabis production* where permitted in Agricultural Zones shall have a minimum setback of 150m from all *lot lines* of other *lots*, except where specifically provided otherwise.
- b) All *cannabis production* where permitted in Employment Zones shall have a minimum setback of 45m from all *lot lines* abutting *lots* that are *used* or permitted to be *used* for a *dwelling* or an *institutional use*, except where specifically provided otherwise.
- c) No *outside storage* or outdoor growing or production of cannabis shall be permitted.
- d) For any *cannabis production building or structure* that consists of more than 10% glass and where artificial lighting is required, a solid fence having a minimum *height* of 1.8 metres shall be provided and maintained along every *lot line* that abuts a *lot* that is *used* or permitted to be *used* for a *dwelling* or an *institutional use*.
- e) Notwithstanding Clause (c) of this Subsection, a security fence having a minimum *height* of 1.8 metres shall be provided and maintained around the entire perimeter of the area of a *lot* that is *used* for a *cannabis production*.

## 3.11 ON-FARM DIVERSIFIED USES

The following regulations apply to *on-farm diversified uses*:

- a) An *on-farm diversified use* shall be located on a *lot* having a minimum *lot area* of 10 hectares and containing a permitted *agricultural use* and associated *single detached dwelling*, where the specific type of *on-farm diversified use* is permitted by the applicable *zone*.
- b) A maximum of three (3) *on-farm diversified uses* shall be permitted on a *lot*.

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## 8535 Twenty Road

- c) *On-farm diversified uses* shall not exceed the following size limits:
- The area of the *lot* permanently, temporarily or seasonally devoted to *on-farm diversified uses* shall not exceed the lesser of 1% of the *lot area* or 0.5 hectare, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the *lot* used for the *on-farm diversified use*, excluding existing driveways shared with a permitted principal use on the *lot* and areas that produce a harvestable crop; and,
  - The total *gross floor area* that is permanently, temporarily or seasonally devoted to *on-farm diversified uses* shall not exceed 500 square metres including the *gross floor areas* used within all *main buildings or structures* and *accessory buildings or structures* on the *lot*; and,
  - For the purposes of determining the maximum *gross floor area* permitted in accordance with Subclause (v), the *gross floor area* that is used for *on-farm diversified uses* within existing *main buildings* on the *lot* shall be discounted by 50%; and,
  - Accessory buildings or structures* that are used for *on-farm diversified uses* shall comply with the requirements of Section 3.1; and,
  - Main buildings or structures* that are used for *on-farm diversified uses* shall comply with the regulations of the applicable zone; and,
  - The total *lot coverage* of all *main buildings or structures* and *accessory buildings or structures* shall not exceed the maximum *lot coverage* of the applicable zone.
- d) *On-farm diversified uses* shall be accessory and directly related to the existing permitted *agriculture use(s)* on the *lot* and shall primarily serve the existing permitted *agricultural use(s)* on the *lot* and the existing permitted *agricultural uses* on surrounding *lots* in the area.
- e) *On-farm diversified uses* that involve value-added packaging, processing, sale and/or storage of products shall be limited to products produced by, or derived from, the principal *agricultural use(s)* on the *lot* as the primary source of the majority of the product, and may include product sourced from *agricultural uses* on surrounding *lots* in the area as a secondary source of product.
- f) Retail sales that form part of *on-farm diversified uses* shall be subject to the following regulations:
- The *gross floor area* devoted to retail sales shall not exceed 50% of the *gross floor area* of all buildings and structures used in conjunction with the *on-farm diversified uses*, to a maximum of 200 square metres of *gross floor area* for retail use; and,
  - The *gross floor area* devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the *lot*, shall not exceed 25% of the *gross floor area* of all buildings and structures used in conjunction with the *on-farm diversified uses*; and,
  - A maximum of one (1) retail outlet shall be permitted on a *lot*; and,
  - The maximum area of the *lot* permitted to be used for outside display and sales areas shall be 25 square metres and such outdoor area shall not be counted as part of the maximum *gross floor area* permitted for retail use; and,
  - Outside display and sales areas shall be setback a minimum of 3 metres to all *lot lines*; and,
  - Outside display and sales areas and any related structures shall not exceed a maximum height of 3 metres.
- g) Outside storage for purposes other than outside display and sales areas on the *lot* shall be located in a rear yard or side yard and screened from view from public streets and adjacent *lots* by

8535 Twenty Road

*planting strips* in accordance with Subsection 3.9.2, and shall comply with the regulations of the applicable *zone*.

- h) *On-farm diversified uses* shall be operated by the *person* or *persons* whose principal residence is the *dwelling* on the *lot*, and a maximum of two (2) *persons* other than the residents of the *dwelling* on the *lot* are permitted to be employed in the business of the *on-farm diversified uses*.
- i) *On-farm diversified uses* that include overnight accommodations shall be limited to a permitted *bed and breakfast establishment* in accordance with Section 3.4.
- j) Notwithstanding the regulations of this Section to the contrary, certain *on-farm diversified uses* are subject to additional or different regulations contained in other Sections of this By-law, as follows:
  - i. The requirements of Section 3.4, for *bed and breakfast establishments*; and,
  - ii. The requirements of Section 3.7, for *home occupations* and *home industries*; and,
  - iii. The requirements of Section 3.8, for *private kennels* and *pet care establishments*.
- k) Parking for *on-farm diversified uses* shall be provided in accordance with Section 3.12.
- l) A *sign* is permitted to be displayed on the *lot* for *on-farm diversified uses*, provided:
  - i. A maximum of one (1) *sign* is permitted on a *lot* for each permitted *home occupation*; and,
  - ii. The *sign* shall not be illuminated; and,
  - iii. The *sign* shall have a maximum area of 0.2 square metres per side; and,
  - iv. The *sign* shall be setback a minimum of 1 metre to all *lot lines* and shall not be located within a *sight triangle*; and,
  - v. The maximum *height* of the *sign* shall be 0.8 metre; and,
  - vi. The *sign* shall comply with the *Township's Sign By-law*.

### 3.12 PARKING AND LOADING FACILITIES

#### 3.12.1 Applicability and General Requirements

The following regulations apply to parking and loading facilities:

- a) Parking and loading facilities shall be provided and maintained for the identified *uses* of *lots*, *buildings* and *structures* in accordance with the requirements of this Section.
- b) Notwithstanding Clause (a) of this Subsection to the contrary, the requirements of this By-law for providing and maintaining parking and loading facilities shall not apply to *existing uses* of *existing lots*, *buildings* and *structures* provided:
  - i. The *existing use*, *lot*, *building* or *structure* was lawfully in existence prior to the effective date of this By-law; and,
  - ii. Where there is a change in *use* of a *lot*, *building* or *structure*, parking and loading facilities shall be provided and maintained for such new *use* in accordance with the requirements of this Section, except that no additional parking or loading facilities shall be required for a change in *use* of an *existing lot*, *building* or *structure* located in the *Core Commercial (C1) Zone*; and,
  - iii. If the number of *dwelling units*, the *floor area* or the seating capacity within a *building* or *structure* is increased, parking and loading facilities shall be provided for such increased

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## 8535 Twenty Road

- iv. The crushing (flattening) of motor vehicle bodies shall be restricted to the east half of Lot 20, Concession 4, south of the Ontario Hydro tower line and 456 metres north of Concession 3 Road.
- v. All motor vehicle fluids, including gasoline and diesel fuels, oil, battery acid and coolant shall be collected from wrecked motor vehicles, stored and disposed in an environmentally sound manner acceptable to the Ministry of the Environment.
- vi. The site shall be considered a site plan control area pursuant to Section 41 of *The Planning Act, R.S.O. 1990*. The site plan and agreement will include all facilities and works associated with the operation including buildings, fencing, landscaping and buffering, drainage, motor vehicle storage and parking areas.

**(b) Area 2**

This area includes lands forming part of Lots 19 and 20, Concession 4, former Township of Caistor, fronting on the east side of Regional Road 2 between Regional Road 65 to and including the north side of Concession 3 Road, and limited to those areas designated on Schedule 'B-2' land use Map, shall be used for rural residential purposes subject to the required Minimum Distance Separation distance and the requirements of the Township of West Lincoln Building Department. The implementing Zoning By-law shall require an adequate separation distance and screening between new dwellings and the adjacent motor vehicle recycling and salvage operation. Development shall only proceed by plan of subdivision. No motor vehicle access to the adjacent Special Rural designation shall be permitted within the lands affected by subsection 4.5(a).

**4.6 Agriculture-Related Uses and On-farm Diversified Uses**

Allowing a range of appropriate on-farm agriculture-related uses and on-farm diversified uses contributes to economically sustainable agriculture in the Township, strengthens the *agricultural system*, facilitates broader access to local food and beverages, agricultural products and VQA wines, preserves the agricultural land base, and maintains the scenic quality of the agricultural landscape.

*Agriculture-related* uses and *On-farm diversified* uses may be permitted in accordance with the policies in this Plan and specifically in accordance with the following:

- a) The location of the facility or use imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- a) An adequate and potable water supply is available.

8535 Twenty Road

8535 Twenty Road

8535 Twenty Road

8535 Twenty Road



8535 **Twenty** Road

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## Memo

**To:** Gerrit Boerema, Planner II, Jessica Dyson, Deputy Clerk  
**From:** Jennifer Bernard, Coordinator of Engineering Services  
**Date:** December 22, 2022  
**Re:** File 1601-012-22 – 8535 Twenty Road - Bruinsma

---

A review has been completed of this application for a Zoning By-law Amendment to rezone the property at 8535 Twenty Road to permit an agri-tourism use, specifically a country market.

Public Works has no objections to this application however the Township has previously received complaints, and has concerns about vehicles stopping/parking on Twenty Rd that are visiting this property. Staff would like to see the owner address this issue by providing adequate on-site parking for the business.

**Gerrit Boerema**

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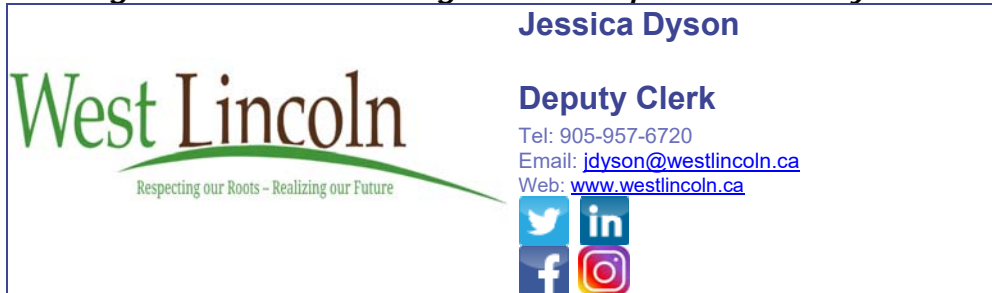
**From:** Jessica Dyson  
**Sent:** January 3, 2023 9:56 AM  
**To:** Gerrit Boerema  
**Cc:** Stephanie Pouliot; Brian Treble; Jeni Fisher  
**Subject:** FW: File No. 1601-012-22

Good morning

Please see comments below with respect to the Twenty Rd Public Meeting.

Thank you  
Jess

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***



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.

**From:** Jason Bouwman [REDACTED]  
**Sent:** December 26, 2022 4:02 PM  
**To:** Jessica Dyson <[jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)>  
**Subject:** File No. 1601-012-22

We're writing to share a concern over the intent to permit a country market at 8535 Twenty Road. While we have no issues with the type of business being proposed we do worry about the traffic safety at the adjacent intersection of Twenty Road and Caistor Centre Road. This intersection is already tricky to navigate for many motorists. Increased flow of traffic due to a retail operation + vehicles slowing to turn into the parking area + vehicles entering the flow of traffic from a market's parking area + people that choose to park their vehicles on the shoulders of Twenty Road will potentially exacerbate the problem. Please give due consideration to this issue when deciding on this application.

respectfully,  
Jason and Debra Bouwman

**Jason Bouwman**

PRINCIPAL



**Gerrit Boerema**

---

**From:** Jessica Dyson  
**Sent:** January 3, 2023 3:19 PM  
**To:** Gerrit Boerema  
**Cc:** Brian Treble; Jeni Fisher  
**Subject:** FW: Document shared with you: "Copy of WestLincolnFile#1601\_012\_22"  
**Attachments:** imaged47d01.PNG

FYI

*Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.*



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.

**From:** [REDACTED]  
**Sent:** January 3, 2023 3:01 PM  
**To:** Jessica Dyson <[jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)>  
**Subject:** Re: Document shared with you: "Copy of WestLincolnFile#1601\_012\_22"

Hello Jessica,

I would like to add clarification to the first paragraph after the three bullets regarding the timing of notices and public meeting.

Where I wanted to inquire to see if the new owners applied for a building permit to relocate, enlarge, move the location, and changed the type of "Septic system" they did in early spring of 2021.

I wasn't clear that it was the "Septic system", so herein is the necessary information.

Thank you for your time and prompt response.

Yours respectfully

Darrell Patzalek &

Eda Martini

8555 Twenty Rd, Smithville, ON L0R 2A0, CA

On Tue, Jan 3, 2023, 2:44 p.m. Jessica Dyson <[jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)> wrote:



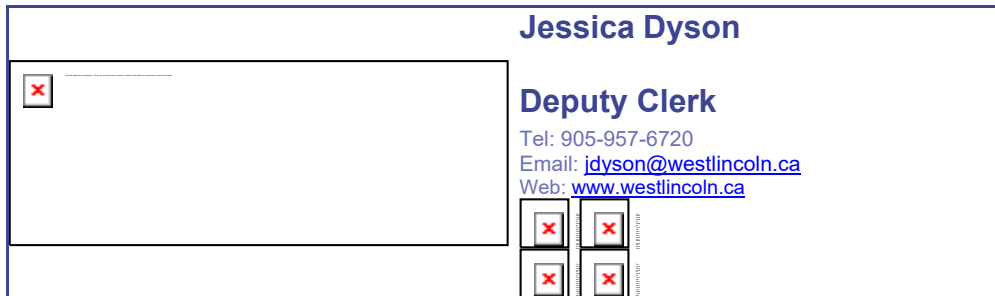
Good afternoon,

This is to advise that your comments with respect to the Public Meeting (File No. 1601-012-22 have been received.

Thank you,

Jessica

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***

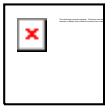


The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons 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.

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**From:** Xendogz M (via Google Docs) [mailto:[emartinilucky13@gmail.com](mailto:emartinilucky13@gmail.com)]  
**Sent:** January 3, 2023 12:29 PM  
**To:** Jessica Dyson <[jdyson@westlincoln.ca](mailto:jdyson@westlincoln.ca)>  
**Cc:** Gerrit Boerema <[gboerema@westlincoln.ca](mailto:gboerema@westlincoln.ca)>; Mike Rehner <[mrehner@westlincoln.ca](mailto:mrehner@westlincoln.ca)>  
**Subject:** Document shared with you: "Copy of WestLincolnFile#1601\_012\_22"

Xendogz M shared a document



invited you to **edit** the following document:



File No. and Name: 1601 012 22- 8535 Twenty Road - Bruinsma.



Copy of WestLincolnFile#1601\_012\_22



This email grants access to this item without logging in. Only forward it to people you trust.



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Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [emartinilucky13@gmail.com](mailto:emartinilucky13@gmail.com) shared a document with you from Google Docs.

Google™

TOWNSHIP OF WEST LINCOLN

**RECEIVED**

JAN 04 2023

PER 

SMITHVILLE, ONTARIO

**Darrell Patzalek & Eda Martini**  
8555 Twenty Road, R.R.# 1  
Smithville, Ontario, L0R 2A0, Canada

3rd January 2023

**Mayor Cheryl Ganann,**  
Counselor Mike RehnerMCEO,  
The Township of West Lincoln 123 Address St  
318 Canborough St., P.O. Box 400  
Smithville, ON L0R 2A0  
Canada

**RE: File No. and Name: 1601-012-22 - 8535 Twenty Road - Bruinsma**

Dear Mayor & Counselor,

**SUBJECT MATTER: Request for an extension**

Due to the lack of time to thoroughly examine and prepare written comments with regard to above noted File, it is only fair to grant an extension of twenty (20) business days. Only seven (7) business days have been given at this time.

- The Township of West Lincoln received South Coast Consulting Package on October 18th, 2022.
- Notification to 8555 Twenty Road from West Lincoln Township was postmarked December 13, 2022, and received by 8555 Twenty Road residence late afternoon of Friday, December 16th, 2022.
- The Township of West Lincoln and other bodies that need to be contacted were all closing for the holidays. Closures began Friday 23rd December at 4 pm and were not reopening until today's date of 3rd January 2023.

We have several concerns that need addressing, such as whether was there ever a building permit attained when 8535 Twenty Road, the new owner's, changed the type, moved from the original location, and made larger and closer to the protected water, (CNHS) Core Natural Heritage Wetland Complex. Then there is the rear parking lot, on the north side of the existing barn, (proposed commercial business of marketplace), an area that they have made into a parking lot. This area is located immediately horizontal to the east of my back door, approximately 10 meters, right on the property line.

Then there is the issue of 8555 Twenty Road's Well that supplies our water being located way over on 8535 Twenty Road by the driveway on the east

*Eda  
of Septic management*

---

side of the barn, proposed grocery store, and slightly northwest of the home. This easement was clearly noted on the original surveys and at the time of severance of the mid-1960s, then finally at the time of sale and purchase of 8535 Twenty Road property in 2022. The increased driveway on the east side of the proposed grocery, and the newly formed parking lot on the north side of the proposed grocery store now extend, we believe, into the 120 metre protection zone of the KNHF, NHE, and over top of our water pipes from the well to our home.

These are just a few of the very urgent issues that must be addressed, before moving forward with this **HYBRID PUBLIC MEETING**, January 6th, 2023 cutoff, and the meeting itself scheduled for Monday, January 16th, 2023 at 6:30 PM.

We respectfully request full transparency on behalf of the Township of West Lincoln by granting us this extension.

Yours Respectfully,

The image shows two handwritten signatures in blue ink. The top signature is 'Darrell Patzalek' and the bottom signature is 'Eda Martini'. Both signatures are fluid and cursive.

**Darrell Patzalek & Eda Martini**

DM: em

Cc: Gerrit Boerema, MCIP RPP, Senior Planner

Email: [gboere@westlincoln.ca](mailto:gboere@westlincoln.ca)

**Darrell Patzalek & Eda Martini**  
8555 Twenty Road, R.R.# 1  
Smithville, Ontario, L0R 2A0, Canada

5th January 2023

**Gerrit Boerema, MCIP RPP,**  
Senior Planner, Planning/Building/Environmental  
The Township of West Lincoln  
318 Canborough St., P.O. Box 400  
Smithville, ON L0R 2A0

**RE: File No. and Name: 1601-012-22– 8535 Twenty Road – Bruinsma**

Dear Gerrit,

**SUBJECT MATTER: Supporting Documents of Water Well Easement:**

- ☐ Enclosed herein:
- ☐ The survey, dated 25 Nov 1995, 2 pages
- ☐ Indenture, Deed, dated 27th February 1980
- ☐ MLS Real Estate Listing, dated 7th January 2021

Herein, is documented proof of easement for our well and piping over on 8535 Twenty Road to our address of 8555 Twenty Road. Which I feel is self-explanatory.

Also included, is Darrell's lawyers' application for Land Ownership Deed to Darrell Patzalek, dated 1980 27th February. If I could bring to your attention to paragraph 2, at the bottom of the page, where it is written clearly about easements which we claim.

Finally, I've enclosed a copy of the original MLS Real Estate Listing, which was used at the time of sale to A. Bruinsma & Pamela H., (now only by A. Bruinsma).

Yours Respectfully,



**Darrell Patzalek & Eda Martini**

DM: em

Enclosures



THERE ARE NO HANGING LINES ON THIS PLAN.

BOUNDRIES AND ASTRONOMIC AND ARE  
REFERRED TO THE EASTERN LIMIT LOT 11,  
CONCESSION 1, THE CANTON AS N 0° 44' 30" N  
ACCORDING TO MEASUREMENTS BY N° 981.

Page 112 of 203

Attachment 3 to PD-02-2023  
File No. and Name. 1601-012-22-8535 TWENTY ROAD -  
BRUINSMA  
Pg 3 of 4

ENCL: #18

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## Barich Grenkie Surveying Ltd.

Edward J. Grenkie, O.L.S., S.L.S.  
President

---

Unit C, 28 King St. E  
P.O. Box 66703  
Stoney Creek, ON L8G 5E6  
Bus: (905) 662-6767  
Fax: (905) 517-9947  
CULVERT FEB/2005

# This Indenture

94 of 6

made in duplicate the 27th day of February  
one thousand nine hundred and eighty

In Pursuance of the Short Forms of Conveyances Act:  
Between

DAVID BRUCE COX, of the Township of West  
Lincoln, in the Regional Municipality of  
Niagara, and HELEN COX, his wife, of the  
same place,

hereinafter called the Grantors of the FIRST PART

DARRELL PATZALEK, of the Town of Stoney Creek,  
in the Regional Municipality of Hamilton-  
Wentworth, and NANCY KIRKWOOD, of the same  
place,

and the sum of ONE----- (\$1.00)----- dollar of  
lawful money of Canada now paid by the said grantees to the said grantors (the receipt  
whereof is hereby by them acknowledged) they the said grantors DO

GRANT unto the said grantee in fee simple as joint  
tenants and not as tenants in common.

ALL and Singular that certain parcel or tract of land and premises, situate, lying and  
being in the Township of West Lincoln, in the Regional Municipality  
of Niagara, and the Province of Ontario, and being composed of  
part of Lot Eleven (11) in the Seventh Concession of the said  
Township of Caistor, and designated as Part 1, according to a  
Reference Plan deposited in the Registry Office for the Registry  
Division of Niagara North as Plan 30R-1419;

Together with the exclusive right and easement in perpetuity of  
using the water from the existing dug Well situate on that part  
of said Lot Eleven, designated as Part 3, on said Plan 30R-1419,  
to be appurtenant to and for the benefit of said Part 1, with the  
right and easement to enter upon the said Part 3 for the purpose  
of repairing and cleaning the said Well and the waterline and  
pipes leading therefrom on said Part 3 to said Part 1.



File No. and Name: 160-012-22-8535 Twenty Road - BRUINSMA  
Attachment 3 to PD-02-2023

HAZELL, GAY & WHITE  
Barristers - Solicitors - Notaries  
20 HUGHSON STREET SOUTH  
HAMILTON, ONTARIO

Pg 5 of 6.

WILLIAM HAZELL, Q.C., B.A. - 1920 - 1962  
LESLIE W. GAY, Q.C. - 1921 - 1958  
WILLIAM J. C. WHITE, Q.C., B.A.  
—  
ERIC H. PALMER, B.A., LLB.

TELEPHONE: 522-4611  
MAILING ADDRESS:  
P. O. BOX 906  
HAMILTON, ONTARIO  
L8N 3P6

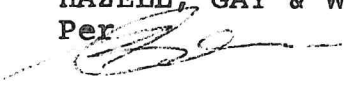
27th February, 1980

Mr. Frank Vine  
Barrister & Solicitor  
272 Kenilworth Avenue North  
Hamilton, Ontario  
L8H 4S9

Dear Sir:

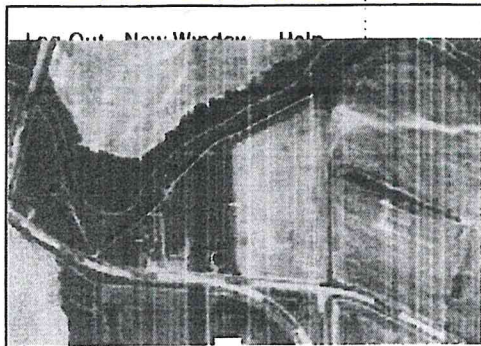
Re: Cox sale to Patzalek and Kirkwood  
Regional Road #6, Smithville  
Our file #50 - 80P

At this time we enclose herewith draft deed in the above matter.

Yours very truly,  
HAZELL, GAY & WHITE  
Per 

EHP:jn  
Encls.

