



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

**MEETING NO. THREE**

**Monday, March 6, 2023, 6:30 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. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. 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 read the following announcements:

1. Comments from the public for a matter that is on the agenda may be provided in person by attending the meeting and advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. For those individuals that are unable to attend the meeting in person, you may submit comments for matters that are on the agenda by either (1) emailing [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 read into public record OR  
(2) by contacting the Clerk's Department to request a Zoom Link to attend the meeting virtually.
3. This meeting will be livestreamed. The link to watch the meeting live can be found on the Township's website by selecting the "Township Office" tab at the top of the website, then clicking the Council or Standing Committee meetings tab and scroll down the meeting list to find the link.
4. This meeting will be recorded and will be available to view by clicking the meeting video link found on the Township's website within 48 hours after the meeting unless otherwise noted.

**2. LAND ACKNOWLEDGEMENT STATEMENT**

The Chair will read the following land acknowledgement statement:

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk (Hat-i-wen-DA-ronk), the Haudenosaunee (Hoe-den-no-SHOW-nee), and the Anishinaabe (Ah-nish-ih-NAH-bey), including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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

4. **PUBLIC MEETING(S)**

There are no public meetings.

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

6. **APPOINTMENTS**

6.1 **ITEM P18-23**

7

Steve Wever, GSP Group Inc.

Re: Official