File No. and Name: 1601-012-22-8535 TWENTY ROAD-BRUINSMA



33 of 33

8535 Twenty Rd  
West Lincoln Ontario L0R 2A0  
West Lincoln Niagara  
Taxes: \$1,706.00 /2020 For: Sale % Dif: 88  
SPIS: N Last Status: Sld  
Con 7 Pt Lot Rp 30R1419 Part 2 Part 4 DOM: 34

Detached Fronting On: N Rms: 6  
Link: N Acreage: 5-9.99 Bedrooms: 3  
Bungalow Lot: 607.67 x 736.69 Washrms: 1  
Irreg: Easement For Feet 1x4xMain  
Well  
Dir/Cross St: Caistor Centre Rd

Pg 6 of 6

MLS#: X5055948  
PIN#: 460560275  
Holdover: 90

Seller: Thomas Howard Packham

ARN#: 260201000235900

Occupancy: Owner

Contact After Exp: N

Kitchens: 1  
Fam Rm: N  
Basement: Finished / Full  
Fireplace/Stv: Y  
Heat: Water / Oil  
A/C: Central Air  
Central Vac:  
Apx Age: 51-99  
Apx Sqft: 1100-1500  
Assessment: 197000 / 2016  
POTL:  
Laundry lev:

Exterior: Brick / Stone  
Drive: Private  
Gar/Gar Spcs: Attached / 1  
Drive Pk Spcs: 20  
Tot Pk Spcs: 21  
UFFI:  
Pool: None  
Prop Feat: Golf,  
Grnbelt/Conserv, Library, Park, Place  
Of Worship, River/Stream

Zoning: A2  
Cable TV: Hydro:  
Gas: Phone:  
Water: Well  
Water Supply: Cistern  
Sewer: Septic  
Waterfront: Direct  
Retirement:  
Farm/Agr: Other  
Oth Struct: Workshop  
Spec Desig: Other

#	Room	Level	Length (ft)	Width (ft)	Description
1	Foyer	Main	12.82	x 6.82	
2	Kitchen	Main	12.66	x 10.99	
3	Living	Main	10.99	x 8.66	
4	Dining	Main	17.42	x 12.76	
5	Master	Main	12.33	x 11.15	
6	2nd Br	Main	12.23	x 9.15	
7	3rd Br	Main	13.25	x 9.74	
8	Rec	Bsmt	23.75	x 11.32	
9	Laundry	Bsmt	16.66	x 12.23	
10	Workshop	Bsmt	16.5	x 12.17	
11	Games	Bsmt	18.73	x 15.25	
12	Utility	Bsmt		x	

Client Remks: Picturesque 7.6 Acre Hobby Farm Backing Onto Twenty Mile Creek. 60' X 24' Barn That Includes Storage Area, Two Cooler Rooms, Large Storage Loft Plus A 34' X 12' Lean-To Behind The Shop. Connected To The Barn Is A 44' X 24' Shop With One Bay Heated By A Woodstove, Plus Another Double Bay For Storage. Shop/Barn Is Serviced By 100 Amp Service & Water Line From The Cistern. Approx 4 Acres Rented By A Neighbouring Farmer For \$300/Year On A Year-Year Basis.

Extras: Propane Tnk, Irrigat Pmp, Ss Fridge, Stove, Bi Mw, Bi Dw, W & D, All Win Cover & Blnds, Garage Door Op, Work Bnches, Woodstve In Shop, Air Compressor, Weider, 220 Heater. (All in As is Condition On Closing). Chest Freezer And Fridge in Basem  
Brkage Remks: Attach Sch B & 801. 24 Hours Irrev. Co List W Schilstra. "1% + Hst Reduction To Cooperating Broker Commission If Buyer (Or Buyer's Family) Is Shown By Listing Brokerage & Brings Successful Offer (Oh Excl)

List: RE/MAX ESCARPMENT REALTY INC., BROKERAGE Ph: 905-573-1188 Fax: 905-573-1189

CONRAD GUY ZURINI, Broker of Record 905-573-1188

Co-Op: NON-TREB BOARD OFFICE, BROKERAGE

Member Non-Treb, Staff

Contract Date: 12/03/2020

Sold Date: 1/06/2021

Leased Terms:

Expiry Date: 2/27/2021

Closing Date: 2/12/2021

Original: \$999,900

Last Update: 1/07/2021

CB Comm: 2.5% Plus Hst

905.957.1188



**DATE:** January 16, 2023

**REPORT NO:** PD-03-2023

**SUBJECT:** **Technical Report**  
**Application for Official Plan Amendment and Zoning Bylaw**  
**Amendment Lot 34, Plan M89 Mill Street File No. 1601-013-22**  
**(ZBA) 1701-003-22 (OPA)**

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

**OVERVIEW:**

- An application for Official Plan and Zoning Bylaw amendment has been submitted by Mr. Steven Rivers and Olufemi Oyegbami and Stephen Sorinwa for the property located on the north side of Mill Street, being legally described as Lot 34, Plan M89.
- The subject property is 595.2 square metres in area and is currently vacant.
- The subject property is designated as medium density residential in the Township's Official Plan and is zoned low density residential 'R1B'.
- The Official Plan amendment application has been submitted to permit three residential units in the form of street townhouse units to be constructed on the property, with a unit density of 50.4 units per hectare, whereas, the medium density designation only permits a maximum density of 40 units per hectare.
- The zoning bylaw amendment has been requested to rezone the subject property to Residential Medium Density 'RM2' with three site specific exceptions:
  - A reduced minimum lot frontage from 6 metres to 5.8 metres for the middle unit.
  - A reduced minimum interior side yard for the easterly unit from 3 metres to 1 metre, although 1.2 metre is the setback shown on the site plan.
  - An increased maximum garage width from 50% of the lot frontage to 63% of the lot frontage for the westerly unit.
  - Staff have also identified that there is a deficient lot area for the middle unit.
- If approved, this development would result in a three unit street townhouse that would then be severed through the Committee of Adjustment into three freehold lots.
- Township Staff have completed a preliminary review of the applications and recommend that a Recommendation report be prepared and presented at a future Planning/ Building/Environment Committee Meeting once all agency and public comments have been received and staff complete their full review.

**OVERVIEW:**

- Township Staff have completed a preliminary review of the applications and recommend that a Recommendation report be prepared and presented at a future Planning/ Building/Environment Committee Meeting once all agency and public comments have been received and staff have completed their full review, to maintain the legislated 90 day review and approval timeline applicable in the *Planning Act* and Bill 109.
- From the date of complete application, being November 21, 2022, 120 days would result in a decision having to be made by March 28, 2023.

**RECOMMENDATION:**

1. That Report PD-03-2023, regarding “Technical Report – Application for Official Plan and Zoning Bylaw Amendment, Lot 34, Plan M89 Mill Street File No. 1601-013-22 (ZBA) 1701-003-22 (OPA)”, dated January 16, 2023, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee Meeting following the review of all agency and public comments and a full review of the planning applications.

**ALIGNMENT TO STRATEGIC PLAN:**

**Theme #3**

- **Strategic Responsible Growth**

**BACKGROUND:**

An application to amend the Township’s Official Plan and the Township’s Zoning Bylaw, 2017-70, as amended, has been submitted by Mr. Steven Rivers of South Coast Consulting, and the property owners, Mr. Olufemi Oyegbami, and Mr. Stephen Sorinwa. The subject property is located on the north side of Mill Street in the cul-de-sac and is currently vacant and without a municipal address. The property is legally described as Lot 34, Plan M89. A location map can be found within Attachment 1.

The applicants have submitted these applications in order to develop the property into three street townhouse units which they plan to sever through a future consent application following construction. The street townhouse units are proposed to be three storeys in height, or 11 metres to the mid-point of the peak, with private garages located on the ground floor.

A sanitary sewer easement that provides servicing for a number of properties to the north bisects the property in behind the proposed townhouse in the developments rear yard.

The subject property is 595.2 square metres and is currently designated in the Township’s Official Plan as Medium Density Residential. The medium density residential designation permits a variety of residential built forms, including townhouses. The maximum density for medium density residential development is 40 units per hectare, which on this property would limit the development to two units. The applicants are requesting a density of 50.4 units per hectare to permit three units and therefore an Official Plan Amendment is required.

Additionally, the applicants are requesting to amend the zoning on the subject property from Low Density Residential 'R1B', which does not permit townhouses, to Residential Medium Density 'RM2', with three site specific exceptions, which would allow for street townhouses. A fourth exception needed for lot area has been identified by staff.

If the amendments are approved, the applicants would additionally be required to apply for a development agreement to regulate the development and the connection to services for the site, and a severance application to split the three unit townhouse into three individual lots.

### **CURRENT SITUATION:**

The Planning Department has completed a preliminary review of this application against the applicable provincial, regional and local planning policies. The summary of this review can be found below:

#### **Provincial Policy Statement, 2020**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement (PPS) provides the policy foundation for regulating the development and use of land with the goal of enhancing the quality of life for all Ontarians. Section 1.1.3 of the PPS provides specific policy in regards to Settlement Areas, which the subject property is designated in the PPS. Settlement areas include both urban and rural settlement areas and are to be the focus of growth and development. Land-use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities and avoids the need for unjustified and/or uneconomical expansions.

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Planning authorities shall also establish and implement minimum targets for intensification and redevelopment within built-up areas based on local conditions. The subject property is located within the designated built-up area and the Township's intensification target for 2021-2051 is 13% or 1,130 units (38 units per year on average). Intensification and redevelopment help reduce urban sprawl over agricultural lands through increasing the population density within the existing built area.

The subject property is located within the urban settlement area of Smithville, within the built-up area and therefore contributes to the 13% intensification target and would make use of existing infrastructure. The Township Public Works Department will play an important role in intensification and redevelopment ensuring that existing infrastructure has capacity to handle the additional flows.

#### **A Place to Grow, Growth Plan for the Greater Golden Horseshoe – 2020 Consolidation**

The A Place to Grow – Growth Plan for the Greater Golden Horseshoe (Growth Plan) builds on the Provincial Policy Statement to establish a unique land use planning

framework for the Greater Golden Horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment and social equality. The policy document specifically guides how and where to grow communities, how to support growth while protecting what is valuable, such as the natural environment and agricultural lands.

One of the key themes within the Growth Plan is the importance of establishing and achieving the minimum intensification targets within the Province. Intensification is defined in the Growth Plan as “the development of a property, site or area at a higher density than currently existing through; a) redevelopment including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas’ c) infill development; and the expansion or conversion of existing buildings.”

Section 2.2.2 of the Growth Plan specifically requires municipalities to develop intensification strategies within the delineated built-up area, ensuring that lands are zoned and designed in a manner that supports the achievement of complete communities. The Delineated Built-up area is a fixed line that reflects what was built and on the ground when the initial Growth Plan came into effect in June 2006. Planning and investment should prioritize infrastructure and public service facilities that support intensification.

### **Greenbelt Plan**

The subject property is not located within lands designated as being within the Greenbelt and therefore the PPS and Growth Plan are the only provincial policy plans that apply. The Township of West Lincoln only has approximately 360 hectares of land designated as Greenbelt north of Young Street and east of Thirty Road.

### **Niagara Official Plan, 2022**

On November 4, 2022 the Ministry of Municipal Affairs and Housing approved the Niagara Official Plan. The plan provides a framework of policies to guide growth and development within the Niagara Region to the year 2051.

The new Niagara Official Plan has the subject lands designated as being within the settlement area of Smithville and within the Delineated Built-Up Area. In the Niagara Official Plan, the Township of West Lincoln has been assigned a minimum residential intensification target of 13% or 1,130 units to the year 2051, which are units that are to be located within the Delineated Built-Up Area. The subject lands are within the Delineated Built-Up Area and as the property is currently vacant, would be considered an intensification opportunity and would support the Township’s overall intensification target.

The Niagara Official Plan provides additional policies with regards to housing in Section 2.3 of the Plan. The objects of the plan are to provide a mix of housing options to address current and future needs, provide more affordable and attainable housing options within our communities, and to achieve affordable housing targets through land use and financial incentive tools. This application would contribute to the overall intensification target established by the Niagara Official Plan.

## Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan has the subject property designated as Medium Density Residential. Policies with respect to the Medium Density Residential designation are found in Section 6.3 of the Township's Official Plan. Within the Medium density designation permitted uses include townhouses and other forms of multiple ground related housing, low-rise apartment buildings and accessory apartments, amongst other uses.

Medium Density residential buildings shall not exceed a height of three storeys where there is no secondary plan approved, and shall also achieve a gross density of 20 – 40 units per hectare. Infill development may be considered at a lower density and height standards. Finally, all medium density residential development shall be subject to site plan control and shall conform to the Township's urban design guidelines (6.3.3 e.). Although the Province has approved changes to the *Planning Act* which would exempt the proposed three unit townhouse development from site plan and urban design approval, our Official Plan has not been updated to reflect these changes at this time.

The Township Official Plan also has policy with respect to Infill Development (Section 6.6.4) and Development Criteria for Townhouses (Section 6.6.6). The fundamental principle for infill development is to avoid and mitigate any inappropriate interface between buildings and/or uses. New infill development shall be compatible with existing and planned developments and shall specifically provide similar height, lot coverage, setbacks and built form with adjacent lands and development. Infill development shall have limited garage widths so that the dwelling(s) reflect the character and façade of the adjacent housing. Finally, infill developments should incorporate a transition area where possible to single and semi-detached lots. Overall, compatibility shall be prioritized over intensification.

Townhouse development criteria found in Section 6.6.6 provides additional policy requiring that the design of the townhouse dwelling complex be compatible with surrounding development.

The proposal for three townhouse units exceeds the maximum gross density permitted within the Medium Density Designation, but is within the height limitation of three storeys. The applicants are also requesting wider garages than permitted in the zoning bylaw, which needs to be further reviewed in relation to the Official Plan policy in regards to ensuring garages are not the dominate feature of the façade of the dwellings.



The subject property is located in an area that has both existing low and medium density land uses. There are two single detached dwellings to the north and east of the subject lands. Both the dwellings are two storey and are located at a slightly higher elevation than the subject property. To the west there is an existing medium density condominium complex with two main buildings which are both two storeys and are also at a slightly higher elevation than the subject property. The buildings are oriented in an east-west direction and are situated closer to Mill Street, with vehicle access and parking off of Regional Road 20. To the south is the Hank MacDonald Park, a Township park primarily used for gardening by the local gardening club. To the south east is the Legion Villa complex, which is considered an Institutional use, and to the south west are more single detached dwellings.



Staff note that a major aspect of the Official Plan policy and Urban Design Guidelines is to have a built form that is compatible with adjacent built forms and the streetscapes. Township staff note that the Planning Justification Report speaks at a very high level about the urban design creating a favourable streetscape, however, staff are not satisfied that this provides enough rational to argue that it is compatible with adjacent built forms. The design of the townhouse appears to be more modern, and staff want to ensure that it is compatible with the mostly established neighbourhood.

Staff also reviewed the official plan and zoning amendment with Official Plan Amendment No. 63, which has been approved by Township Council but is waiting Regional approval. Official Plan Amendment No. 63 maintains the maximum gross density of 40 units per hectare for the medium density designation and the 3 storey height limitation.



Staff will continue to review the application to determine if it is compatible with the character of the surrounding neighbourhood and in alignment with the Township's Urban Design Standards.

### Township of West Lincoln Zoning Bylaw, 2017-70

The subject property is currently zoned Residential Low Density 'R1B'. The 'R1B' zone only permits single detached dwellings as a principle use, with a number of permitted accessory units. It does not permit townhouse development and therefore the applicants have requested a zoning amendment to a Residential Medium Density 'RM2' zone, with three special site specific modifications requested, however staff have identified a fourth regarding lot area.

The Residential Medium Density 'RM2' zone permits Street Townhouse units, among other types of multiple unit residential built forms. As the property is designated in the Township's Official Plan as Medium Density Residential, a zoning change to a medium density zone would be in alignment with the Official Plan.

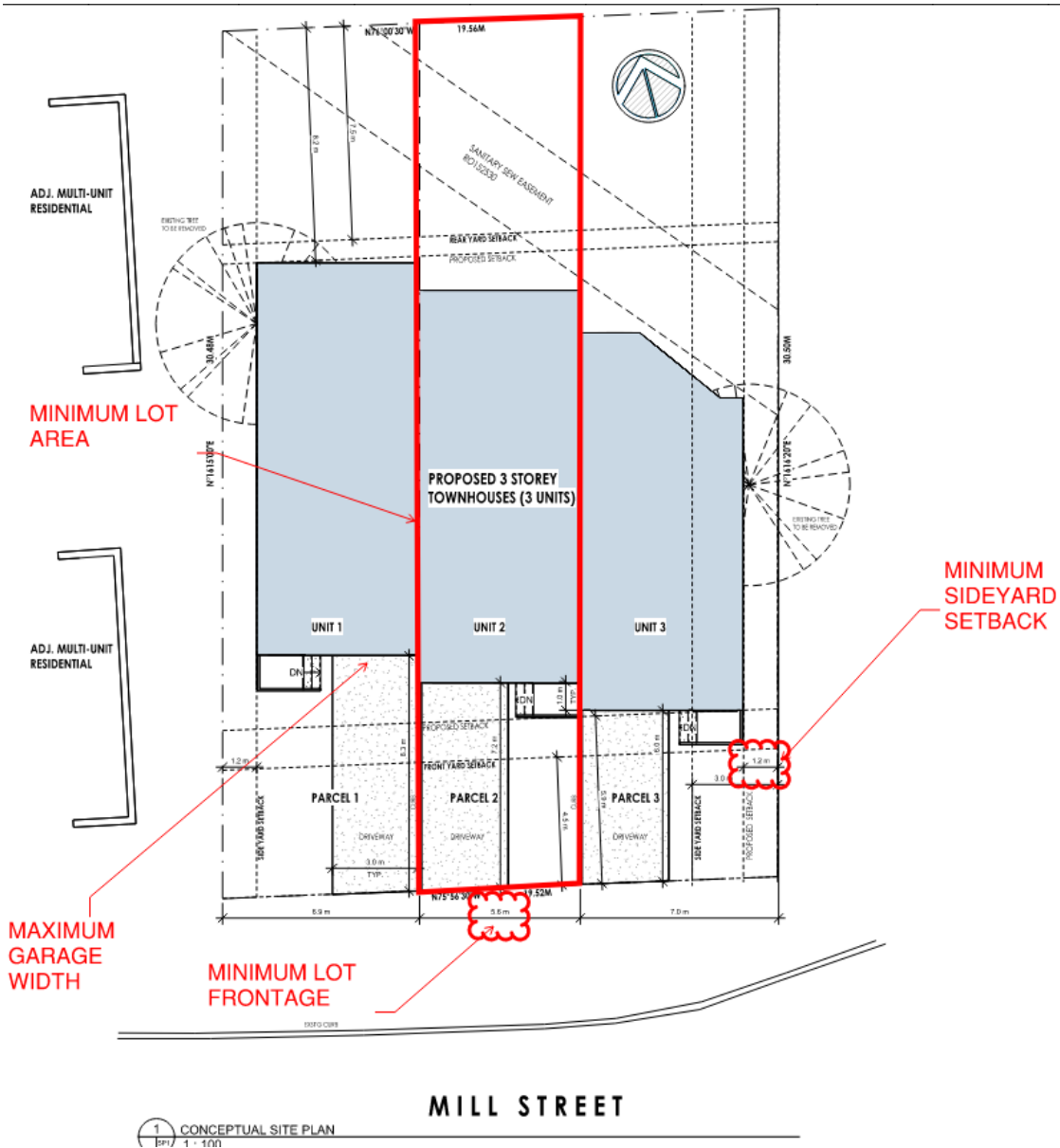
The development proposes that once construction has been initiated, the townhouse development would be severed to create a total of three lots. The zoning comparison table below is based on the proposal and the future severance.

	Min Lot Area	Min Lot Frontage	Min Front Yard	Min Interior side yard (East)	Min Interior side yard (West)	Min Rear Yard	Max Lot coverage	Max Height	Min Amenity Area
RM2 Requirement	180 m <sup>2</sup>	6m/ unit	4.5m dwelling 6m garage	3m	1.2m	7.5m	50%	12m	20 m <sup>2</sup> / unit
Proposed Unit 1	210.9 m <sup>2</sup>	6.9m	8.3m	1.2m	N/A	8.2m	38.9%	11m	49.0%
Proposed Unit 2	171.1 m <sup>2</sup>	5.6m	7.2m	N/A	N/A	>8.2m	47.1%	11m	39.7%
Proposed Unit 3	211.3 m <sup>2</sup>	7.0m	6m	N/A	1.2m	>8.2m	35%	11m	56.4%

	Min Parking Space	Max Garage Width	Max Driveway Width						
RM2 Requirement	1.75 space/ unit	50% of façade to max. 9.2m	60% of frontage to max. 7.5 m						
Proposed Unit 1	2 spaces/ Unit*	63%	Unknown**						
Proposed Unit 2	2 spaces/ Unit*	50%	Unknown**						
Proposed Unit 3	2 spaces/ Unit*	50%	Unknown**						

\*Township Staff need confirmation that the garage is appropriately sized to accommodate the minimum dimensions of open floor area to be considered a parking space.

\*\* Width of driveway is not known as it is not shown on sketch.



In addition to the variances requested, staff have identified one more modification needed for proposed unit 2 as the middle lot would only have a lot area of 171.1 square metres, whereas a lot area of 180 square metres is required. The applicant will need to request this to be added to the amendment or ensure that the lot area complies at time of severance.

Staff also wish to seek clarification on the height of the building, as the elevation drawings shown appear to show the centre townhouse unit being higher than 11 metres, as marked. The maximum height in the RM2 zone is 12 metres.

## Recent changes to the *Planning Act* – Bill 23

These applications have been received during a time of transition where new legislation from the Province, namely Bill 23, the *More Homes Built Faster Act*, has received Royal Assent. Two of the *Planning Act* changes that need to be addressed with respect to this application is the ‘as of right’ permissions for up to three units on a residential lot, and the ability to require site plan approval.

Bill 23 specifically permits landowners to add up to three residential units “as of right” for land zoned for one home in residential areas without requiring a zoning by-law amendment. This is an important consideration now when considering servicing and the impact on local servicing.

Bill 23, with the goal of streamlining site plan control and increasing housing supply has remove site plan control requirements for most residential projects with fewer than 10 residential units. It is important to note that building permits and building/fire code requirements continue to apply to protect public safety. In addition, amendments to the *Planning Act* impose limits on a municipalities’ authority to dictate a building’s exterior design, including character, scale, appearance and design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units. Bill 23 has removed the Township’s ability to require site plan control in this instance, but Township staff are of the opinion that a Development Agreement can still be requested and required, in order to ensure that the development is done in accordance with the Township’s standards. Urban design does not appear to be an element that can be regulated through the Development Agreement process.

## FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report except for the potential implications associated with Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1<sup>st</sup>, 2023, to provide fee refunds for *Planning Act* applications if decisions are not made within the required *Planning Act* timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council’s decisions. Council must make a decision within 120 days of complete application or they will be required to refund.

	<b>Zoning and Official Plan Combined</b>	<b>Zoning Bylaw Amendment</b>	<b>Site Plan</b>
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 9 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond



The current 2023 fee for the combined official plan and zoning bylaw amendment is \$11,940.00. If not approved within 120 days, starting on July 1<sup>st</sup>, 2023 the Township would be required to refund the applicant \$5,970.00, at 180 days, \$8,955.00 and after 240 days, the entire fee.

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

Notice for the Official Plan and Zoning Bylaw Amendment applications was circulated to departments, agencies and members of the public on December 14, 2022. Additionally, a yellow sign was posted on the subject property on December 22<sup>nd</sup>, 2022. At the time of writing this report the Township has not received any comments from members of the public.

The Township has received comments from the Township Public Works Department indicating that they have no objection to the proposed zoning amendment and official plan amendment.

The Region of Niagara has provided comments on the subject applications. They note in their comments that they do not object to the application, however, they note that issues regarding compatibility and interface are a local responsibility and not something that is commented on by the Region. The Region also notes that this application for Official Plan Amendment is exempt from Regional Approval.

The Niagara Peninsula Conservation Authority has not provided any comments as there are no regulated features on the subject lands.

#### **CONCLUSION:**

An application for Official Plan Amendment and Zoning Bylaw Amendment has been submitted for a vacant property on Mill Street with a legal description of Lot 34, Plan M89. The Official Plan Amendment has been submitted to increase the unit density of the medium density designation to 50.4 units per hectare, whereas the Township Official Plan only permits a maximum unit density of 40 units per hectare. This would allow for a third townhouse unit to be constructed on the subject property.

The zoning amendment application has been submitted to change the zoning on the property from a low density residential zone to a medium density residential zone with a total of four site specific variances to allow for reduced setbacks, reduced lot frontage and an increase to the permitted garage width.

Staff will continue to collect public and agency comments and review the application. Staff recommend that a recommendation report be prepared and presented to a future Planning Committee Meeting once a full staff and agency review has been completed within the 90 day timeframe for approval under the *Planning Act* and Bill 109.

A final note for consideration are the *Planning Act* changes that have been made through Bill 109, the *More Homes for Everyone Act, 2022* requiring zoning amendments be decided upon within 90 days or face punitive costs back to the applicant starting on July 1<sup>st</sup>, 2023.

In order to avoid these fee returns, staff will be required to prepare recommendation reports within the required timeframe that potentially recommend:

1. Approval, subject to a holding provision,
2. Approval of application as submitted,
3. Approval of staff modified application
4. Denial

Staff will continue to work with the applicants, members of the Public and Committee and Council while meeting these tight timelines for decisions.

**ATTACHMENTS:**

1. Location Map
2. Planning Justification Report
3. Draft Site Plan and Elevations
4. Survey Sketch
5. Agency Comments

**Prepared & Submitted by:**



---

**Gerrit Boerema, MCIP, RPP**  
**Senior Planner**

**Approved by:**



---

**Bev Hendry**  
**CAO**



---

**Brian Treble, MCIP, RPP**  
**Director of Planning & Building**






**Location Map**  
**Lot 34 Plan M89 - Mill Street**



**Legend**

 Subject Property



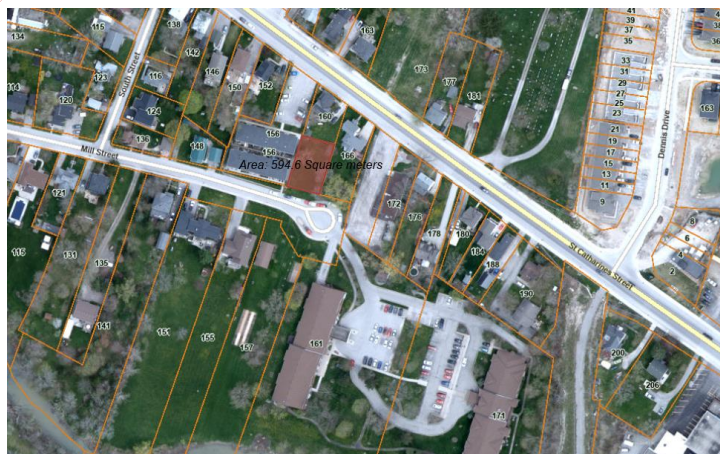
# PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT AND IMPACT ANALYSIS

For

**Olufemi Oyegbami & Stephen Sorinwa**

**ROLL NUMBER: 260203001544900**

**Township of West Lincoln, Regional Municipality of Niagara**



1

**Pending agency, municipal, and public comments**

### Disclaimer

The Report was prepared by South Coast Consulting for an Official Plan and Zoning By-law Amendments for a vacant lot on Mill Street. The Report reflects South Coast Consulting's best judgment.

This Report may not be used for another purpose and South Coast Consulting disclaims any responsibility for losses or damages incurred through use of this Report for a purpose other than as described in this Report. It should not be reproduced in whole or in part without South Coast Consulting's express written permission, other than as required by the Client in relation to obtaining *Planning Act* approvals.

South Coast Consulting reserves the right, but is under no obligation, to review and / or revise this Report considering information which becomes known to South Coast Consulting after the date of this Report.

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## INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained in 2022 by Olufemi Oyegbami & Stephen Sorinwa to prepare this [Preliminary Planning Policy Justification Report and Impact Analysis](#) for Official Plan and Zoning By-law Amendments, for three (3) *street townhouse dwelling units* on the Subject Property. This [Preliminary Planning Policy Justification Report and Impact Analysis](#) provides the planning rationale supporting the proposed Zoning Bylaw Amendment application. The [Report](#) also outlines the nature of the *development* and to evaluates how the *residential use* complies in the neighbourhood context and good planning principles, the policies of the Provincial Policy Statement ([PPS](#)), the Growth Plan for the Greater Golden Horseshoe ([Growth Plan](#)), the Niagara Region Official Plan ([ROP](#)), the Township of West Lincoln Official Plan ([WLOP](#)), and the Township of West Lincoln Official Zoning By-law ([WLZB](#)), applicable to the Subject Property.

On 2022-04-07 the Township of West Lincoln hosted a formal pre-application consultation meeting that established the following were required to support the application:

- Planning Justification Study.
- Proposed Schematic Site Plan.
- Survey Sketch.
- Draft Local Official Plan and Zoning By-law Amendments.
- Urban Design / Landscape Plans.
- Archaeology Assessment.
- Municipal Servicing Plan.
- Stormwater Management Plan.
- Parking Impact Study (if the minimum required parking spaces are not to be provided).

A Public Open House can be held by the Township with the support of the applicant in the Township Hall in the near future. Notice of the informal public meeting will be circulated to property owners within 120 metres of the Subject Property.

The Subject Property is **designated Urban Settlement Area** in the **ROP**, **Medium Density Residential** in the **WLOP** and zoned **Low Density Residential R1B**. The R1B Zone does not permit *street townhouse dwelling units*.

## DESCRIPTION OF THE PROPOSAL

This section provides details of the proposed *residential use* and its siting. Brief descriptions of the technical supporting studies submitted as part of the complete application identified at the pre-application consultation meeting, and how these studies relate to applicable planning policies are also provided.

### Schematic Site Plan

The Subject Property on the north side of Mill Street is vacant. The **Conceptual Site Plan** is an indicative plan reflecting a desirable development scenario for the Subject Property and an articulation of established best practices in design and land use planning. It provides a flexible framework and practical direction for development, and to the extent possible at this time, detail of the anticipated *building* location and development parameters. See **Annex 1, Conceptual Site Plan**, by Bent Pencil Design, dated 2022-06-09.

### Landscape Plan

A Landscape Plan is required addressing location, size, number and species of existing trees to be retained / protected (including trees on adjacent properties within six metres of the subject site's property / lot lines), tree protection plan notes for trees being protected, adjacent to streets, proposed plantings on the site including all street frontages, driveways and easements, open areas and on adjacent road allowance (should be co-ordinated with proposed Site Servicing Plan), locations and dimensions of significant landscaping features and species list, location, height and material of all fences, screen walls, living walls, retaining walls, location and planting details for proposed trees and other plantings. A landscape Plan will be provided with the Site Plan Control Application.

### Archaeological Assessment

Based on the Province's Criteria for Evaluating Archaeological Potential, the subject land has potential for the discovery of archaeological resources as it is within 300 metres of 2 registered archaeological sites (AgGv-102 and AgGv-103), the Union Methodist cemetery (northeast), and a natural watercourse (Twenty Mile Creek to the south). The subject land has not been recently, intensively, or extensively disturbed. Therefore, Regional staff require the submission of a Stage 1 and 2 Archaeological Assessment and Ministry Acknowledgement Letters.

It is the professional opinion of the archaeological licensee the Study Area has been sufficiently assessed and is free of further archaeological concern. See [Annex 4](#),

#### Municipal Servicing Plan

A Municipal Servicing Plan is required addressing the availability of adequate municipal services and impacts of existing municipal services and facilities. A Municipal Servicing Plan determines the overall impact on the trunk and local municipal service capacities, such as: water treatment plant, water distribution systems and pressure zones, pump stations, wastewater treatment plants, trunk sewers and stormwater management facilities, etc. due to the proposed change in land use or development. It also determines the necessary improvements to municipal servicing infrastructure required to support the proposed level of development and mitigation measures to minimize any negative impacts.

Township Public Works requires a standard engineering submission with Servicing Plan, Grading Plan, Landscaping Plan and Erosion & Sediment Control Plan. Information has been provided to the projects consulting Engineer on the existing watermain on Mill St and sanitary sewer in the easement through the back of the property. Entrance Permits will also be required following approvals. See [Annex 5](#)

#### Stormwater Management Brief

A Stormwater Management Brief is required addressing how stormwater runoff will be handled in terms of water quality and quantity, lot grading and drainage controls and erosion and sedimentation measures. A Stormwater Management Plan identifies the quality and quantity impacts of the change in stormwater runoff on existing infrastructure and watercourses due to a proposed development to determine improvements to municipal servicing infrastructure required to support the proposed level of development, where applicable, and mitigation measures to minimize any negative impacts on the drainage system. It also identifies opportunities for enhancement of stormwater management facilities and features in redevelopment sites.

Township Public Works require a standard engineering submission with Servicing Plan, Grading Plan, Landscaping Plan and Erosion & Sediment Control Plan. Information has been provided to the Engineer on the existing watermain on Mill St and sanitary sewer in the easement through the back of the property. Entrance Permits will also be required following approvals.

The purpose of this report is to provide Stormwater Management Design Brief for the Subject Property. The report describes stormwater management analysis in accordance with the current drainage and stormwater management design criteria established by the Township. The proposed stormwater management analysis has been completed based on the existing topographic survey completed by Rasch & Hyde Ltd. and site grading plan completed by ARIK Engineering Ltd. See [Annex 6](#).

Based on the findings, onsite quantity and quality controls are not required and the side rear yard swales can divert the surface drainage towards Mill Street.

### Site Context

The Subject Property, illustrated in on the cover page and *Annex 1, Conceptual Site Plan*, and *Schematic Exterior Elevations* has an area of 595 square metres and 19.53 metres frontage on Mill Street.

### Surrounding Land Uses

Nearby uses are agricultural, and large lot rural residential uses. The *residential use* is compatible with the primarily residential use context of the neighbourhood as illustrated on the *Figure 1, Land Use Schematic*.

<b>Figure 1 Land Use Schematic</b>		
<b>Use</b> -parking lot <b>Official Plan</b> -High Density Residential/Intensification Area <b>Zone</b> -RM2	<b>Use</b> -residential <b>Official Plan</b> -Medium Density Residential/Intensification Area <b>Zone</b> -R1B	<b>Use</b> -residential <b>Official Plan</b> -Medium Density Residential/Intensification Area <b>Zone</b> -R1B
<b>Use</b> - block townhouse <b>Official Plan</b> -High Density Residential <b>Zone</b> -RM2	<b>Subject Property</b> <b>Official Plan</b> -Medium Density Residential/Intensification Area <b>Zone</b> -R1B	<b>Use</b> -residential <b>Official Plan</b> -Medium Density Residential <b>Zone</b> -R1B
<b>Use</b> -residential <b>Official Plan</b> -Medium Density Residential I <b>Zone</b> -R1A	<b>Use</b> -park <b>Official Plan</b> -Public Parks <b>Zone</b> -i	<b>Use</b> -seniors residence <b>Official Plan</b> -Institutional <b>Zone</b> -i

## POLICY REVIEW SUMMARY

The Policy and Planning Analysis:

- provides the basis for establishing why a proposal should be considered and approved.
- provides an outline of applicable planning policy documents and regulatory context reviewing specific policies relevant to the proposal.
- establishes the basis for the applications by explaining how the proposal conforms to the policies.

Where changes to the Official Plan and Zoning By-law are proposed, the Analysis discusses the appropriateness of the requested amendments, including the policy basis for requested modifications specific to the proposal.

### Provincial Policy Statement

The **PPS** provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. A basic principle of policy led land use planning, iterated in the **PPS**, is that, when more than one policy is relevant, decision-makers should consider all of the policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, assist decision-maker's understanding how the policies are to be implemented.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The **PPS** recognizes the diversity of Ontario, and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided provincial interests are upheld. **PPS** policies represent minimum standards.

The Subject Property is located in a *Settlement Area*. **Policy 1.1.3.1** states *settlement areas* are to be the focus of growth and development. As required by **Policy 1.1.3.2** the proposal compliments the land use pattern within *settlement area*.

- At a density and a land use efficiently using land and resources.
- Appropriate for and efficiently using infrastructure and public service facilities.
- Minimizing negative impacts to air quality and climate change.
- Promoting energy efficiency.
- Supporting active transportation.

**Policy 1.1.3.4** states appropriate development standards should be promoted facilitating intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

The Official Plan and Zoning By-law Amendments will enable more intense use of the land by permitting the infill on a vacant lot. The proposed density is appropriate given site and existing block townhouse and apartment development neighbourhood context and the Official Plan High and Medium Density and Intensification Area Designations.

### Growth Plan for the Greater Golden Horseshoe

This **Growth Plan for the Greater Golden Horseshoe (Growth Plan)** informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (**GGH**). All decisions made affecting a planning matter must conform with the **Growth Plan**, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the **PPS** to the extent of any conflict.



The Subject Property is located in the Smithville *settlement area* and satisfying the *Growth Plan's* Guiding Principles (among others) regarding how land is developed including:

- Supporting the achievement of complete communities to meet people's needs through an entire lifetime.
- Prioritizing intensification and higher densities to make efficient use of land and infrastructure.
- Supporting a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- Providing for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrating climate change considerations into planning and managing growth.

The Subject Property is located within the *built boundary* with access to existing *infrastructure* and is within walking distance to schools, public / private amenities, institutional uses, and shopping facilities. The proposed Official Plan and Zoning By-law Amendments supports achievement of a complete community by adding additional residential capacity in an appropriate area and providing diversified housing options in the neighbourhood.

## Official Plans

### Regional Official Plan

The proposal focuses growth and development within the Smithville urban area. The *ROP* manages land use to accommodate appropriate development meeting the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Like the *PPS*, the *ROP* promotes the efficient use of land and the minimization of conflict between incompatible uses as a Strategic Objective and building compact, mixed use, transit supportive, *active transportation friendly* communities in the *settlement areas* such as Smithville. The objectives of the *ROP* Growth Management Policies include directing most of the growth and development to existing *urban areas* and promoting the efficient use of existing municipal sewage and water services.

The *ROP* intends to build more sustainable, *complete communities* by, among other things, making efficient use of land, resources, and *infrastructure*, and supporting *intensification* to maximize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner.

The proposal helps create a compact active transportation friendly community in the Smithville *urban area* making efficient and sustainable use of existing municipal sewage and water services.

*West Lincoln Official Plan*

As encouraged by [Objective 5.2i](#), the Official Plan and Zoning By-law Amendments facilitate infilling and intensification within the Urban Settlement area and as directed by [Policy 5.9](#) the proposal is in the identified Intensification Area. The *street townhouse* project will help the Township achieve its target of 15% of overall growth to occur within the existing *Built-Up Area*.

[Policy 6.1.1](#) provides for new development compatible with existing development. The proposal is for a residential use compatible with the existing abutting and surrounding residential uses satisfying [Policy 6.12](#) objectives of promoting higher density residential development in appropriate locations, encouraging and facilitating the production of a range of dwelling types, including housing that is more affordable to the existing and future residents, and encouraging high quality design.

As required by [Policy 6.1.3](#) the proposal has access to an open, improved public road maintained on a year-round basis and as required by [Policy 6.1.4](#) the proposal has adequate municipal services.

The approximately 51 units per hectare density of the proposal exceeds the [Policy 6.3.2c](#) maximum density of the Medium Density Residential designation and requires an Official Plan Amendment approval to redesignate the Subject Property to the High Density Residential Designation. The *street townhouse* proposal is provided for by [Policy 6.4.2](#) and satisfies the height limitation of [Policy 6.4.3a](#) and the density provision of [Policy 6.4.3b](#).

The unique façade of the street townhouses enhances the physical appeal through attractiveness of the public streetscape as envisioned by Design Policies for Residential Neighbourhoods and is a sensitive integration of new development with existing development providing visual diversity through façade and roof line composition in the Intensification Area.

As required by [Policy 6.6.3a](#) the proposal's siting and massing does not result in undue adverse impacts of the abutting and nearby two story *singled detached*, *block townhouse* and *apartment residential uses* particularly in regard to privacy for residential uses and their outdoor amenity areas. With one minor exception discussed later, the proposal satisfies established setback and yard requirements as required by [Policy 6.6.3b](#).

The topography of the Subject Property enables the proposal to provide a building height reflecting the two-story pattern of heights of adjacent housing as required by [Policy 6.6.4b](#). Also as required by that policy the proposal:

- Maintains the predominant or average front yard setback for adjacent housing preserving the streetscape edge.

- With the exception of the one side yard setback provision discussed later, provides the required side yard setbacks preserving the spaciousness on the street.
- Provides a built form reflecting the variety of façade details and material of adjacent housing, such as porches, windows, roof line other details.
- Compensates to the additional width of a garage through unique design

As required by Policies 6.6.6a and 6.6.6b the proposed street townhouse units provide variation between units through the fenestration and roof line and as required by Policy 6.6.6d the garages are paired to allow for more substantial front yard green space and do not protrude beyond the main front wall or porch of the dwelling unit.

### Zoning By-law

As illustrated on Figure 2.8, Schedule A, Map F3, the Subject Property is zoned **Low Density Residential R1B**. The proposal is *street townhouse dwellings* which the Zoning By-law defines as a place of residence containing one or more *habitable rooms* with separate kitchen and bathroom facilities for the private use of a single housekeeping unit, divided by common walls into three (3) or more attached *dwelling units*, . . . , each having a separate entrance from the exterior of the *dwelling*, . . . wherein each *dwelling unit* is located on a separate *lot*. To permit the proposed *street townhouse* infilling intensification the Subject Property needs to be rezoned to the **Residential Medium Density RM2 Zone**. The Zoning By-law provisions are outlined in the following table.

### Variances required

- **Reduce minimum lot frontage** requirement of middle unit (Unit 2) from 6m to 5.8m. The lot area / floor area of the east unit (Unit 3) is constrained by the sanitary sewer easement running diagonally across the Subject Property. The reduced minimum lot frontage of the middle unit (unit 2) allows the east unit (Unit 3) to have a larger floor area.
- **Reduce minimum interior side yard** requirement of the east side of Unit 3 from 3m to 1m. The east side interior side yard of the east unit (Unit 3) abuts the rear yard of the through lot with frontage on St. Catharines Street / Regional Road 20. The lot area / floor area of the unit is constrained by the sanitary sewer easement running diagonally across the Subject Property. The reduced interior side yard allows the unit to have a larger floor area.
- **Increase the maximum garage width** limitation on Unit 1 from 5% to 63%. The maximum garage width limitation is intended to create variation in street front facades. The proposal achieves this purpose through its unique design.

## POLICY AND PLANNING ANALYSIS SUMMARY

The Policy and Planning Analysis provides the basis for establishing why the *residential use* is appropriate and permitted. The Analysis provides an outline of applicable planning policy documents and regulatory context quoting specific policies that are relevant to the issue. The Analysis establishes the basis for a planning opinion by

providing detailed analysis of the identified relevant policies and explaining how the *home occupation office* conforms to the policies.

The Policy and Planning Analysis provides the rationale and opinion as to why the *residential use uses* are appropriate in terms of good planning principles. This includes a discussion of the *residential use uses*' potential negative impacts and any mitigation required.

Good planning practice directs that the plan and its policies are not written in stone. Policies such as those of the [PPS](#), [Growth Plan](#), Regional Official Plan, and West Lincoln Official Plan reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in failure. All of the policies may not be and, based on good planning practice, do not have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and West Lincoln is about development. Protecting and preserving resources is important but, land use planning is primarily about promoting and encouraging appropriate development and complete communities. There are aspects of control to protect valuable and sensitive resources, such as significant cultural and natural heritage features from negative impacts from nearby uses, but the primary purpose is guiding development.

The guidance of development is evident starting with the [Planning Act](#). The Citizen's Guide to Land-use Planning ([the Guide](#)) states [the Act](#), among other things, promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. [The Guide](#) further states, [the Act](#) provides the basis for preparing official plans and planning policies that will guide future development. [The Guide](#) states the [PPS](#) provides policy direction that will help build strong communities by protecting, among others, agricultural resources. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

The Township of West Lincoln Council has the authority to approve official plan amendments in conformity with the [PPS](#), the [Growth Plan](#), and the [ROP](#) and zoning by-law amendments, implementing the policies of the [WLOP](#). *Settlement areas* such as the Smithville, where the Subject Property is located, are to be the focus of growth and development, and their vitality and regeneration is to be promoted. The proposal satisfies the [ROP](#) intent to build more sustainable, *complete communities* by, among other things, making efficient use of land and *infrastructure* and supporting *intensification*, maximizing the use of existing *infrastructure*, and supporting growth in a compact and efficient manner. The WLOP encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

Regulation	RM2/RM3 Requirements	Proposed			Comment
		Unit 1	Unit 2	Unit 3	
Minimum Area	180sqm/unit	210sqm	172sqm	211sqm	Satisfied
Minimum Frontage	6m/unit	6.9m	5.7m	7.0m	Enables Unit 3 to be larger No significant impact
Minimum Front Yard					
Dwelling	4.5m		5.9m		Satisfied
Garage	6m		6m		Satisfied
Minimum Side Yard					
West Side	1.2m	1.2	n/a	n/a	Satisfied
East Side	3m	n/a	n/a	1.2m	Enables unit 3 to be large Adjacent to rear yard No significant impact
Minimum Rear Yard	7.5m		7.5m		Satisfied
Maximum Coverage	50%	38.9%	47.1%	35.0%	Satisfied
Maximum Height	12m		12m		Satisfied
Minimum Landscaped Open Space	25%	49.0%	39.7%	56.4%	Satisfied
Parking Facilities for a Dwelling Unit with a Private Garage					
Minimum Driveway Width	3m		3m		Satisfied
Maximum Garage Width	50% of the width of the dwelling	61.4%	62.5%	61.4%	Minor variance from requirement No significant impact
Minimum Garage Depth	5.5m	5.8m	5.8m	5.8m	Satisfied
Maximum Garage Door Height	2.6m	2.1m	2.1m	2.1m	Satisfied
Required Parking Spaces	1.5/unit	2	2	2	Satisfied
Private Garage Public Street Setback	6m	8.2m	7.2m	6m	Satisfied



The proposal is efficient development, *intensification*, and optimization of the use of land and public investment in *infrastructure*, a strong theme throughout the PPS, ROP, and WLOP. The proposal is in an area where redevelopment is provided for in these planning documents. It is efficient *development* optimizing the use of land, resources, and public investment in existing *infrastructure*, and *public service facilities*. As a residential development in a mixed-use commercial, institutional, and residential area there are no conflicts with surrounding uses. The location provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly accessible parks.

There are a several positive policy supported aspects of the proposal:

- It is an intensified residential use of an existing underutilized parcel of land within an existing mixed-use area, providing housing type and choice alternatives.
- It is a compact redevelopment efficiently utilizing urban land, existing services, and municipal infrastructure.
- It provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly accessible parks.
- It is a high quality, compact, orderly, built form that will help the Township meet intensification target.
- Its design places windows overlooking pedestrian routes and parks providing for “eyes on the street.”
- It has a strong relationship to Mill Street. The primary building entrances clearly address the street.
- Through the addition of *street townhouse dwelling units* in this location housing variety is achieved, a range of housing types is provided promoting variety and diversity, and residential density is increased promoting municipal sustainability.

#### Planning Goals, Objectives, and Policies Satisfied

The proposal:

- provides residential uses accommodating households with diverse social and economic characteristics, needs, and desires.
- optimizes existing infrastructure use.
- is *intensification*.
- is close to and designed with on-site open space.
- counts towards the municipality’s *intensification* target.
- *matches the pre-established building character of adjacent buildings*.

The proposal is for an existing underutilized land in the Smithville urban area at a residential density of about 50 units per hectare making it an efficient and sustainable use of existing municipal sewage and water services on Mill Street.

### Efficient Development

This development is focused within the *urban area*. It is appropriate development helping the Township meet the full range of current and future needs, while achieving efficient development and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

The proposal is a higher density redevelopment and *intensification* of an under-utilized existing parcel optimizing the use of land, resources, and public investment in infrastructure and public service facilities. It minimizes the undesirable effects of development, including impacts on air, water, and other resources. The development:

- provides a diversified residential opportunity meeting the identified needs in Niagara and balancing both urban development and the conservation of natural resources by redeveloping in a rejuvenating a brownfield location.
- makes efficient use of land.
- has no significant land use conflicts.

The proposal increases the efficiency of the use of existing municipal infrastructure and increases the municipality's sustainability by building a compact, mixed use, transit supportive, *active transportation friendly* community in the *Urban Area*.

As a residential development in a residential area there are no conflicts with surrounding uses and no impact on natural resources.

The development facilitates the efficient use of community and engineering services, does not create an undue financial hardship on the municipality, and increases the Township's robustness and ability to accommodate infrastructure and services maintenance.

The proposal is primarily an intensified residential use on the periphery of existing a residential area. It provides a range of housing alternatives in the community. It is compact development efficiently utilizing urban land, existing services, and municipal infrastructure. The location provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly accessible open spaces, parks, and other recreational facilities.

Efficient development, intensification, and optimizing the use of land and public investment in infrastructure resulting from this proposal is a strong theme throughout the **PPS**, **ROP**, and **WLOP**. As a residential redevelopment in an existing residential area there are no conflicts with surrounding uses. The location near, the Dorchester Street bus stops is transit supportive.

### High Quality Urban Design

The proposal is a high quality, compact, orderly, built form that will help the Township meet intensification targets. The building design places windows to overlook pedestrian routes to encourage “eyes on the street.”

The development has a strong relationship to Mill Street as encouraged by the Region of Niagara Model Urban Design Guidelines.

The primary building entrances clearly address the street. Through the addition of townhouses in this location:

- Housing variety is achieved.
- A range of housing types is provided promoting variety and diversity.
- Residential uses are located near a park.

The proposed development creates the favourable streetscape and a sense of identity through rational and sensitive treatment of architectural features, forms, and massing.

### Streetscape and Established Community Character

The low-rise facades and structure of the development create a favourable streetscape and community character and a sense of identity through rational and sensitive treatment of architectural features, form, massing, and layout. At grade access to the ground floor units is provided as recommended by the Niagara Region Model Urban Design Guidelines.

### OPINION

The proposed Official Plan Amendment:

- Conforms with the provisions of the *Planning Act*; PPS; Growth Plan; and ROP.
- Permits the proposed residential use.

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the *Planning Act*; PPS; Growth Plan; ROP; and WLOP.
- Permits the proposed residential use.

Council can be confident the Official Plan and Zoning By-law Amendments are consistent with the Provincial, Regional, and Township policies. The applicant is required to enter into a Plan Agreement ensuring the development is built and maintained as approved by the Township.

The approval of the proposed Official Plan and Zoning By-law Amendments allow three-units of street townhouses. This development constitutes intensification and infill. The

proposed *Planning Act* application for an Official Plan and Zoning By-law Amendments are consistent with the policies for permitting and encouraging urban intensification and infill residential development within the Township of West Lincoln that will enhance the character of the area. The proposed development constitutes good planning.

## CLOSING

This report is intended solely for Olufemi Oyegbami & Stephen Sorinwa (the "Client") in providing the Township of West Lincoln this requested Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed residential use development of Lot 34 Mill Street. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as South Coast Consulting (Steven Rivers). This report is considered Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

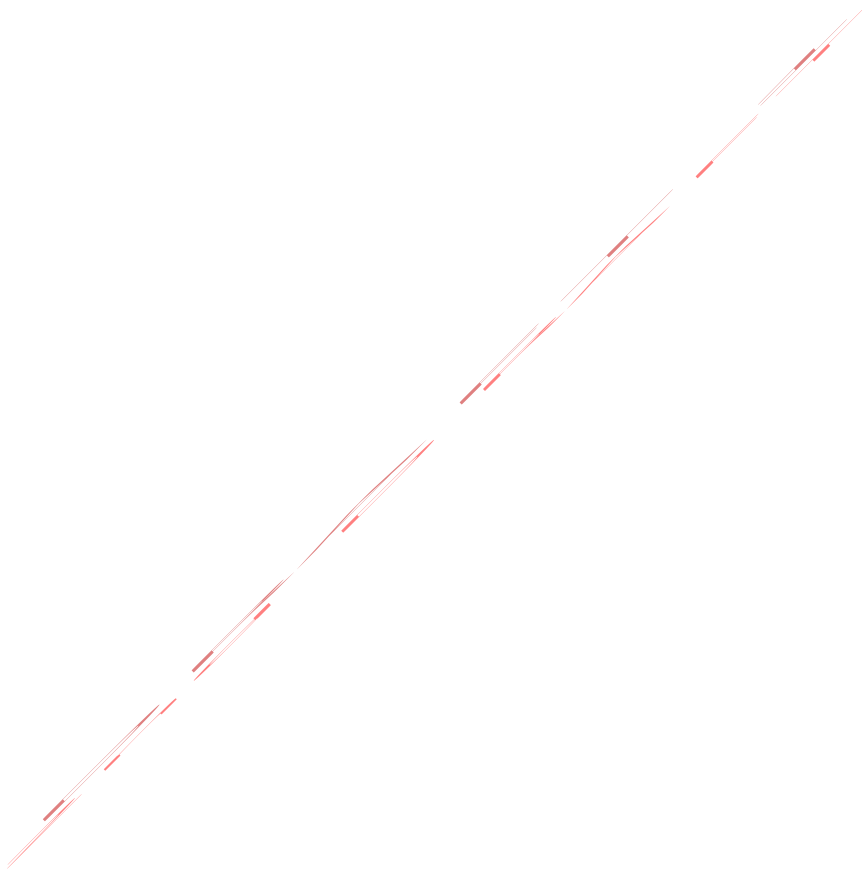
The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

*Steven Rivers*

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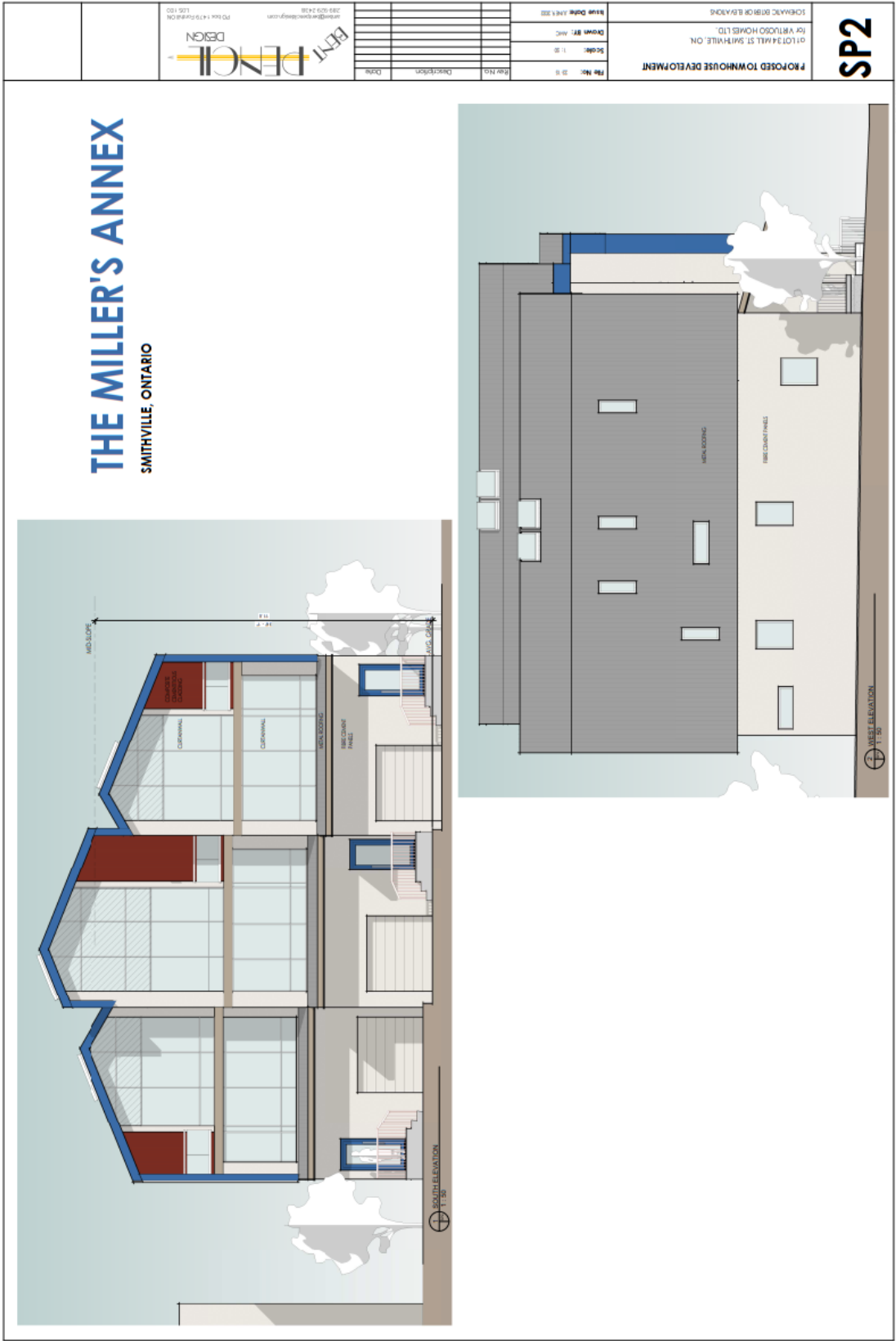
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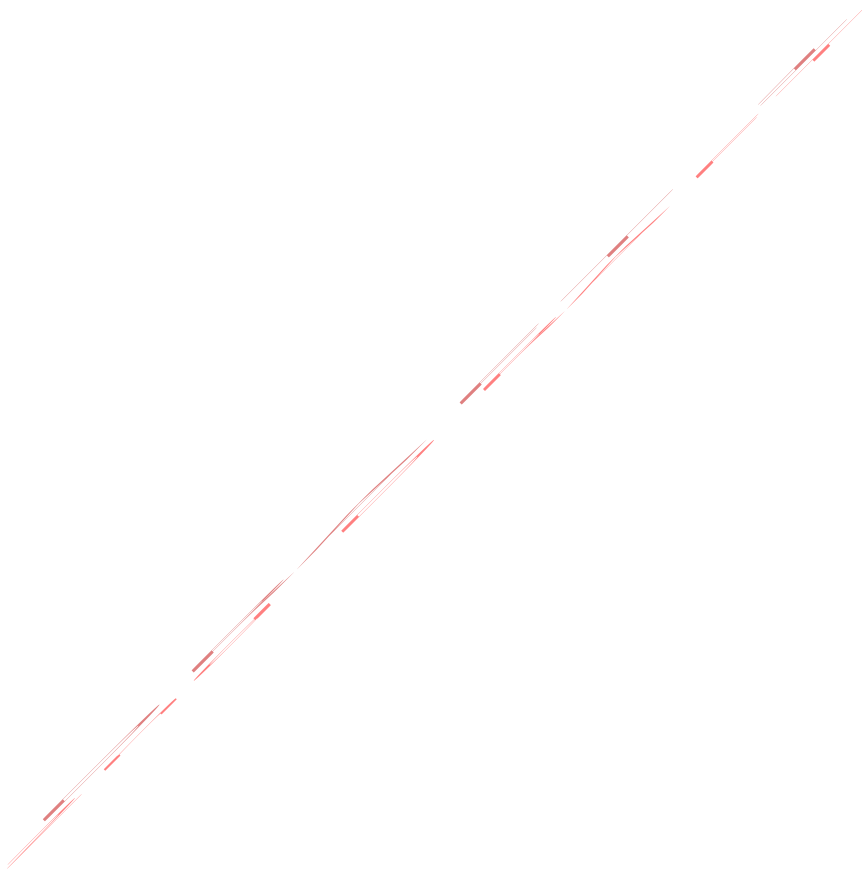
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ANNEX 2  
EXCERPTS FROM RELEVANT DOCUMENTS

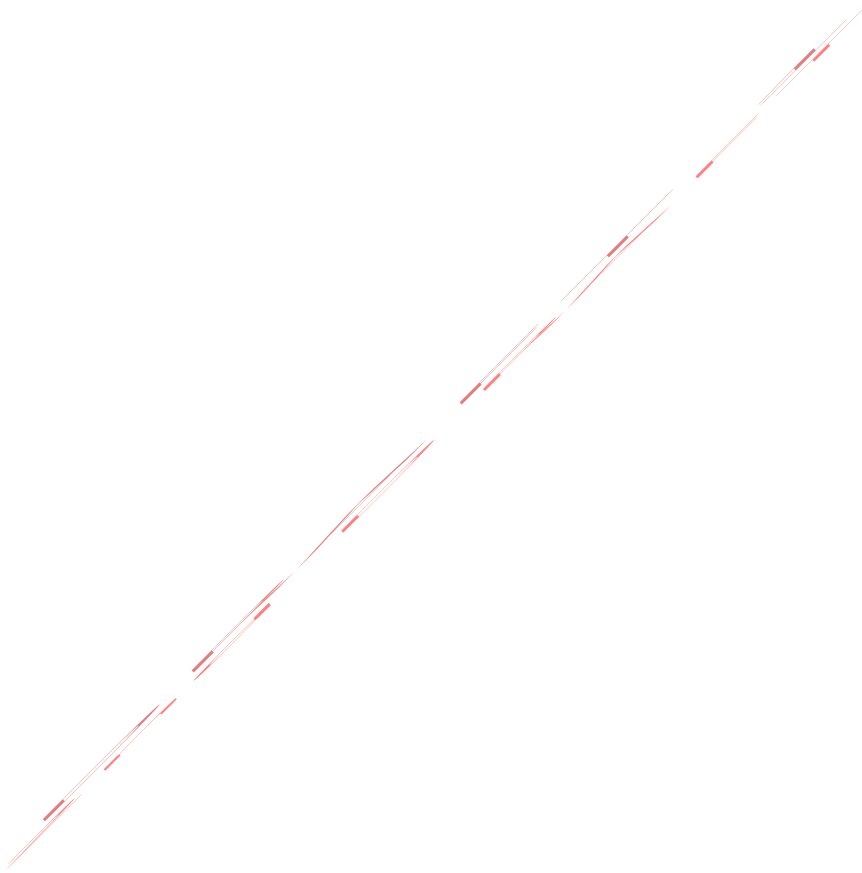
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ANNEX 3

ARCHAEOLOGICAL ASSESMENT

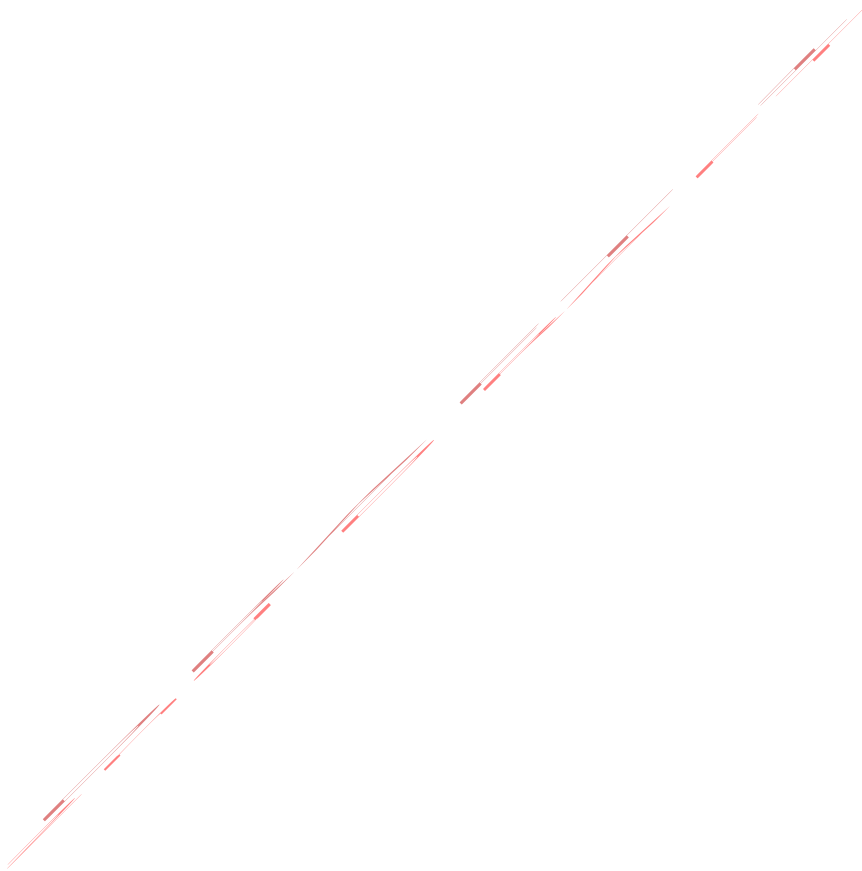
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ANNEX 5

STORMWATER MANAGEMENT BRIEF

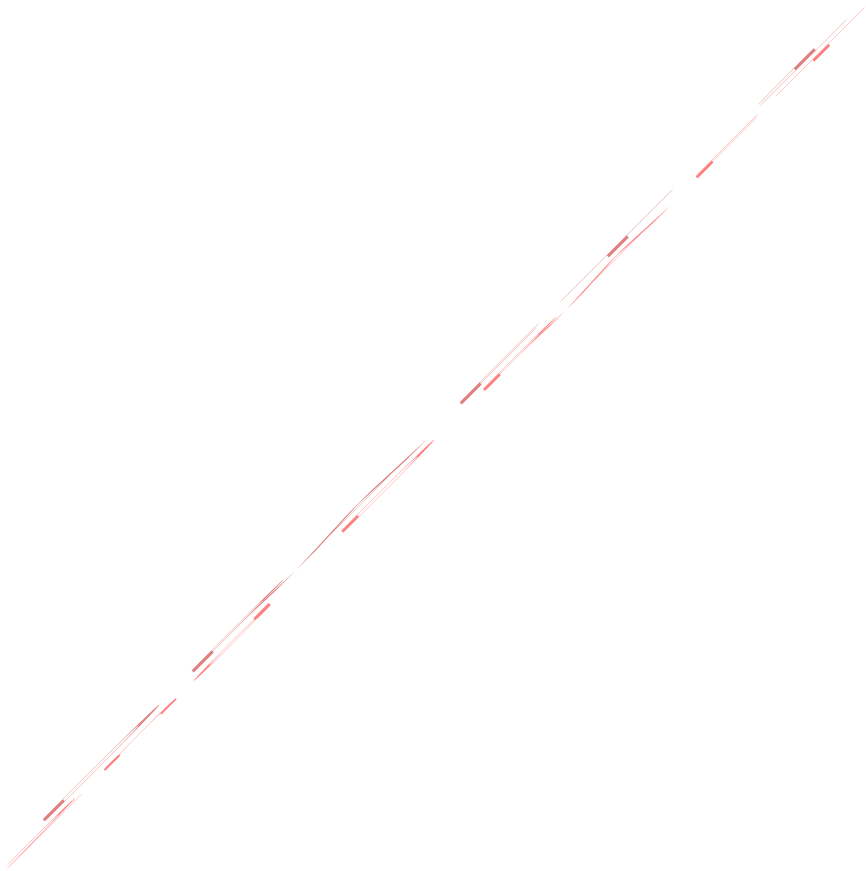
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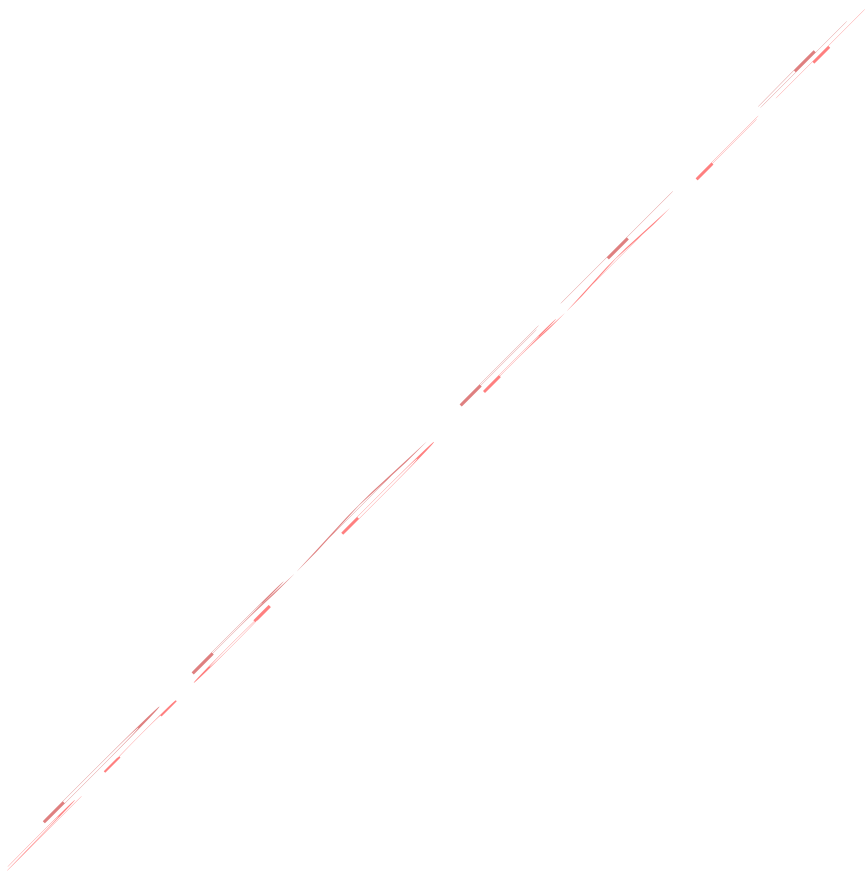




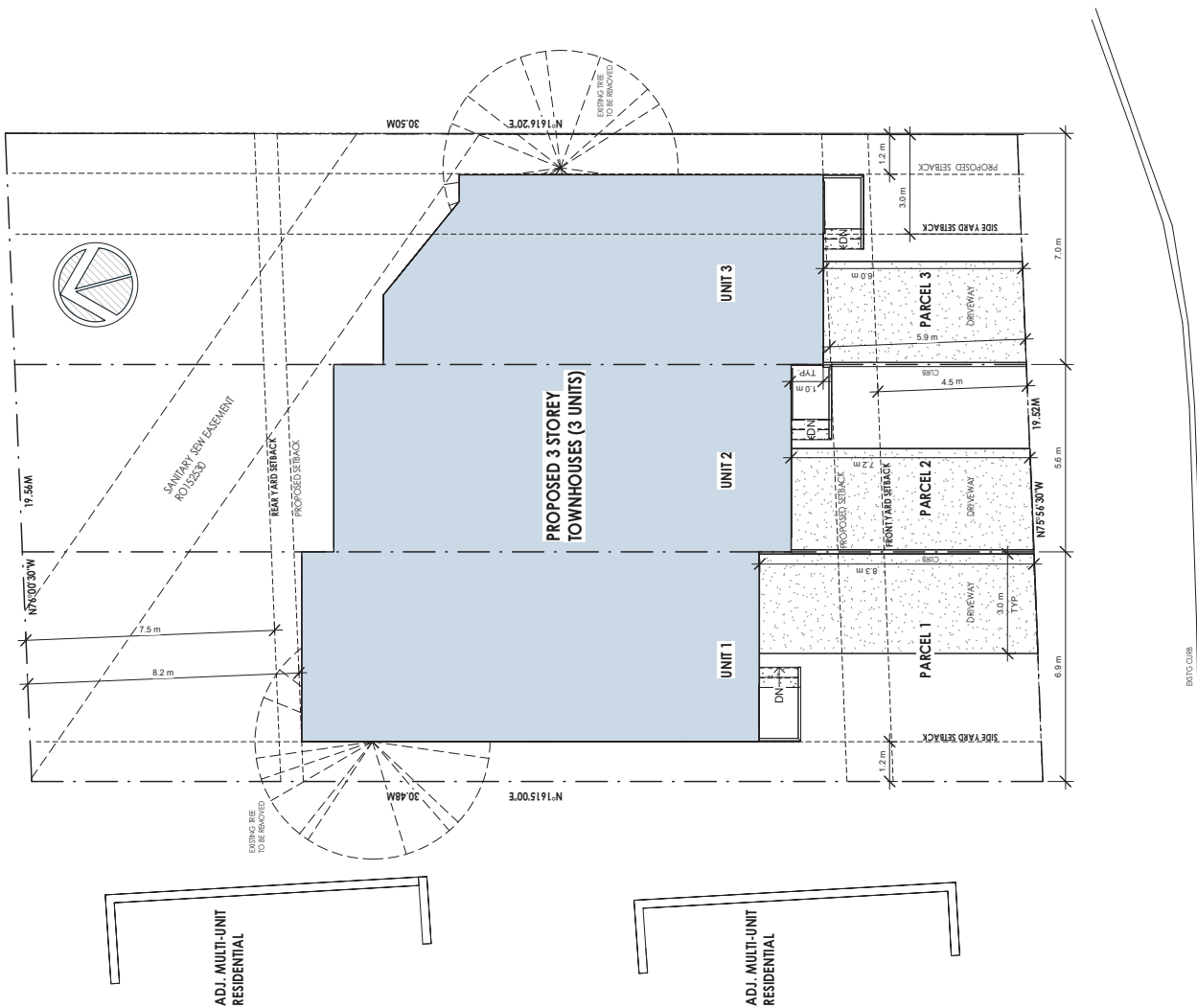
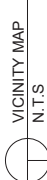
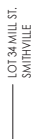
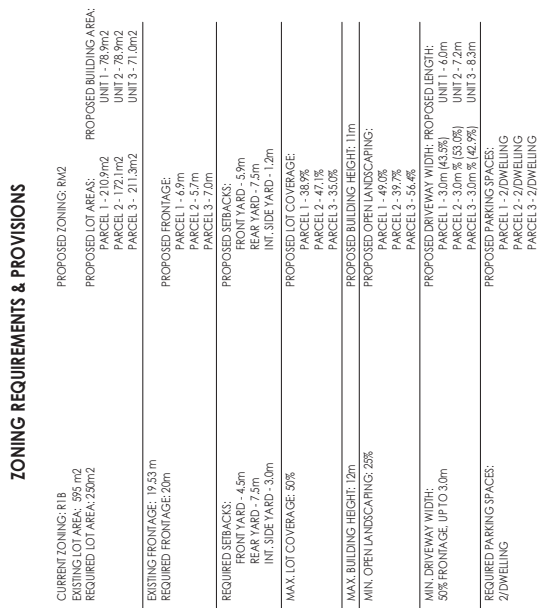
ANNEX 6

DRAFT OFFICIAL PLAN AND ZONING BY AMENDMENTS





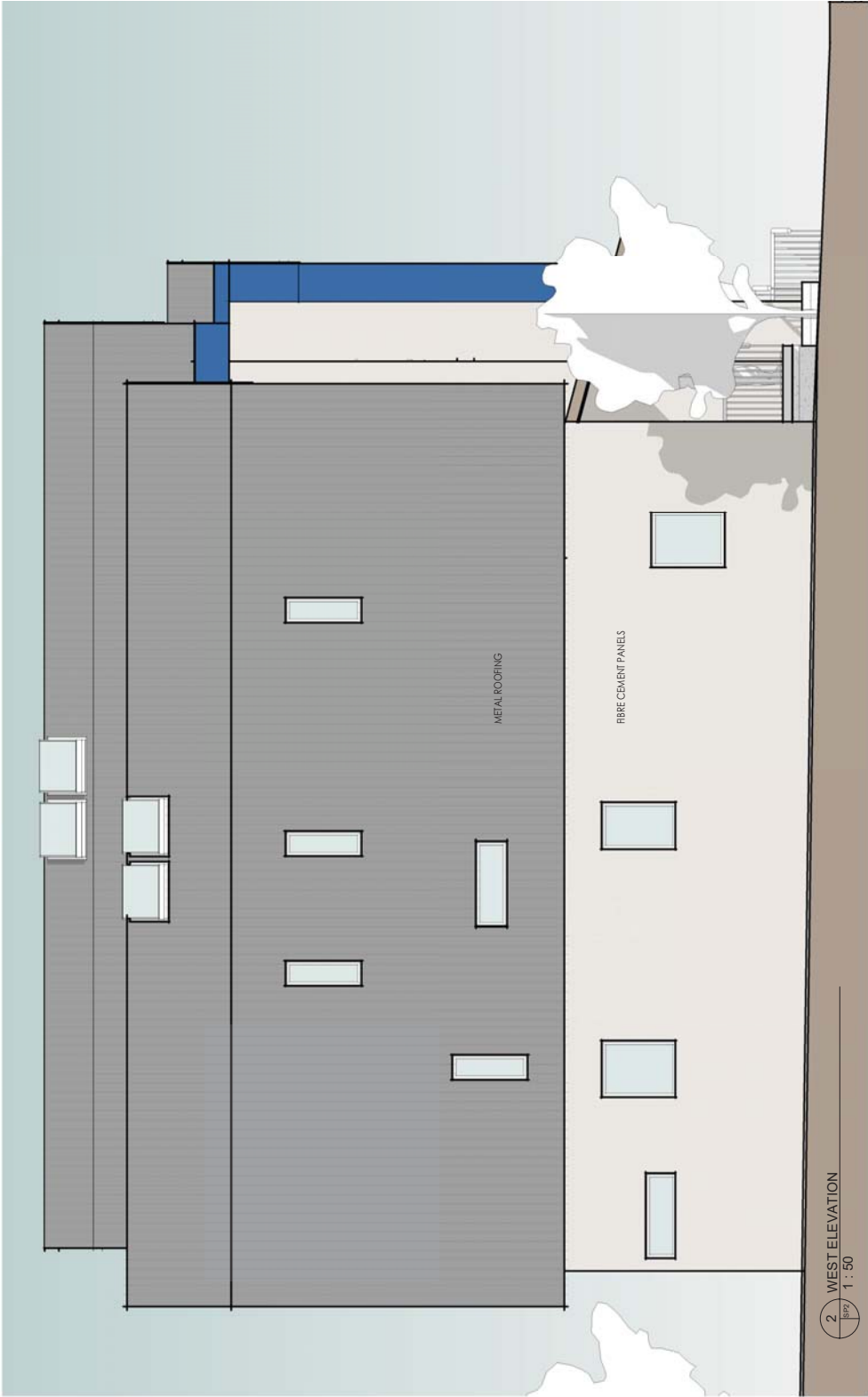
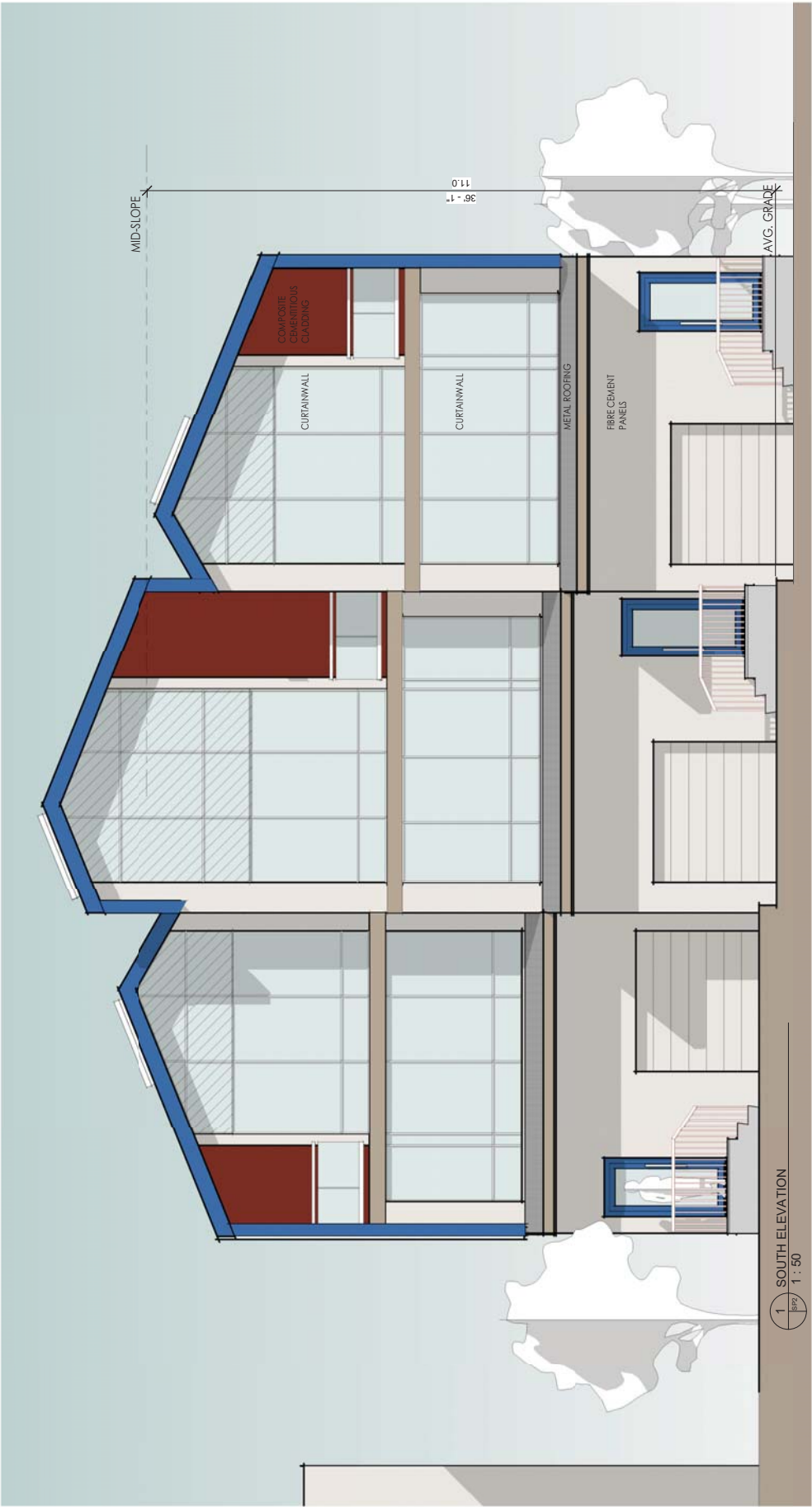
<b>PROPOSED TOWNHOUSE DEVELOPMENT</b>	of LOT 34 MILL ST., SMITHVILLE, ON. for VIRTUOSO HOMES LTD.	CONCEPTUAL SITE PLAN					
		<b>File No:</b> 22-15	Rev No.	Description	Date		
		<b>Scale:</b> 1 : 100					
		<b>Drawn BY:</b> AMC					
		<b>Issue Date:</b> JUNE 9, 2022					
 PO box 1479 Fonthill ON L0S 1E0 289 929 2438 <a href="mailto:amber@bentpencildesign.com">amber@bentpencildesign.com</a>							




NOTE: SITE INFORMATION REFERENCES SURVEY BY RASCH & HYDE LTD. FILE # 22-087

THE MILLER'S ANNEX

SMITHVILLE, ONTARIO



SP2	PROPOSED TOWNHOUSE DEVELOPMENT	at LOT 34 MILL ST, SMITHVILLE, ON, for VIRTUOSO HOMES LTD.	SCHEMATIC EXTERIOR ELEVATIONS	
			File No:	22-15
			Scale:	1 : 50
			Drawn BY:	AMC
	Issue Date:	JUNE 9, 2022		
	Rev No.			
	Description			
	Date			
amber@bentpencildesign.com 289-929-2438 PO box 1479 Forthill ON L0S 1E0				
				

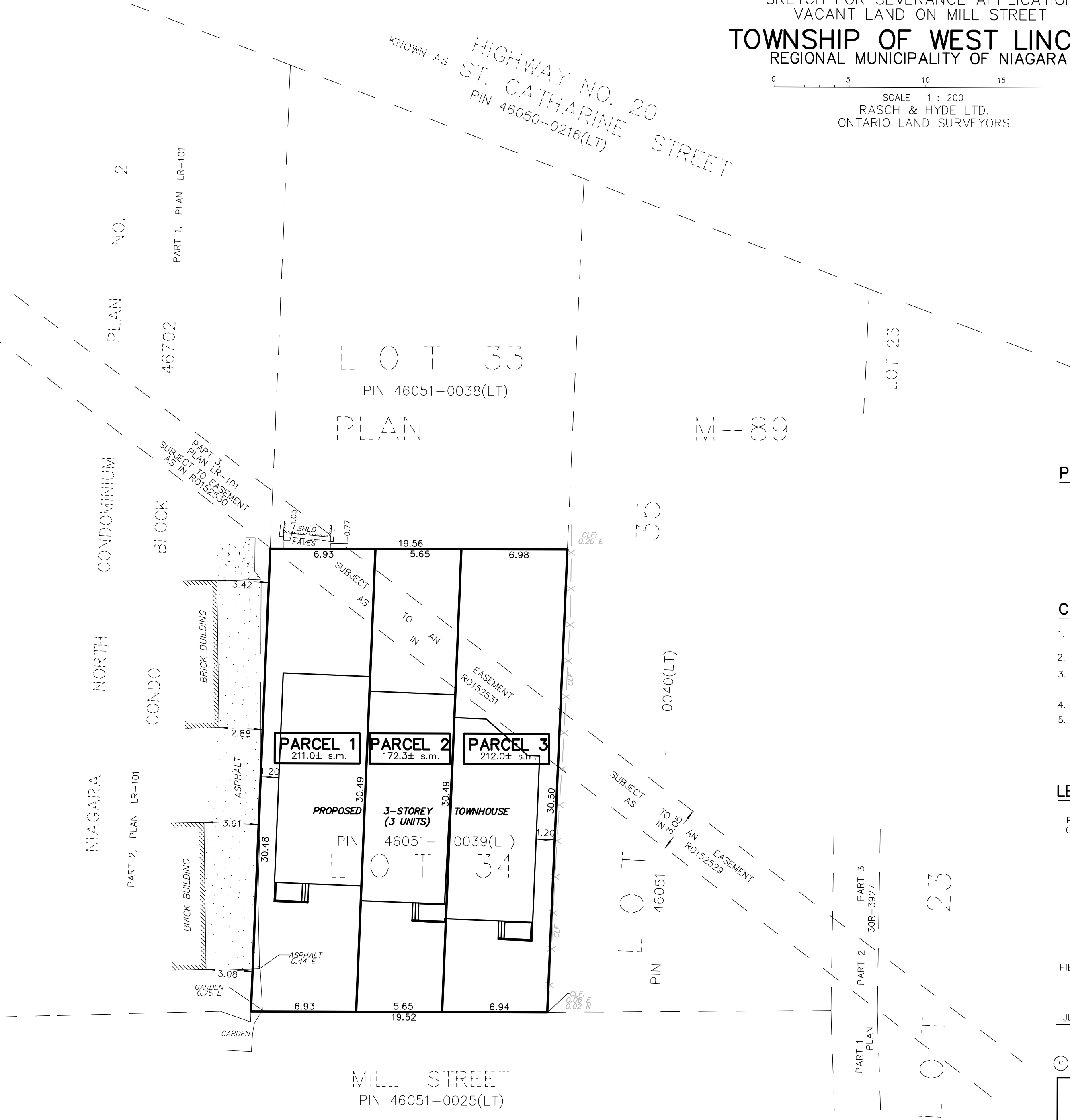
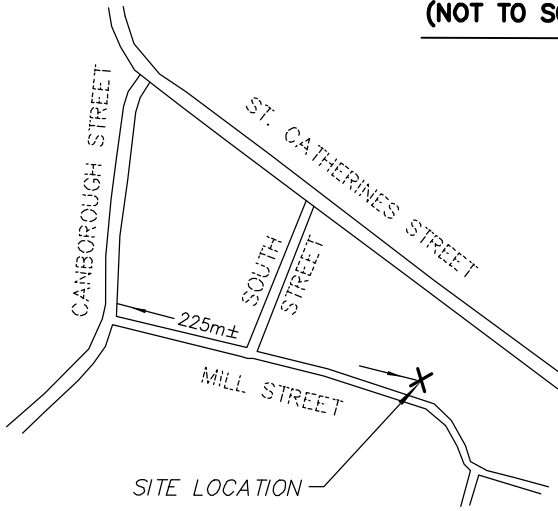
SURVEYOR'S SEAL

SKETCH

THIS IS AN ORIGINAL  
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OR PDF CERTIFIED

SKETCH FOR SEVERANCE APPLICATION  
VACANT LAND ON MILL STREET  
**TOWNSHIP OF WEST LINCOLN**  
REGIONAL MUNICIPALITY OF NIAGARA  
0 5 10 15 20m  
SCALE 1 : 200  
RASCH & HYDE LTD.  
ONTARIO LAND SURVEYORS

KEY MAP  
(NOT TO SCALE)



**PROPERTY DESCRIPTION**

LOT 34, PLAN M-89  
(AS CONFIRMED BY PLAN 30BA-1686)  
TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA  
PIN 46051-0039(LT)

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5. FINAL BOUNDARY TO BE DERIVED FROM AS-CONSTRUCTED, CENTRELINE OF WALLS.

**LEGEND & NOTES**

PIN DENOTES PROPERTY IDENTIFICATION NUMBER  
CLF DENOTES CHAIN LINK FENCE  
N-NORTH; S-SOUTH; W-WEST; E-EAST

FIELD WORK COMPLETED: APRIL 25, 2022

JULY 21, 2022  
DATE

*Harold D. Hyde*  
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 : 200

SURVEY : 22-087 SEV

DRWN BY : J.H.

**METRIC NOTE**

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



**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**

January 9, 2023

Region File: D.10.12.OPA-22-0045  
D.18.12.ZA-22-0103

Jessica Dyson  
Deputy Clerk  
Township of West Lincoln  
318 Canborough Street  
Smithville, ON, L0R 2A0

Dear Ms. Dyson:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment & Zoning By-law Amendment  
Applications  
Township File: 1601-013-22 ZBA & 1701-003-22 OPA  
Owner: Olufemi (Joseph) Oyegbami  
Agent: Steven Rivers (South Coast Consulting)  
Lot 34, Plan M98 - Mill Street  
Township of West Lincoln**

---

Regional Planning and Development Services staff has reviewed the above-mentioned Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications for a vacant Lot 34, Plan M98 located on the north side Mill Street in the Township of West Lincoln to permit a 3 dwelling unit townhouse.

The OPA application is required to permit three units on the subject property, whereas the property is designed in the Township's Official Plan as Medium Density Residential, which only permits up to two units. The ZBA application is required to change the zoning from a Low-Density Residential zone to a Medium Density 'RM2' zone, with a number of site specific modifications, including a reduced minimum lot frontage from 6 m to 5.8 m, a reduced minimum interior side yard from 3 m to 1 m, and an increased maximum garage width from 50% to 63%.

A pre-consultation meeting for the proposal was held on April 7, 2022 with the Owner, Agent, Township and Regional staff in attendance. Regional staff note that the new *Niagara Official Plan* ("NOP") was approved with modifications by the Minister of Municipal Affairs and Housing, coming into effect on November 4, 2022 and replacing

the *Regional Official Plan* (“ROP”). Given that this application was deemed complete by the Township of West Lincoln on November 21, 2022, the policies of the NOP apply. The following comments are provided from a Provincial and Regional perspective to assist Township Council with their consideration of the applications.

## **Provincial and Regional Policies**

The subject land is located in the ‘Settlement Area’ under the *Provincial Policy Statement, 2020* (“PPS”), and within the ‘Delineated Built-Up Area’ in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated ‘Built-Up Area’ in the NOP.

The PPS, Growth Plan, and NOP together direct development to take place within urban areas to support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are permitted generally within the built-up area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

The annual minimum intensification target for the Built-Up Area for the Township of West Lincoln contained in Table 2-2 of the NOP of 13% will continue to apply. The proposal will contribute to the Township’s intensification target as it is considered to be an intensification of the subject lands in accordance with both Provincial and Regional policies.

Staff has reviewed the *Preliminary Planning Policy Justification Report and Impact Analysis*, prepared by South Coast Consulting (dated August 10, 2022) and are generally accepting of its content. Regional staff require that a ‘final’ Planning Justification Report is submitted to support the application, including an analysis of the in-effect NOP policies. Staff note that local compatibility and interface with neighbouring properties is a local matter to be addressed by Township staff and Council.

## **Archaeological Potential**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Citizenship and Multiculturalism’s (“MCM”) Criteria for Evaluating Archaeological Potential utilized at the time of pre-consultation, the subject

land has potential for the discovery of archaeological resources as it is within 300 m of 2 registered archaeological sites and a natural watercourse (Twenty Mile Creek to the south), and nearby to the Union Methodist cemetery (northeast). Given that the subject land has not been recently, intensively, or extensively disturbed as outlined within the Province's Criteria, staff requested the completion of a Stage 1-2 Archaeological Assessment and Ministry Acknowledgement Letter.

A *Stage 1-2 Archaeological Assessment*, prepared by Irvin Heritage Inc. (dated April 22, 2022) has been received and reviewed by staff. The Stage 1 Assessment confirmed that the site has archaeological potential and the Stage 2 Assessment conducted test pit surveys excavated by shovel at 5 m intervals. The Stage 2 test pit survey identified no archaeological resources. Based on the assessments completed, the licensed archaeologist states that the study area has been sufficiently assessed and is free of further archaeological concern.

A Ministry Acknowledgement Letter, dated June 15, 2022 has been received by Regional staff, acknowledging that the report has been entered into the Ontario Public Register of Archaeological Reports without technical review. As such, staff are satisfied that archaeological assessment requirements have been addressed.

## **Land Use Compatibility**

The PPS states that sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants.

The subject land is in close proximity to Regional Road 20 (to the north), which continues to increase in traffic volume. As such, staff recommend the inclusion of noise mitigation measures / devices during the construction of the townhouse units, which would include central air conditioning units (to allow for windows and doors to remain closed during noise events), upgraded exterior windows and doors, and exterior brick veneer. Staff also recommend the inclusion of standard warning clauses within all future Sale, Lease, or Occupancy Agreements of the dwellings. These conditions can be managed through a future Site Plan application.

## **Waste Collection**

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

- Recycling: Weekly Collection of Blue/Grey Carts;
- Organics: Weekly Collection of Green Carts; and,

January 9, 2023

---

- Garbage: Every-Other-Week Collection of 2 Bags/Cans per Unit to a Maximum of 6.
- Curb side collection only on Mill Street

No plans were submitted with the application. If the proposed development is unable to comply with Niagara Region's waste collection requirements, waste collection services for the development will be the responsibility of the owner through a private contractor and not the Niagara Region.

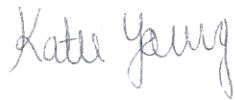
## Conclusion

Regional Planning and Development Services staff is satisfied that the Official Plan Amendment and Zoning By-law Amendment applications to permit a residential development on the vacant lot 34, located on Mill Street in the Township of West Lincoln is consistent with the PPS and conforms to Provincial and Regional plans.

Regional staff note that in accordance with policies 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding, the Official Plan Amendment as reviewed is exempt from Regional Council Approval.

If you have any questions related to the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca) or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca)

Kind regards,



Katie Young, MCIP, RPP  
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region  
Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region  
Gerrit Boerema, MCIP, RPP, Senior Planner, Township of West Lincoln

**Gerrit Boerema**

---

**From:** Jennifer Bernard  
**Sent:** January 3, 2023 12:16 PM  
**To:** Gerrit Boerema  
**Subject:** RE: Notice of Public Meeting - Application No. 1601-013-22 (ZBA) 1701-003-22 (OPA)  
- Lot 34 Mill Street

Hi Gerrit,

I don't have any comments to provide on this application, it appears they have covered servicing and stormwater concerns, the drawings show the sanitary sewer easement at the back of the property and they have kept the building area out of the easement.

Thanks,  
Jenn

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***



**Jennifer Bernard, C.E.T.**

**Coordinator, Engineering Services**

Tel: 905-957-3346 ext 6732  
Email: [jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)  
Web: [www.westlincoln.ca](http://www.westlincoln.ca)



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**From:** Gerrit Boerema  
**Sent:** December 15, 2022 3:18 PM  
**To:** 'Sue Mabee' <Sue.Mabee@dsbn.org>; Clark.Euale@ncdsb.com; Mani Drummond <mdrummond@npca.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>; Young, Katie <Katie.Young@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; mr18enquiry@mpac.ca; consultations@metisnation.org; tedc@metisnation.org; pontdj@hotmail.com; jocko@sixnationsns.com; hdi2@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; megan.devries@mncfn.ca; peter.epler@mncfn.ca; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@nrnc.ca; executivedirector@fenfc.org; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; Jessica Kroes <jkroes@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Lisa Kasko-Young



Attachment 5 to PD-03-2023

<lyoung@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Fred vanderVelde <fredv@royallepage.ca>; West Lincoln Chamber <westlincolnchamber@bellnet.ca>; Jeni Fisher <jfisher@westlincoln.ca>; Barb Hutchinson <BHutchinson@westlincoln.ca>; Femi Oyegbami <qleo2002@gmail.com>; Joseph Oyegbami <f.oyegbami@gmail.com>; steven.p.rivers <steven.p.rivers@gmail.com>; Brian Treble <btreble@westlincoln.ca>

**Subject:** Notice of Public Meeting - Application No. 1601-013-22 (ZBA) 1701-003-22 (OPA) - Lot 34 Mill Street

Good Morning,

Please find attached the notice for public meeting concerning a proposed zoning bylaw amendment and official plan amendment at Lot 34 Plan M89 on Mill Street.

If you have any comments please provide them to the Deputy Clerk or myself as outlined in the notice.

Gerrit Boerema, MCIP RPP

Senior Planner

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***

	<p><b>Gerrit Boerema</b></p> <p><b>Planner II</b></p> <p>Tel: 905-957-3346 ext.5133 Email: <a href="mailto:gboerema@westlincoln.ca">gboerema@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a></p> <p>   </p>
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**DATE:** January 16, 2023

**REPORT NO:** PD-06-2023

**SUBJECT:** Recommendation Report – Domaine Queylus – 3651 Sixteen Road, Need for Municipal Approval of Temporary Patio for ‘By the Glass’ Operators

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- On April 8, 2018, Township of West Lincoln Council supported a request for Domaine Queylus for a ‘By the Glass’ license.
- In early summer of 2020, Township of West Lincoln first granted an approval to operate a temporary outdoor patio as triggered by the gradual reopening COVID rules of the day.
- On December 6, 2022, Township Clerks staff received a phone call from Domaine Queylus about the new rules from the Alcohol and Gaming Commission of Ontario (AGCO). These rules were provided to the Township by the AGCO on November 23<sup>rd</sup>, 2022.
- Domaine Queylus now requires approval from the Township of West Lincoln for the operation of their outdoor patio for the 2023 season (beginning January 1, 2023) when they operate under a ‘By the Glass’ endorsement.
- This report is written to recommend that Council grant approval of the ‘By the Glass’ temporary patio as currently situated at 3651 Sixteen Road.
- Township Building and By-law staff have been to the site and advise that the patio complies with Building Code regulations and the current site plan.

**RECOMMENDATION:**

1. That, Recommendation Report PD-06-2023, regarding “Domaine Queylus – 3651 Sixteen Road, need for Municipal Approval of Temporary Patio for ‘By the Glass’ Operators”, dated January 16, 2023 be RECEIVED; and,
2. That, Committee and Council hereby approve a temporary patio permit for Domaine Queylus at 3651 Sixteen Road in support of their ‘By the Glass’ endorsement as per new rules by the Alcohol and Gaming Commission of Ontario and that such patio approval apply retroactively to January 1, 2023.

## **ALIGNMENT TO STRATEGIC PLAN:**

### **Theme #3 and #4**

- Strategic Responsible Growth
- Local Attractions

## **BACKGROUND:**

Township staff and Council have worked closely with Domaine Queylus over the past several years to operate in accordance with the rules of the Alcohol and Gaming Commission of Ontario (AGCO) including support for a 'By the Glass' endorsement and the temporary patio during COVID. Further, an Official Plan amendment was made to the agricultural policies to better account for and accommodate winery operators. Unfortunately, the rules of AGCO change from time to time and Township staff are not necessarily made aware of such changes in a timely fashion.

## **CURRENT SITUATION:**

On November 23, 2022, AGCO notified the Township of West Lincoln via email of new rules that applied as of 3am on January 1, 2023. On December 6, 2022, Clerks Department staff received a call from Domaine Queylus about the AGCO changes and the fact that as a 'By the Glass' operator they would require approval from the Township of West Lincoln to operate their temporary outdoor patio after January 1, 2023.

On January 11, 2023, Township Building and By-law staff attended to the property and confirmed (see attachment 4 to this report) that the existing temporary patio is in accordance with the Building Code and current approved site plan.

Previously in 2019, Township Council endorsed the operation of Domaine Queylus as a 'By the Glass' operator and also endorsed, during COVID, a temporary outdoor patio.

Staff have no issues granting approval of the temporary outdoor patios for the 2023 calendar year and recommend that Council grant approval retroactively to January 1, 2023.

## **FINANCIAL IMPLICATIONS:**

Not applicable to this report.

## **INTER-DEPARTMENTAL COMMENTS:**

Not applicable to this report.

## **CONCLUSION:**

Staff recommend that a temporary patio approval be granted in accordance with the current AGCO rules for Domaine Queylus at 3651 Sixteen Road for the 2023 calendar year in support of the 'By the Glass' endorsement and as per current rules of the AGCO as approved in 2022 for the 2023 calendar year.

**ATTACHMENTS:**

1. 'By the Glass' Endorsement
2. Approved Site Plan
3. Current AGCO rules
4. Comments – Township of West Lincoln – Building Department

**Prepared & Submitted by:**



---

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

**Approved by:**



---

**Bev Hendry**  
**CAO**

---

**CLERK'S DEPARTMENT**

April 9, 2019

Domaine Queylus  
3651 Sixteen Rd  
St. Anns, ON  
L0R 1Y0

Dear Mr. Nadeau, Vice President & General Manager:

**RE: Wine by the Glass at Domaine Queylus 2019**

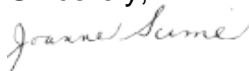
This is to confirm that on Monday, April 8, 2018, West Lincoln Township Council adopted the following recommendation:

That, the Council of the Corporation of the Township of West Lincoln supports and endorses the applications of wineries and breweries located within the geographic limits of the municipality to obtain "By the Glass" Manufacturers consumption in single servings at their manufacturing sites; and,

That, this resolution is hereby approved prior to ratification by Council for the purpose of informing the Alcohol and Gaming Commission (AGCO).

If you have any questions regarding the above, please do not hesitate to contact Joanne Scime, Clerk at 905-957-3346 ext. 5136.

Sincerely,



Joanne Scime  
Clerk

cc. Brian Treble, Director of Planning & Building  
U:\Clerk's Dept\Council\Council-2019\letter to AGCO - Wine by the Glass - Apr 8



A G R I C U L T U R A L

6

LOCAL BENCHMARK  
TOP OF IRON BAR  
ELEVATION = 100.21

390.03

PART 2  
PLAN 30R-7794

CONCESSION

A G R I C U L T U R A L

PART 1 - PLAN 30R-7794

SITE AREA - 86,434 m<sup>2</sup>

PLOUGHED FIELD

441.85

PART 9 - PLAN 30R-7794

ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 3 AND 4 -- NOT TRAVELLED

A G R I C U L T U R A L

CONCESSION

6

## BUILDING STATISTICS

BUILDING	Building size (m <sup>2</sup> )	Building height	Front yard setback (south)	Rear yard setback (north)	Side yard setback (east)	Side yard setback (west)
1 1/2 storey log & stone dwelling	189 m <sup>2</sup>	6.9 m	30.16	350.95	17.65	167.61
frame shed	18 m <sup>2</sup>	3.6 m	51.61	335.84	38.31	165.26
1 storey metal clad building	449 m <sup>2</sup>	7.6 m	30.26	354.39	87.56	94.64
PROPOSED 1 STOREY ADDITION	457 m <sup>2</sup>	7.6 m	29.90	354.30	112.0	75.9

## 3651 SIXTEEN ROAD

## LOT STATISTICS

LOT AREA	- 86,434 m <sup>2</sup>	= 100%
BUILDING AREA	- 1,113 m <sup>2</sup>	= 1.3%
GRAVEL AREA	- 2,193 m <sup>2</sup>	= 2.5%
PAVED AREA	- 305 m <sup>2</sup>	= 0.4%
LANDSCAPED AREA	- 18,748 m <sup>2</sup>	= 21.7%
CULTIVATED FIELD	- 64,075 m <sup>2</sup>	= 74.1%

## SKETCH

PREPARED FOR SITEPLAN APPLICATION

PART OF LOT 3, CONCESSION 6  
GEOGRAPHIC TOWNSHIP OF GAINSBOROUGH

IN THE

TOWNSHIP OF WEST LINCOLN  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 600

0 2 4 6 8 10 20 30 METRES

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## BENCHMARK

ELEVATIONS HEREON ARE NOT GEODETIC AND ARE REFERRED TO THE TOP OF  
AN IRON BAR LOCATED AT THE SOUTH-EAST CORNER OF THE SUBJECT  
PROPERTY. ELEVATION = 100.21 METRES (ASSUMED).

## LEGEND

SYMBOL	DESCRIPTION
•	EXISTING GROUND ELEVATION
—	FINISHED FLOOR
—	HYDRO POLE AND GUY WIRE
—	CORRUGATED STEEL PIPE
—	OVERHEAD HYDRO LINE
—	PROPOSED FIRELANE


FIELD WORK COMPLETION DATE: MAY 25, 2021

## REVISIONS

Rev #	REVISION	Date
0	Submitted to client for review	28 May/21
1	Revised to show fire hydrant and oak trees	14 June/21
2	Added existing water truck connection	8 July/21

CHAMBERS AND ASSOCIATES  
SURVEYING LTD.12 THOROLD ROAD EAST  
WELLAND, ONTARIO  
L3C 3T2  
(905) 735-7841 / 735-7844  
FAX (905) 735-7333  
www.cas-surveying.com

DRAWN BY: D. H. T. WSCAD: 94141-8 DWG: 94141-8\_SP rev2 FILE NO: 94-141-8



Outdoor patio  
expansion

340  
square  
metres  
35  
persons

**From:** do-not-reply [<mailto:do-not-reply@agco.ca>]

**Sent:** November 23, 2022 1:55 PM

**To:** Joanne Scime <[jscime@westlincoln.ca](mailto:jscime@westlincoln.ca)>

**Subject:** New requirements for temporary outdoor physical extensions (temporary patios) begin January 1, 2023/ Nouvelles ...



AGCO

Alcohol and Gaming  
Commission of Ontario

Alcohol and  
Gaming  
Commission of  
Ontario  
90 Sheppard Avenue

East  
Suite 200  
Toronto ON M2N 0A4

*November 23, 2022*

(La version française suit la version anglaise)

## New requirements for temporary outdoor physical extensions (temporary patios) begin January 1, 2023

If you are planning to have a temporary outdoor physical extension (temporary patio) next year, the Alcohol and Gaming Commission of Ontario (AGCO) would like to [remind](#) you that the government's new approval framework comes into effect on January 1, 2023.

Starting on January 1, 2023:

- **NEW!** Most liquor sales licensees and manufacturers that hold a by-the-glass endorsement who want to operate a temporary patio **will need municipal approval**
- **NEW!** Upon obtaining an approval from a municipality, you are required to then notify the AGCO by making a submission on the [iAGCO](#) portal before selling or serving liquor on your temporary patio (see [Notifying the AGCO of an Approved Temporary Patio](#))
- **NEW!** Temporary patios may only operate for a maximum of eight months per calendar year

The AGCO will no longer accept applications or otherwise approve temporary patios for licensees located in municipalities.

### **What you need to do**

Liquor sales licensees and by-the-glass endorsement holders:

- Contact your [local municipality](#) for information on their approval process:
  - Seek approval from your local municipality well in advance of using your temporary patio
  - Direct your questions about approval of the temporary patio to your local municipality
- Continue to comply with:
  - Existing AGCO requirements for permanent indoor and outdoor extensions and temporary indoor extensions
  - The [Liquor Licence and Control Act, 2019](#), its regulations, the [Registrar's Interim Standards and Requirements for Liquor](#) as well as any other existing conditions on the licence and any conditions that have been specified on the temporary patio approval by the municipality

### **Not in a Municipality? (Information for Licensees on First Nations Reserves or in Unorganized Areas)**

- Licensees on First Nations Reserves should [click here](#) for more information
- Licensees in Unorganized Areas must apply to the AGCO for approval of their temporary patio

### **Helpful Resources**

- View the following [link for more information on the temporary patio changes](#)
- View the following [link for more information on how to notify the AGCO of a temporary patio that has been approved by a municipality or band council](#)
- For more background information, read the [April 19, 2022 Information Bulletin](#)

### **Contact Information**

For questions about the temporary patio requirements unique to the municipality or First Nations Reserve where your establishment is located, contact your [municipality](#) or First Nations Band Council.



If you have questions, local AGCO Inspectors are here to help and support you with additional information and education. If you are unsure who your AGCO Inspector is, please email [Compliance@agco.ca](mailto:Compliance@agco.ca) with your licensed establishment address to get connected.

AGCO Customer Service is available online via the [iAGCO](#) portal or by phone Monday to Friday from 8:30 am – 5:00 pm at 416-326-8700 or (toll free) 1-800-522-2876.



CAJO

Commission des alcools  
et des jeux de l'Ontario

*23 novembre 2022*

## **Nouvelles exigences pour les agrandissements extérieurs temporaires (terrasses temporaires) en vigueur à compter du 1<sup>er</sup> janvier 2023**

Si vous prévoyez exploiter un agrandissement extérieur temporaire (terrasse temporaire) l'an prochain, la Commission des alcools et des jeux de l'Ontario (CAJO) souhaite vous [rappeler](#) que le nouveau cadre d'approbation gouvernemental entrera en vigueur le 1<sup>er</sup> janvier 2023.

À compter du 1<sup>er</sup> janvier 2023 :

- **NOUVEAU!** La plupart des titulaires de permis de vente d'alcool et des fabricants détenant un avenant de vente au verre qui désirent exploiter une terrasse temporaire **devront obtenir l'approbation de leur municipalité.**
- **NOUVEAU!** Une fois votre agrandissement temporaire approuvé par la municipalité, vous devrez informer la CAJO en présentant une soumission sur le portail [iCAJO](#) avant de vendre ou de servir des boissons alcoolisées sur votre terrasse (voir [Informer la CAJO de l'obtention d'une approbation de terrasse temporaire](#)).



- **NOUVEAU!** Vous pouvez exploiter une terrasse temporaire pour une durée maximale de huit mois par an.

La CAJO cessera d'accepter les demandes et d'approuver les terrasses temporaires de titulaires de permis dans les municipalités.

### **Que devez-vous faire?**

Si vous êtes titulaire d'un permis de vente d'alcool ou d'un d'avenant de vente au verre :

- communiquez avec votre [municipalité](#) pour vous renseigner sur le processus d'approbation :
  - demandez l'approbation de la municipalité très à l'avance;
  - adressez vos questions sur l'approbation de la terrasse temporaire à votre municipalité;
- continuez de respecter :
  - les exigences actuelles de la CAJO pour les agrandissements permanents intérieurs et extérieurs et les agrandissements temporaires intérieurs;
  - la [Loi de 2019 sur les permis d'alcool et la réglementation des alcools](#), ses règlements, les [Normes et exigences provisoires du registrateur pour les boissons alcoolisées](#) ainsi que toute autre condition existante se rapportant au permis ou à l'approbation de terrasse temporaire.

### **Votre établissement n'est pas dans une municipalité? (Renseignements pour les titulaires de permis dans une réserve des Premières Nations ou un territoire non organisé)**

- Si vous êtes titulaire de permis dans une réserve des Premières Nations, [cliquez ici](#) pour de plus amples renseignements.
- Si vous êtes titulaire de permis dans un territoire non organisé, vous devez obtenir l'approbation de la CAJO pour exploiter une terrasse temporaire.

### **Ressources utiles**

- Cliquez [ici](#) pour en savoir plus sur les modifications relatives aux terrasses temporaires.
- Cliquez [ici](#) pour en savoir plus sur la façon d'informer la CAJO de l'approbation d'une terrasse temporaire par une municipalité ou un conseil de bande.
- Pour plus de renseignements généraux, consultez le [bulletin d'information du 19 avril 2022](#).

### Coordonnées

Pour toute question sur les exigences liées aux terrasses temporaires propres à la municipalité ou à la réserve des Premières Nations où se trouve votre établissement, communiquez avec l'[administration municipale](#) ou le conseil de bande.

Si vous avez des questions, consultez un inspecteur local de la CAJO, dont le rôle est de vous informer et de vous aider. Si vous ne savez pas qui est votre inspecteur, veuillez envoyer un courriel à [Compliance@agco.ca](mailto:Compliance@agco.ca) en précisant l'adresse de votre établissement visé par un permis.

Vous pouvez joindre le service à la clientèle de la CAJO à tout moment sur le portail en ligne [iCAJO](#) ou par téléphone du lundi au vendredi, de 8 h 30 à 17 h, au 416 326-8700 ou sans frais au 1 800 522-2876.



AGCO

Alcohol and Gaming  
Commission of Ontario

CAJO

Commission des alcools  
et des jeux de l'Ontario

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**Jeni Fisher**

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**From:** John Schonewille  
**Sent:** January 11, 2023 1:26 PM  
**To:** Brian Treble  
**Cc:** Jeni Fisher  
**Subject:** Domaine Queylus 3651 Sixteen Road

Brian:

I attended the subject property today and met with the owners who toured me through the site that is subject to the "By the Glass" endorsement and can confirm the outdoor patio remains in the same location and size as was permitted previously.

There has been no further recent development on site and there is no outstanding Building Code Orders or By-Law infractions that would impact approval of the current request for the outdoor licenced area.

*John*

***Our working hours may be different. Please do not feel obligated to reply outside of your working hours. Let's work together to help foster healthy work-life boundaries.***

	<p><b>John Schonewille</b></p> <p><b>Deputy Chief Building Official</b></p> <p>Tel: 905-957-3346 ext. 5135 Email: <a href="mailto:jschonewille@westlincoln.ca">jschonewille@westlincoln.ca</a> Web: <a href="http://www.westlincoln.ca">www.westlincoln.ca</a></p> <p>   </p>
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**DATE:** January 16, 2023

**REPORT NO:** PD-04-2023

**SUBJECT:** **Recommendation Report – P Budd Developments – Station Meadows West Redline Revision to Draft Plan of Subdivision File No. 2000-89-19**

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

**OVERVIEW:**

- An Application for Redline revision to the P Budd Development Draft Plan of Subdivision approval has been submitted by MHBC Planning on behalf of the Owner of the property, Mr. Peter Budd.
- The P Budd Development property is located within the Northwest Quadrant Secondary Plan area, east of South Grimsby Road 5, north of the CP Rail line and west of the existing Station Meadows subdivision.
- Draft Plan of Subdivision approval was granted on May 26, 2021 with associated conditions, to permit a potential 412 residential dwelling units in the form of single detached, townhouse, back to back townhouse, stacked back to back townhouse and apartment dwelling units.
- The applicants are now requesting a revision to the draft plan, specifically with respects to Block 87, Block 84 and Block 85. Block 84 and 85 were reduced in size and pushed further north to give Block 87 more frontage along the proposed internal Street E, as the current draft plan approved subdivision does not have sufficient frontage.
- Originally, Block 87 contained a 5-storey apartment building, which has now been replaced on the latest concept plan with more standard townhouses and stacked townhouses. This results in a net loss of four units from 412 to 408 units.
- While meeting the minimum density targets, the overall draft plan of subdivision now lacks a well distributed mix of housing types. Both apartment and townhouse units are permitted in the RM3-203 zone, of which Block 87 is zoned.
- The revision to the draft plan of subdivision ultimately only changes the configurations of the blocks and does not establish the type of units within those blocks, as these blocks will be processed as separate plans of condominium.
- Staff recommend support of the revision to the draft plan of subdivision provided that a condition be added to the conditions of approval requiring that Staff and Council be satisfied with the ultimate mix of residential unit types within the development.

**OVERVIEW (Continued):**

- The applicants have also submitted a request for an extension to their draft plan of subdivision approval which Township staff recommend approval of extension of two years from the date of lapsing.
- In circulation of the extension and draft plan revision requests, the Township Public Works Department has additionally requested a change in conditions requiring a road widening along South Grimsby Road 5.

**RECOMMENDATION:**

1. That, Recommendation Report PD-04-2023 regarding “P Budd Developments- Station Meadows West Redline Revision to Draft Plan of Subdivision – File N0. 2000-89-19”, dated January 16, 2023, BE RECEIVED, and,
2. That the Draft Plan of subdivision, File No. 2000-89-19, as revised in Attachment 1, BE REDLINE APPROVED, in accordance with the provisions of the Planning Act, R.S.O. 1990, Chapter P. 13 and revisions thereunder, subject to the revised conditions contained in Attachment 2 to this report (PD-04-2023),
3. That, the change to conditions be deemed as minor and that written notice of the change to conditions is not required under Section 51 (47) of the Planning Act R.S.O. 1990, Chapter P. 13; and,
4. That, the Draft Plan of Subdivision approval be extended by a period of two years following the lapsing of the current three year approval, subject to the conditions as found in Attachment 2 to this report.

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

- **Strategic Responsible Growth**

**BACKGROUND:**

On May 26, 2021 Township Council gave draft plan of subdivision approval to a 14.8 hectare development known as Station Meadows West/ P Budd Developments. The subject property is located on the east side of South Grimsby Road 5, north of the CP Rail line and west of the existing Station Meadows subdivision.

The current approved plan has the potential to create a total of 412 units including 56 single detached dwellings, 296 townhouses and 60 apartment units.

In 2020 and 2021 the Township undertook a zoning bylaw amendment to establish new regulations for back-to-back and stacked back-to-back townhouse dwellings. The bylaw was approved by Council but appealed by Mr. Peter Budd. Through that appeal process it became apparent that one of the blocks within the subdivision, being Block 87, did not conform to the lot frontage requirements of the Residential Medium Density ‘RM3’ parent zone. As such, the main purpose of this revision to the draft plan is to address the frontage issue of Block 87, however, staff also note that the initially proposed 60 unit apartment building has now been removed and replaced with stacked back to back townhouse dwellings. Although the revisions to housing type are not before committee with this report, staff want to inform Committee and Council of the potential change to housing types down the road. The proposed changes to the draft plan combined with the change of unit types would result in a change of units from 412 to 408.



The applicants have also requested an extension to the draft plan of subdivision approval for a period of two years from the date of lapsing.

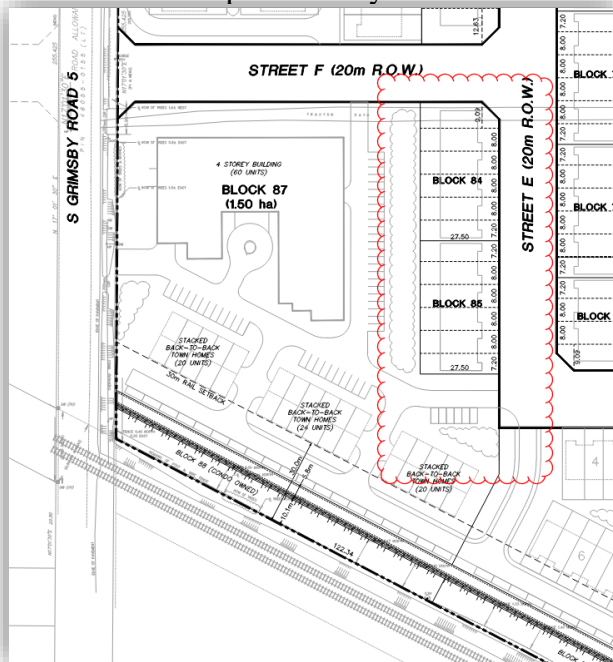
### CURRENT SITUATION:

Following the approval of the P Budd Developments, Station Meadows West Draft Plan of subdivision and zoning bylaw amendment, the Township initiated a zoning bylaw amendment to provide specific regulations for back-to-back and stacked back-to-back townhouse regulations. Council passed the corresponding zoning bylaw, but that was appealed by Mr. Peter Budd. It was through that appeal that the applicants became aware that Block 87 of the draft plan did not meet the Residential Medium Density zone frontage requirements of 30 metres.

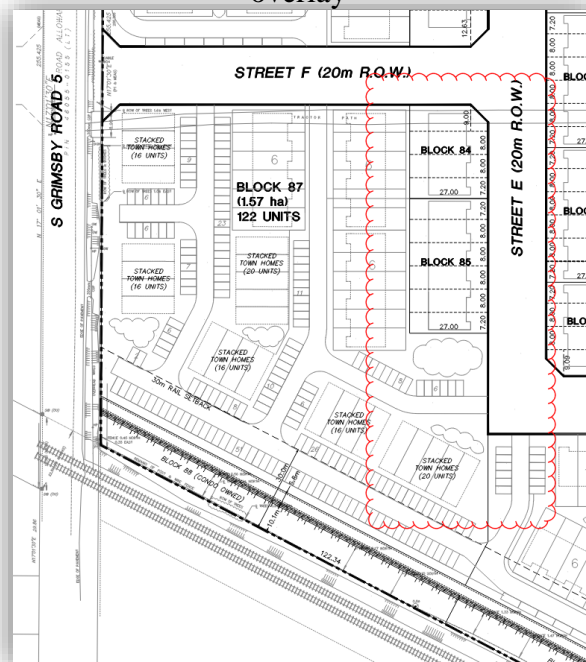
Although Block 87 has frontage along three different streets, the Township's zoning bylaw defines the lot frontage as the shortest lot line abutting a street. As such, the portion of block 87 abutting the proposed Street E is considered the lot frontage and on the current plan and is only 18.4 metres.

To address this issue, the applicants have removed 2 townhouse units from Block 84 and have shifted Block 85 north to provide more frontage along Street E. In addition to the frontage change, the applicants have provided a new site plan drawing showing the removal of the four storey, 60 unit apartment building with more stack back-to-back townhouse units in its place.

Current approved plan with site plan overlay



Proposed plan with site plan overlay



Although this application to amend the draft plan is only to change the configuration of Blocks, 84, 85 and 87, staff still have concerns about the loss of the apartment building

and apartment units that were originally considered at the time of this subdivisions initial approval.

Although staff do not object to the amendment to the draft plan of subdivision for the purposes of addressing the lot frontage conformity issue of Block 87, staff do have concerns that the plan to remove the apartment units may no longer meet the intention of Provincial, Regional and Local planning policy as housing variety and possibly housing affordability are being decreased.

Under the proposed site plan, the Station Meadows West Draft plan proposes 56 single detached dwellings, or 14% of the units, with the remainder being townhouse units, stacked townhouse units and stacked back to back townhouse units (86%).

Staff are recommending that the following condition be added to the conditions of draft plan approval:

*41. That the owner provides a site plan for the proposed development that can accommodate a range of housing types compliant with zoning, to the satisfaction of Township Staff and Council, and that the plan be evaluated at each phase of subdivision design as it is implemented through future condominium applications.*

Staff will present a future report to Committee and Council which speaks to housing types, housing mix and housing affordability before the new condition of draft plan of subdivision will be cleared.

Township Public Works staff have also been working on future road designs as part of the development within the Northwest Quadrant and future development within the urban boundary expansion area. As a result of this development, South Grimsby Road 5 and Spring Creek Road have been determined to be a Collector Roads requiring a total street width of 21 metres. As South Grimsby Road 5 and the Spring Creek Road allowance is currently 20 metres, a road widening of 0.5 metres on each side of the road is required. This has been discussed with A new condition has been added to the conditions of draft plan approval:

*9. That the Owner gratuitously dedicates a road widening across the frontage of South Grimsby Road 5 and Spring Creek Road of 0.5 metres to achieve 21 metres from the centreline of South Grimsby Road 5, free and clear of any mortgages, liens and encumbrances.*

Transportation and Infrastructure master plan work is ongoing and may result in the need for a wider right of way than the 21 metres requested above. Staff have completed a review of provincial, regional and local planning policy with respects to the proposed changes below:

### **Provincial Policy Statement and A Place to Grow: Growth plan for the Greater Golden Horseshoe**

The Provincial Policy Statement, in Section 1.4.1 requires that municipal approval authorities provide an appropriate range and mix of housing options and densities to meet the projected requirements of current and future residents. Further, the A Place to Grow Plan also requires municipalities to support housing choice through identifying a diverse range and mix of housing opportunities.

The proposed removal of the apartment building would result in the vast majority of the development being a variation of townhouse units, and 14% of the development being single detached dwellings. Apartment units, as initially proposed, provide a type of unit that may be superior to stacked back-to-back dwellings as they are typically more accessible and use land more efficiently. Variety and mix of unit type and affordability are brought into question with the latest concept.

### **Niagara Official Plan, 2022**

The new Niagara Official Plan, in alignment with the provincial policy documents, also has the principal objective of providing a mix of housing options to address current and future needs. This includes the development of a range and mix of densities, lot and units sizes and housing types to meet housing needs at all stages of life.

### **West Lincoln Official Plan, 2014**

The West Lincoln Official Plan additionally has the objective of providing a range of dwelling types and ownership form, including housing that is more affordable to the existing and future residents of West Lincoln.

The subject property is located within the Northwest Quadrant Secondary Plan (approved in June, 2017) area and is designated as low density and medium density residential. The Medium Density designation is to provide a range of housing types which include townhouses, but also other forms of multi-unit housing such as low rise apartment buildings.

The Township of West Lincoln has also approved Official Plan Amendment 63 which has amended a number of official plan policies regarding housing and growth, not only related to the urban boundary expansion lands, but also lands within the existing boundary of Smithville. Official Plan Amendment 63 has yet to be approved by the Region of Niagara. Official Plan Amendment No. 63 does not impact any of the existing policies with respect to the Northwest Quadrant Secondary Plan area.

### **Township of West Lincoln Zoning Bylaw, 2017**

The proposed revisions to the draft plan block configuration will bring Block 87 into conformity with the lot frontage requirements of the Residential Medium Density 'RM3' zone, meeting the minimum 30 metre lot frontage requirement. On the current plan the lot frontage was approximately 18 metres. Despite this block abutting three different existing and proposed streets, the Township's zoning bylaw defines lot frontage as being the shortest lot line that abuts a street.

Staff also note that the Residential Medium Density 'RM3-203' zone permits both stacked townhouse dwellings and apartment buildings, so the unit type in the proposed site plan would be permitted in the zoning bylaw. However, through the review of the revision to the draft plan of subdivision, staff still need to ensure conformity with provincial, regional and local planning policy requiring a range and mix of housing types. As such, Planning staff have proposed a condition be added to the conditions of approval to ensure that the future condominium blocks are planned and designed in a way that achieves the desired mix of housing types, as was provided in the original draft plan approval.

### **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report. Decisions regarding draft plan of subdivisions and extensions are not subject to the fee return requirements under Bill 23 and the Planning Act.

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

Regional comments have not yet been provided at the time of writing this report. Staff do not believe that any of the Regional interests with respect to this application are being affected regarding the amendment to the draft plan, adding of condition or extension of approval.

The Township of West Lincoln Public Works Department has no comments with regards to the revised draft plan or its extension as they are currently providing comments through the ongoing engineering review of the development.

### **CONCLUSION:**

An application to revise a draft plan of subdivision known as Station Meadows West, owned by P Budd Developments, has been submitted by MHBC Planning and the Odan Detech Group to make changes to address a zoning conformity issue.

Three blocks are proposed to be revised to provide Block 87 with the minimum amount of frontage along Street E. Additionally they have made changes to the site plan within Block 87, removing the proposed apartment building and replacing it with stacked back-to-back townhouse dwellings. As such, staff are recommending approval of the revised draft plan and an extension to the draft plan approval for a period of two years from the lapsing date of the draft plan approval, subject to conditions found in Attachment 2. These conditions have been revised to include a new condition requiring the provision of a range of housing types to satisfy provincial, regional and local planning policy requirements and a road widening along South Grimsby Road 5 and Spring Creek Road as identified through ongoing study work.

**ATTACHMENTS:**

1. Revised Draft Plan of Subdivision Submission – Station Meadows West
2. Revised Conditions of Approval

**Prepared & Submitted by:**



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**Gerrit Boerema**  
Senior Planner

**Approved by:**



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**Bev Hendry**  
CAO



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**Brian Treble**  
Director of Planning & Building



# MEMO

KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

<b>To:</b>	<b>Brian Treble and Gerrit Boersma</b>
<b>From:</b>	<b>Oz Kemal</b>
<b>Date:</b>	<b>November 18, 2022</b>
<b>File:</b>	<b>Station Meadows West- Revised Draft Plan of Subdivision</b>
<b>Subject:</b>	<b>Planning Justification Addendum, Revisions based on Ontario Land Tribunal Settlement</b>

In December of 2019, an application for a Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision (POS) was submitted to the Township of West Lincoln. The purpose of the application was to facilitate the development of 395 residential dwelling units, consisting of single detached and townhouse dwelling units, along with a 0.83 hectare neighbourhood park and linear trail within Smithville's Northwest Quadrant. The lands are legally described as Part of Lot 1, Registered Plan M-94, Township of West Lincoln, Regional Municipality of Niagara (the 'Subject Lands') was submitted to the Township of West Lincoln.

Since the original application of 2019, further revisions were undertaken with a submission provided to the Town in September 2020. This was followed by a Neighbourhood Meeting on September 29, 2020 wherein the consulting project team presented a revised ZBA and POS and proposed 412 residential dwelling units. On October 13, 2020, a Statutory Public Meeting was held, followed by Town planning staff requesting a land use planning consulting firm undertake a peer review of the proposed draft plan of subdivision. This was completed and a final revised plan was submitted on April 4, 2021. Council approved the site-specific Zoning By-law Amendment No. 2021-49 on May 28, 2021.

Subsequently, the Town planning staff then undertook a housekeeping amendment (Housekeeping By-law 2021-94) to the Residential regulations within Zoning By-law 2017-70. On November 4, 2021, Council approved By-law 2021-94 which was appealed to the Ontario Land Tribunal (OLT). The appeal was based on the regulatory inconsistencies created by the proposed housekeeping amendment to the site-specific residential regulations pertaining to the Subject Lands. The respective parties agreed to settle in July, 2022 with revisions to Residential regulations within the Town's Housekeeping By-law 2021-94.

To further satisfy the Town, the Draft Plan of Subdivision lot configuration specifically to Block 87 of the plan, has been redesigned. The previously proposed Low-Rise Apartment has been replaced with Stacked Townhouses (see Appendix 1). This Planning Addendum provides an overview of the amended Housekeeping By-law, the proposed design and layout of the subdivision, and how this redesign meets the density requirements of the Town.

### **1. OVERVIEW OF AMENDED BY-LAW 2021-94**

The main amendments made to the Residential Regulations were as follows:

- Revised definition of “Dwelling, Townhouse”
- New definition of “Dwelling, Back to Back Townhouse”
- Addition of a new Residential Medium Density Type 4 Zone “RM4”
- Permitted uses in RM4: Apartment, Stacked Townhouse and Back-to-Back Townhouse
- Minimum Lot Area/dwelling unit for RM 4 uses as 75 m<sup>2</sup>
- Minimum Lot Frontage for Back-to-Back Dwellings as 5.5 m; and
- Revised footnotes for Table 15: Regulations for Permitted Uses in Medium & High Density Residential Zones.

The revised definitions generally satisfied and maintained the approved Draft Plan of Subdivision for the Subject Lands.

### **2. REVISED RESIDENTIAL REGULATIONS APPLICABLE TO BLOCK 87**

The site-specific Zoning By-law Amendment 2021-49, Schedule A, that is applicable to the Draft Plan of Subdivision, zones Block 87 as a site-specific RM3-203 zone. Block 87 will be permitted to have the following principal uses based on this applicable zoning:

- Apartment;
- Triplex;
- Fourplex;
- Semi-Detached;
- Stacked Townhouse;
- Back-to-Back Townhouse;
- Stacked Back-to-Back Townhouse;
- Street Townhouse; and,
- Townhouse.

The RM3 parent zone regulations will apply to the Subject lands with the exception of the required minimum lot area per dwelling unit regulation and exterior wall separation distance regulation. The site-specific regulation requires a minimum lot area of 120 m<sup>2</sup> per dwelling unit as applied to the entire block and a 2.4 metre separation of exterior walls.

### **3. DESCRIPTION OF THE REVISED PROPOSAL**

The revised proposal maintains low-density residential dwelling units along the north and easterly perimeter of the Draft Plan of Subdivision. These blocks continue to maintain the two housing options of single-detached and townhouse dwelling units. Similarly, the interior block configuration of townhouses are maintained and as approved by Council, as are the open spaces and trails.

The main revision pertains to the Block 87 lands with the removal of the previously proposed Low Rise Apartment that contained 60 units. This building has now been replaced with three rows of 6-unit Townhouses and three new Stacked, Back-to-Back Townhouses, together providing a total of 52 dwelling units. The previously proposed three Stacked Townhouses, abutting the rail corridor to the south, will now be reduced to two sixteen unit buildings and one twenty unit building, from the previous count of two twenty unit buildings and one twenty-four unit building. This represents a reduction of twelve units in these three southerly buildings.

Two units have been removed from the Block 84 Street Townhouse along Street 'E' to accommodate an increased lot frontage for Block 87 by the corner of Street E and Van Woudenberg Way to ensure minimum lot frontage requirements are being met.

To meet minimum lot area requirements for Block 87, a minor lot line adjustment was made between Block 87 and Block 89, to ensure that Block 87 had the minimum lot area requirement of 1.57 ha (an increase of 0.07 ha). This adjustment does not affect the minimum lot area requirement for Block 89.

The revised proposal includes a total of 408 residential units over 14.84 hectares of land. Table 1 below identifies the unit mix splits:

<b>Table 1: Residential Unit Mix</b>		
<b>Unit Type</b>	<b>Unit Count</b>	<b>Unit Mix</b>
Single Detached	56	14%
Townhouse	168	41%
Stacked Townhouse	104	25%
Townhouse (Back to Back)	80	20%
<b>Total</b>	<b>408</b>	<b>100%</b>

The previous unit mix was 14% single detached, 52% townhouse, 19% back-to-back townhouse and 15% low-rise apartment. The revised plan has reduced the total dwelling unit count from 412 to 408 dwelling units.

**The revised draft plan provides for a greater variety of townhouse unit typologies. Through this revision, the unit count has also been slightly reduced.**

### **3.1 Township of West Lincoln: Northwest Quadrant Secondary Plan Density Policies**

The Township of West Lincoln Official Plan (Consolidated, November 2019), provides a policy that ensures conformity with the Provincial Growth Plan density targets. This policy 6.11.5.2.a) i. Land Use Policies states that:

The Northwest Quadrant is planned to achieve an overall minimum density of at least 50 people and jobs per hectare. The Township promotes, and will support, development proposals which would result in increased density beyond the current minimum density target.

The Official Plan also indicates through general policy 6.11.5.2.c) iii. that Low Density Residential uses are permitted within the medium density residential area, provided it can be demonstrated that the overall density of the plan area is maintained at a minimum of 50 people and jobs per hectare.

While in a Medium Density Residential type zone, the Official Plan states in policy 6.11.5.2.c) vi. That Medium Density Residential uses shall have a maximum density of 45 units per hectare.

Given that the Secondary Plan indicates a minimum density achievement of 50 units/hectare, the following provides a summation of how the revised draft plan of subdivision meets this minimum 50 units/hectare Provincial requirement.

### **3.2 Revised Plan: Density Calculations**

The revised plan, that has reduced the dwelling unit count, continues to meet the density requirements of the Secondary Plan for the subject lands. The table below illustrates the density, in terms of units per

hectare and people per hectare for both the low and medium density residential areas, as well as the overall area, in greater detail:

<b>Table 2: Residential Density Counts (Units per Hectare and Persons per Hectare)</b>					
<b>Residential Density Type</b>	<b>Gross Area (ha)</b>	<b>Unit Count</b>	<b>Density (UPH)</b>	<b>Density (PPH)- (2016 Census PPU of 2.9)</b>	<b>Density (PPH)- (Regional Official Plan PPU of 3.05)</b>
Low Density Residential	2.54	56	22	63.8	67.1
Medium Density Residential	11.07*	352	31.8	92.2	97
Total	13.6	408	30	87	91.5

\*minus park area (1.24 ha)

The Secondary Plan permits a maximum of 30 units per hectare in the Low Density Residential Designation (Policy 6.11.5.2 b) iv.). **The proposed development provides 22 units per hectare in this area and, accordingly, conforms to the Plan.**

The Secondary Plan permits a maximum density of 45 units per hectare in the Medium Density Residential Designation (Policy 6.11.5 c) vi.). **The proposed development provides approximately 32 units per hectare in this area and, accordingly, conforms to the Plan.**

The Secondary Plan requires an overall density of 25 to 30 units per hectare per development site (Policy 6.11.5.1 a) ii.). **The proposed development provides for an overall site density of 30 units per hectare and, accordingly, conforms to the Plan.**

The Growth Plan and Region of Niagara Official Plan require that a minimum of 50 people and jobs per hectare be achieved on designated greenfield areas. The Growth Plan further encourages the minimum targets to be exceeded, where appropriate. **The proposed development meets (and exceeds) the targets set out in the Regional and Town planning documents. As noted previously by Niagara Region in their comments dated January 2020, the proposal conforms to the ROP and the Growth Plan in this regard.**

#### 4. Conclusion

Based on the above, we believe that this revised submission balances the minutes of settlement as well as the policy requirements of the Township

Respectfully submitted.

Thank you,

**MHBC**



Oz Kemal, BES, MCIP, RPP  
Partner



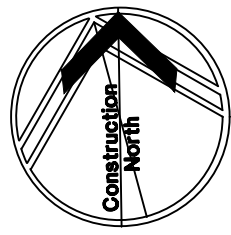
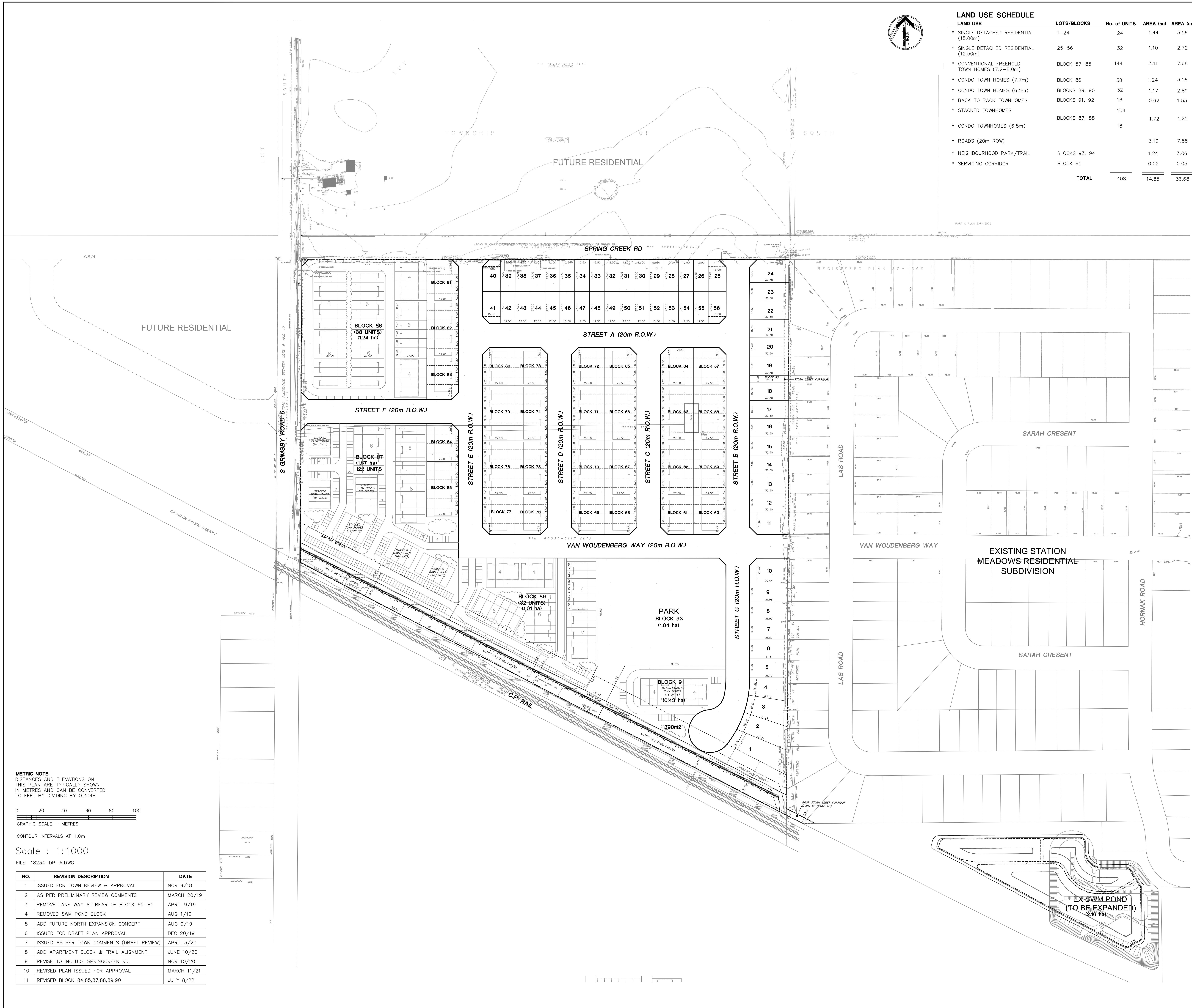
Tamara Tannis, MCP, MCIP, RPP  
Associate

cc. Peter Budd, Budd Developments Inc.  
Paul Hecimovic, Odan Detech

# Appendix **1**

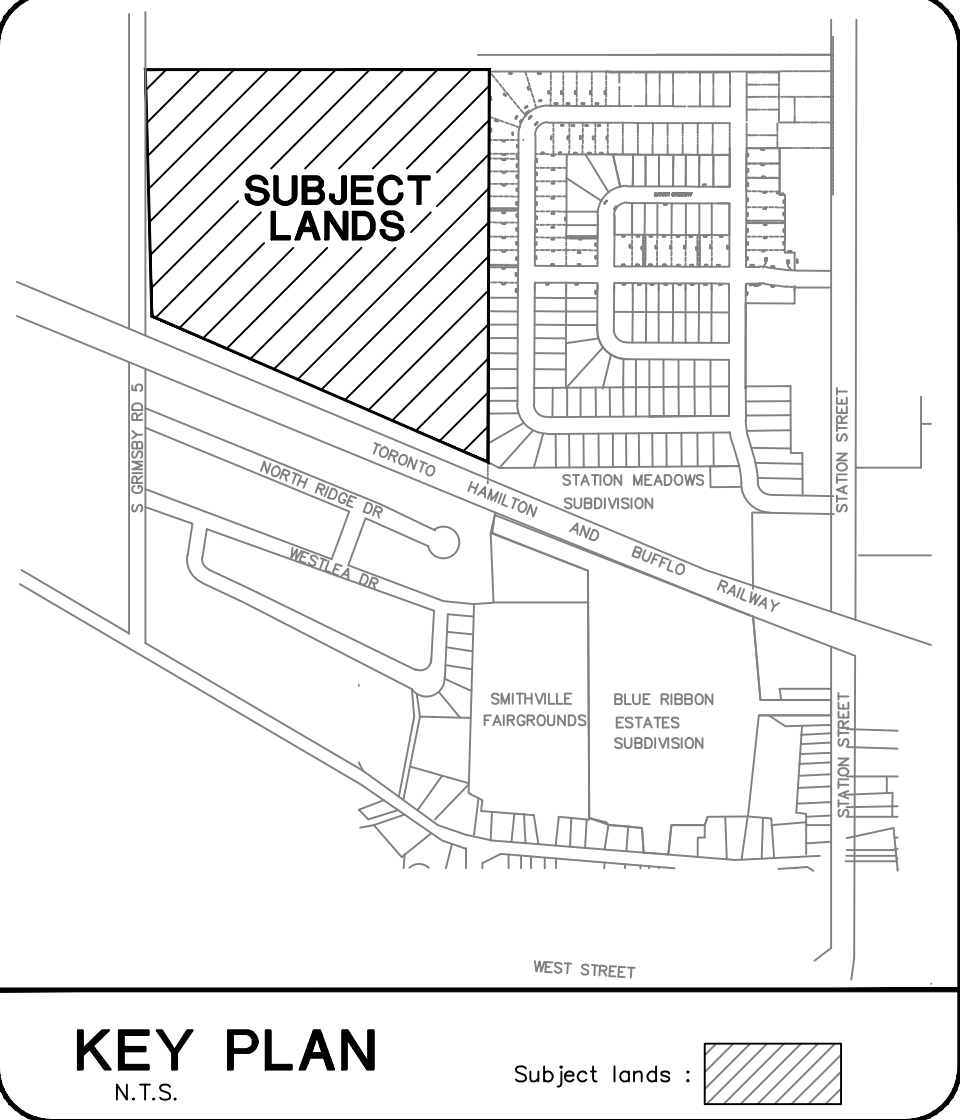
## **Revised Draft Plan of Subdivision**





LAND USE SCHEDULE

LAND USE	LOTS/BLOCKS	No. of UNITS	AREA (ha)	AREA (ac)
* SINGLE DETACHED RESIDENTIAL (15.00m)	1-24	24	1.44	3.56
* SINGLE DETACHED RESIDENTIAL (12.50m)	25-56	32	1.10	2.72
* CONVENTIONAL FREEHOLD TOWN HOMES (7.2-8.0m)	BLOCK 57-85	144	3.11	7.68
* CONDO TOWN HOMES (7.7m)	BLOCK 86	38	1.24	3.06
* CONDO TOWN HOMES (6.5m)	BLOCKS 89, 90	32	1.17	2.89
* BACK TO BACK TOWNHOMES	BLOCKS 91, 92	16	0.62	1.53
* STACKED TOWNHOMES	BLOCKS 87, 88	104	1.72	4.25
* CONDO TOWNHOMES (6.5m)		18		
* ROADS (20m ROW)			3.19	7.88
* NEIGHBOURHOOD PARK/TRAIL	BLOCKS 93, 94		1.24	3.06
* SERVICING CORRIDOR	BLOCK 95		0.02	0.05
TOTAL		408	14.85	36.68



DRAFT PLAN OF STATION MEADOWS WEST FOR A PROPOSED SUBDIVISION OF PART OF LOT 1 REGISTERED PLAN M-94 TOWNSHIP OF WEST LINCOLN REGIONAL MUNICIPALITY OF NIAGARA

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51 (17) OF THE PLANNING ACT

A) AS SHOWN ON THE DRAFT PLAN  
B) AS SHOWN ON THE DRAFT PLAN  
C) AS SHOWN ON THE DRAFT PLAN  
D) REFER TO LAND USE SCHEDULE  
E) AS SHOWN ON THE DRAFT PLAN  
F) AS SHOWN ON THE DRAFT PLAN  
G) AS SHOWN ON THE DRAFT PLAN  
H) MUNICIPAL PIPE WATER SUPPLY  
I) GLACIOLACUSTRINE SILT AND CLAY, HALTON TILL  
J) AS SHOWN ON THE DRAFT PLAN  
K) SANITARY, STORM, MUNICIPAL WATER, HYDRO, GAS  
L) AS SHOWN ON THE DRAFT PLAN

METRIC NOTE:  
DISTANCES AND ELEVATIONS ON THIS PLAN ARE TYPICALLY SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

0 20 40 60 80 100  
GRAPHIC SCALE - METRES

CONTOUR INTERVALS AT 1.0m

Scale : 1:1000

FILE: 18234-DP-A.DWG

NO.	REVISION DESCRIPTION	DATE
1	ISSUED FOR TOWN REVIEW & APPROVAL	NOV 9/18
2	AS PER PRELIMINARY REVIEW COMMENTS	MARCH 20/19
3	REMOVE LANE WAY AT REAR OF BLOCK 65-85	APRIL 9/19
4	REMOVED SWM POND BLOCK	AUG 1/19
5	ADD FUTURE NORTH EXPANSION CONCEPT	AUG 9/19
6	ISSUED FOR DRAFT PLAN APPROVAL	DEC 20/19
7	ISSUED AS PER TOWN COMMENTS (DRAFT REVIEW)	APRIL 3/20
8	ADD APARTMENT BLOCK & TRAIL ALIGNMENT	JUNE 10/20
9	REVISE TO INCLUDE SPRINGCREEK RD.	NOV 10/20
10	REVISED PLAN ISSUED FOR APPROVAL	MARCH 11/21
11	REVISED BLOCK 84,85,87,88,89,90	JULY 8/22

OWNER'S CERTIFICATE

WE BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE THE ODAAN/DETECH GROUP INC. TO PREPARE AND SUBMIT A DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

DATED \_\_\_\_\_ AUTHORIZED SIGNING OFFICER  
P. BUDD DEVELOPMENTS

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATED \_\_\_\_\_ ONTARIO LAND SURVEYOR

BUDD DEVELOPMENTS INC.  
6 Admiral Circle, Grimsby, Ontario, Canada L3M5C7  
Peter Budd President

Business 1-905-945-5900 Fax / Phone 1-905-945-4101

ODAN-DETECH CONSULTING ENGINEERS

The Odan/Detech Group Inc. P: (905) 632-3811 F: (905) 632-3363  
5230 SOUTH SERVICE ROAD, BURLINGTON, ONTARIO, L7L 8K2



**STATION MEADOWS WEST**  
**(P BUDD DEVELOPMENTS)**  
**TOWNSHIP OF WEST LINCOLN**  
**CONDITIONS OF FINAL APPROVAL**

The conditions for final approval and registration of the P Budd Developments Subdivision, in the name of Station Meadows West., File No. 2000-090-20, Township of West Lincoln are:

1. That this approval applies to the P Budd Developments, Station Meadows West, Draft Plan of Subdivision, Township of West Lincoln prepared by Odan Detech Group, dated, 2018-11-9, revised on July 8, 2022, containing 95 Lots/Blocks plus internal streets.
2. That the Owner provide to the Township of West Lincoln a letter advising that all lots conform to the requirements of the Township's Zoning By-law.
3. That the Subdivision Agreement contain a clause requiring that the road allowances shown on the draft plan (Street A - G and VanWoudenberg Way Extension) be dedicated to the Township of West Lincoln as Public Highways.
4. That the Subdivision Agreement contain a clause requiring that the proposed public streets (Street A - G and VanWoudenberg Way Extension) be constructed and named to the satisfaction of the Township of West Lincoln.
5. That the Subdivision Agreement contain a clause requiring that a 0.3 metre reserve be granted abutting the south side of Spring Creek Road allowance and the east side of South Grimsby Road 5 allowance to the Township of West Lincoln, to separate lots and blocks from the street, free and clear of any mortgages, liens and encumbrances.
6. That the Owner dedicate 7 metre x 7 metre daylighting triangles at the corner of the intersection of South Grimsby Road 5 and Street A to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
7. That the Subdivision Agreement contain a clause requiring that the Owner dedicate 7 metre x 7 metre daylighting triangles at the corner of Spring Creek Road and Street B and Spring Creek Road and Street E to the Township of West Lincoln free and clear of any mortgages, liens and encumbrances.
8. That the Subdivision Agreement contain a clause requiring that the Owner dedicate 9.5 metre x 9.5 metre daylighting triangle at the southeast corner of the intersection of Spring Creek Road and South Grimsby Road 5.
9. That the Owner gratuitously dedicates a road widening across the frontage of South Grimsby Road 5 and Spring Creek Road of 0.5 metres to achieve a total right of way width of 21 metres, free and clear of any mortgages, liens and encumbrances.
10. That such easements as may be required for utility, servicing and drainage purposes be granted to the appropriate authority.
11. That the Owner submit all servicing, lot grading, drainage, roadway plans and supporting

design calculations to the Township of West Lincoln and any other relevant agency for review and approval.

12. That all municipal services required by the Township of West Lincoln be provided by the Owner in a manner satisfactory to the Township.
13. That the Subdivision Agreement contain a clause requiring that the Owner provide an adequate storm drainage outlet including any necessary easements and drainage agreements to the satisfaction of the Township of West Lincoln, Region of Niagara and the Niagara Peninsula Conservation Authority.
14. That the Owner enter into a Subdivision Agreement with the Township of West Lincoln to satisfy all of the requirements, financial or otherwise of the Township, concerning the provision of roads, installation of services, drainage, fencing and any other matters related to the development of the site.
15. That the Owner prepare a streetscape and landscape plan for the subdivision in accordance with the requirements of the Township of West Lincoln. The streetscaping and landscaping details are to be shown on separate plans.
16. That the Subdivision Agreement contain a clause requiring that the Owner design and construct a primary off-road multiuse trail using the specifications found in the Township of West Lincoln Trails and Corridors Master Plan. The Trail shall extend from South Grimsby Road 5 to Hornak Road. The trail shall be a minimum of 3 metres in width and constructed from asphalt. At each intersection with a public street there shall be a trail head which includes amenities (e.g. park benches, trash receptacles, trees) as determined through the subdivision agreement and engineering review.
17. That the Subdivision Agreement contain a clause requiring a sidewalk access along the existing stormsewer corridor at the northeast corner of the development connecting Las Road to Street B on the draft plan (Block 95).
18. That the Owner dedicate a 4.5 metre strip north of the required rail spillage berm but south of the proposed internal condominium street from the eastern extent of the development to South Grimsby Road 5, containing the multi-use trail and associated features as parkland as per the Township's request. If this dedication, combined with the dedication of the community park, will not satisfy the required 5%, the remainder is to be in the form of cash-in-lieu of parkland.
19. That the Owner provide a park design for Block 93, satisfactory to the Township of West Lincoln Planning and Public Works Department as a part of the engineering submission, including a landscaping plan with the provision of off street parking, playground equipment and basketball and tennis courts, and that the Subdivision Agreement contain a clause requiring the Owner to construct the approved park plan at the Owners cost, in lieu of the parkland being used for the Hornak Road Stormwater Management Pond.
20. That the subdivision agreement contain a clause requiring Block 93, being the parkland, be constructed within the first phase of the development, and that they park be given to the Township in consideration of parkland dedication.

21. That the Owner provide the Township with a grade separated pedestrian rail crossing feasibility report which would connect the multi-use trail north of the tracks to the Multi-use recreational facility south of the Rail tracks.
22. That the Subdivision Agreement contain a clause requiring traffic calming measures, as identified in the Traffic Impact Study completed by Paradigm Transportation Solutions Limited and Dated March 2021 be implemented for the development and be included in the engineering submission.
23. That any outstanding Township invoices, including invoicing related to peer reviews and local servicing studies, be paid in full.
24. That the Subdivision Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
25. That the Subdivision Agreement contain a clause requiring that sidewalks be provided along one side of all roads within the development, public and private, to standard requirements of the Township of West Lincoln.
26. That the Subdivision Agreement contain a clause requiring that Spring Creek Road between South Grimsby Road 5, east to the eastern limits of the development, be constructed, and that the south portion of the road allowance, from the centre line south, be constructed to an urban cross-section, to the satisfaction of the Director of Public Works, and that the appropriate road encroachment permits be applied for and approved. A best efforts clause will be contained within the Subdivision Agreement to obtain proportional cost recovery from any possible future development to the north and/or alternatively development charge credit re-imbursement where service upgrades have been front ended with development charges to be credited on efforts.
27. That the Subdivision Agreement contain a clause requiring that South Grimsby Road 5 between Spring Creek Road allowance south to the CP Rail Corridor be upgraded and constructed to an urban cross section, east of the centreline, including sidewalk, to the satisfaction of the Director of Public Works, and that the appropriate road encroachments permits be applied for and approved.
28. That the Subdivision Agreement contain a clause requiring that sidewalks be provided as part of a full urban street cross-section along the east side of South Grimsby Road 5 and the south side Spring Creek Road from South Grimsby Road 5 to the easterly limits of the development, to the satisfaction of the Township of West Lincoln.
29. That prior to final approval, it is to be determined that the existing capacity of the sewer lines and servicing to the site is adequate for this development by the Regional Public Works Department and the Township Public Works Department. If existing capacity is not sufficient, the owner is required to provide the necessary upgrades to provide adequate sewer services to the development. Best efforts clauses will be included if the upgrades benefit additional developments.
30. That the Subdivision agreement contain a clause that no Building Permits will be issued

until any required upgrades to the water, storm and/or sanitary systems has been completed, If upgrades provide benefits to other developments in the Northwest Quadrant Secondary Plan Area, a best efforts clause will be included in the Subdivision agreement.

31. That the Owner and the Township enter into an agreement for the expansion of the Station Meadows Hornak Road Stormwater Management pond.
32. That the design drawings for the water, sanitary sewer and stormwater drainage system, including any proposed downstream sewer improvements, required to service this development be submitted to the Regional Public Works Department for review and approval.
33. That prior to approval and registration of this plan or prior to servicing (through a pre-servicing agreement), the Owner obtain Ministry of the Environment Environmental Compliance Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, sanitary sewers and stormwater management) for this development. Note: Any modifications to the stormwater management facility should be submitted directly to the Ministry of the Environment for approval and the issuance of a Environmental Compliance Approval.
34. That prior to approval of the final plan or any on-site grading, the Owner submit to the Regional Planning and Development Department and the Township of West Lincoln Public Works Department for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003 and "Stormwater Quality Guidelines for New Development", May 1991:
  - (a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - (b) Detailed sediment and erosion control plans which show how exposed soils, sediments and eroded material will be retained on site during all phases of construction and how the infiltration function will be protected or maintained. Plans should include maintenance requirement for all employed devices.

**Note:** The Region may request the Niagara Peninsula Conservation Authority to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of this plan and the subsequent clearance of related conditions.
35. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain provisions where by the Owner agrees to implement the approved stormwater management plan required in accordance with Condition 29 & 31 above.



36. That the Owner agrees to maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction. The Owner will revegetate or otherwise restore all disturbed areas immediately following the completion of on-site grading and servicing to the satisfaction of the Niagara Peninsula Conservation Authority.
37. That the Subdivision Agreement between the Owner and the Township of West Lincoln contain a clause requiring that the noise attenuating infrastructure recommended in the report completed by Howe Gastmeier Chapnik Limited, entitled Noise and Vibration Feasibility Study, Proposed Residential Development Station Meadows West Subdivision Township of West Lincoln, dated March 25, 2021, be completed prior to occupancy of the affected units.
38. That a full Urban Design Report be submitted and approved to the Township for approval identifying how this development meets the objectives of the Township Urban Design Manual and how it creates good public form and an attractive pedestrian streetscape. It is expected that a higher standard of design be achieved on units which are highly visible from public streets. Units with side or rear yards facing a public or private street should be designed to be attractive from the street.
39. That a statement be provided by a qualified noise expert state that the berm, fencing and other noise mitigation measures along the CP Rail line will not negatively impact the houses across the Rail corridor on Northridge Drive.
40. That the subdivision agreement contain a clause requiring the Berm north of the rail trail, Block 90, remain in private ownership tied to adjacent future condominium blocks.
41. That the owner provides a site plan for the proposed development that can accommodate a range of housing types compliant with zoning, to the satisfaction of Township Staff and Council, and that the plan be evaluated at each phase of subdivision design as it is implemented through future condominium applications

#### Regional Conditions

42. That the Stage 1 and 2 Archaeological Assessment, prepared by Parslow Heritage Consultancy Ltd., dated June 9, 2020, be accepted by the Ministry of Heritage, Sport, Tourism, and Culture Industries and the associated acknowledgement letter be submitted to Niagara Region Planning and Development Services. NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MHSTCI confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
43. That the following clause be included in the subdivision agreement:  
  
*"Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ministry of Heritage, Sport,*

*Tourism and Culture Industries (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

44. *In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326- 8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*
45. That a detailed noise study, prepared by a qualified acoustical engineer, be submitted to the Niagara Region for review and approval, to confirm/refine the mitigation measures recommended in the Noise and Vibration Feasibility Study, prepared by HGC Engineering (dated December August 7, 2020), based on final floor and elevation plans.
46. That the subdivision agreement includes clauses requiring the implementation of the detailed noise study required by the conditions above, and any addendums, as well as any warning clauses included therein.
47. That the following warning clause be included in the subdivision agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit  
*"The lands in the plan of subdivision may be exposed to noise, odour, and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy these lands."*
48. That the owner provides a written acknowledgement to Niagara Region stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
49. That the owner provides a written undertaking to Niagara Region stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Township.
50. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program.
51. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May

1991, or their successors to the Niagara Region for review and approval:

- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - Detailed erosion and sedimentation control plans;
  - Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility; and
  - That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.
52. That the subdivision agreement between the owner and the Township contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.
53. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curb side collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
54. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement, as required.
55. That the applicant submit Regional waste collection truck turning plans to ensure the development is able to accommodate Regional waste collection services.

**Notes:**

Prior to granting final plan approval, the Township must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.

Prior to final approval for registration, a copy of the draft subdivision agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clause pertaining to these conditions have been included. A copy of the executed agreement shall also be provided prior to registration.

In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (one hard copy and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Township of West Lincoln.

**NPEI Conditions**

56. That Niagara Peninsula Energy confirm that satisfactory arrangements, financial and otherwise, have been made with Niagara Peninsula Energy for any Niagara Peninsula Energy facilities servicing this draft plan of subdivision which are required by the Municipality; a copy of such confirmation shall be forwarded to the Municipality.
57. That the Owner provide a Letter of Credit to Niagara Peninsula Energy for all costs

associated with the electrical servicing for the development. The amount of the Letter of Credit will be confirmed once the electrical design has been approved by the Municipality.

#### Bell Canada Conditions

58. That Bell Canada, and/or any other applicable telecommunication company, confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada, or any other applicable telecommunication company, for any telecommunication facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the Municipality.
59. That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, and/or any other applicable telecommunication company to grant to Bell Canada and/or any applicable telecommunication company, any easements that may be required for telecommunication services. Note: Easements may be required prior to final approval.

#### Canada Post Conditions

60. That the following clause shall be included in the subdivision agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

*"The prospective purchaser is advised that the home/business mail delivery will be from a designated centralized mail box and that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales."*

61. That the Owner agrees to:
- (a) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - (b) Install a concrete pad in accordance with the requirements of an in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - (c) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - (d) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
  - (e) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
62. That the Owner agrees to Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly and more than 100 units will require a rear loading Lock Box Assembly which will require a mail

room) will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

#### CP Rail Condition

63. That the following warning clauses shall be included in the subdivision agreement and inserted in all offers and agreements of purchase and sale or lease for each dwelling unit:

- a) "Purchasers/tenants are advised that sound levels, due to the increasing rail traffic on the nearby CP Railway, may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality's and Ministry of the Environment's noise criteria. Purchasers/Tenants are also advised that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations."
- b) "Purchasers/tenants are advised that any berm, fence or vibration isolation features implemented are not to be tampered with or altered, and further that the owner shall have the sole responsibility for and shall maintain these features."

#### Township Condition

64. That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

#### CLEARANCE OF CONDITIONS

Prior to granting approval of the final plan, the Township's Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **The TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT & PUBLIC WORKS DEPARTMENT** for Conditions 1 – 40 inclusive & 63.
- **The REGIONAL NIAGARA PUBLIC WORKS & DEVELOPMENT DEPARTMENT** for Conditions 41 to 54
- **NIAGARA PENINSULA ENERGY** for Conditions 55 & 56.
- **BELL CANADA of other applicable telecommunications company** for Conditions 57 & 58
- **CANADA POST** for Conditions 59-61
- **CP Rail** for Conditions 62



**NOTES:**

**1. Conveying**

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by “metes and bounds”, we suggest that the description be so worded, and,
- (b) We further suggest that the Owner give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

**2. Land Required to be Registered Under the Land Titles Act**

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

**3. Water and Sewerage Systems**

Inauguration or extensions of a piped water supply, a sewerage system, a storm drainage system or a stormwater management system is subject to approval of the Ministry of Environment (Approvals Branch) pursuant to Section 52 and Section 53 of The Ontario Water Resources Act, R.S.O. 1990.

**4. Agencies to be Contacted:**

- (a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Mr. Brian Treble  
Director of Planning and Building  
318 Canborough Street  
P.O. Box 400  
Smithville, Ontario  
L0R 2A0  
Telephone – (905) 957-5138  
Email – [btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)

- (b) With respect to the requirements of the Township’s Public Works Department contact:

Ms. Jennifer Bernard  
Public Works Engineering Coordinator  
318 Canborough Street  
Smithville, Ontario

LOR 2A0  
Telephone – (905) 957-3346 ext. 6732  
Email – [jbernard@westlincoln.ca](mailto:jbernard@westlincoln.ca)

(c) With respect to the requirements of the Region of Niagara contact:

Development Approvals  
[devtplanningapplications@niagararegion.ca](mailto:devtplanningapplications@niagararegion.ca)

(f) With respect to the requirements of Bell Canada contact:

Ms. Janice Young  
Manager, Right of Way  
Floor 3 – 100 Borough Drive  
Scarborough, Ontario  
M1P 4W2  
Telephone – (416) 296-6291  
FAX – (416) 296-0520

## 5. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the General Committee's attention. The Committee will consider requests to revise or delete conditions.

In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Subdivision Agreement between the Owner and the Township to those agencies.

## 6. Hydro One Cautionary Note

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors could raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating **“DANGER – Overhead Electrical Wires”** in all locations where personnel and construction vehicles might come in close proximity to the conductors.

**DATE:** January 16, 2023

**REPORT NO:** PD-05-2023

**SUBJECT:** **Recommendation Report – Delegation of Approval to Sign Agreements Under the Planning Act**

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

**OVERVIEW:**

- On April 14, 2022 the Province of Ontario gave Royal Assent to Bill 109, known as the *More Homes for Everyone Act, 2022*, which approved many changes to the planning act approvals process, including the requirement that as of July 1<sup>st</sup>, 2022, all site plan approvals must be delegated to staff.
- In September 2022 Township Council delegated site plan approval and the authority to enter site plan agreements to the Director of Planning and Building or designate, through the passing of Bylaw 2022-80 and 2022-81.
- Upon further review of other municipal bylaws and discussion with Township Legal Counsel, staff believe that approval to sign agreements under the Planning Act should also be delegated to staff similar to site plan approval.
- One example of such agreements is Development Agreements which are typically associated with development related to consents and minor variances, where site plan control cannot be applied.
- They are similar to site plan agreements in that they regulate development to ensure development is in accordance with the applicable standards, and contain schedules such as grading and servicing plans, cost estimates and security collection.
- Delegation of approval to sign agreements under the Planning Act will help streamline the development approval process similar to what has been done for site plan approvals.
- Township Legal Counsel has drafted an additional delegation bylaw which Planning Staff have reviewed and can recommend for approval.

**RECOMMENDATION:**

1. That, Recommendation Report PD-05-2023, regarding “Delegation of Approval to Sign Agreements Under the Planning Act”, dated January 16, 2023, be RECEIVED; and,
2. That, a bylaw be passed to delegate approval authority for the of approval of agreements under the Planning Act and the delegation of staff to enter into such agreements, as found in Attachment 1.

## **ALIGNMENT TO STRATEGIC PLAN:**

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

- Strategic, Responsible Growth
- Efficient, Fiscally Responsible Operations

## **BACKGROUND:**

On April 14, 2022 the Province of Ontario passed Bill 109, being the *More Homes for Everyone Act, 2022* which impacted many aspects of the planning approvals process in the province. One of the requirements of Bill 109 was for municipal approval authorities to delegate full site plan approval to staff to help streamline development approvals.

In response to Bill 109, Township Council passed Bylaws 2022-80 and 2022-81 which delegated site plan approval, and the authority for staff to enter into site plan agreements in September of 2022. Township Planning Report PD-80-2022 outlined the necessity to delegate site plan approval under Bill 109. Since this time the Director of Planning and Building has approved and authorized agreements for a number of site plan applications helping to streamline the approvals process. Township staff will report on a regular basis approved site plans to keep Council abreast of ongoing development.

## **CURRENT SITUATION:**

Township staff have also identified that other Planning Act agreements, such as development agreements, that could also be delegated to staff to further streamline the approval process. Development agreements are typically requested through consents and minor variances to regulate development, where site plan control cannot be applied. Typically, they are used to impose and implement conditions of a consent or minor variance where certain site improvements are required, or where certain future uses need to be regulated beyond zoning. For example, they have been used to control grading, fencing, private servicing, protection of archaeological resources and parking. This delegation authority bylaw would not just be limited to Development Agreements, but other agreements under the Planning Act as well. Another example agreement would be for the removal of part lot control.

In keeping with the intent of Bill 109, and now Bill 23, Township staff believe that approval and signing of agreements under the Planning Act should be delegated to staff to streamline the development review and approvals process. Similar to site plan approval, Township staff would regularly report approved and signed agreements to Council to keep them informed of ongoing and planned development in the Township.

Attached is the proposed bylaw, which, if passed by Council, would delegate approval and signing of these agreements to staff, and any further authority to have these agreements registered on title.

This bylaw has been prepared together with Township Legal Counsel.

## **FINANCIAL IMPLICATIONS:**

There are no financial implications associated with this report.

**CONCLUSION:**

In keeping with the intent of Bill 109 and Bill 23 to more efficiently review and approve development applications, staff are recommending to Township Planning Committee and Council to approval signing authority for staff to enter into agreement under the Planning Act with the respective property owners on behalf of the Township.

A bylaw has been prepared and is attached to this report for consideration.

**ATTACHMENTS:**

1. Delegation of Approval and Signing Authority for Agreements under the Planning Act

**Prepared & Submitted by:**



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**Gerrit Boerema**  
Senior Planner

**Approved by:**



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**Bev Hendry**  
CAO



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**Brian Treble**  
Director of Planning & Building



## THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

### BY-LAW 2023-XX

#### BY-LAW TO DELEGATE POWERS AND DUTIES TO THE DIRECTOR OF PLANNING AND BUILDING AS AUTHORIZED UNDER SECTION 23.1 OF THE *MUNICIPAL ACT* IN ORDER TO EXECUTE AGREEMENTS MADE UNDER VARIOUS SECTIONS OF THE *PLANNING ACT*

**WHEREAS** Section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Act”), as amended, provides that the Council may delegate its powers and duties under any Act to a person or body;

**AND WHEREAS** the *Planning Act*, R.S.O. 1990, c.P. 13, provides that the municipality may enter into Agreements in order to implement land use planning within the Township, with respect to various forms of approval;

**AND WHEREAS** the Council of the Township of West Lincoln has previously delegated to the Director of Planning and Building the power to approve and decide upon Site Plans and Agreements including the authority to impose conditions of approval (By-law No. 2022-80) and has delegated to the Director of Planning and Building the power to execute Site Plan Agreements made under Section 41 of the *Planning Act* (By-law No. 2022-81);

**AND WHEREAS** the Council of the Township of West Lincoln considers the enactment of this by-law and the delegation of the powers and duties in accordance with this by-law to be appropriate, as it will provide for efficient and responsive decision-making and management of the Municipal Corporation and enhance the ability of the corporation to respond to planning issues;

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

1. That the Director of Planning and Building be delegated powers and duties under Section 23.1 of the *Municipal Act, 2001*, in order to execute the following Agreements made under various provisions of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended:
  - (a) Agreements required to satisfy development or other approval under the *Planning Act* including Agreements under Section 40 for parking, Section 45 relating to minor variances, Section 51 for subdivisions and Section 53 for consents;

- (b) Agreements to implement an application to remove part lot control and to cause a by-law to be passed by Council to designate lands not subject to or exempt from part lot control under the *Planning Act*.
2. 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.
  3. That any Agreement executed by the Director of Planning and Building, or designate, pursuant to the provisions of this by-law, must include the words "I have the authority to bind the Corporation" under the signature of the Director of Planning and Building or designate.
  4. 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  
\_\_\_\_ DAY OF JANUARY, 2023.**

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**MAYOR CHERYL GANANN**

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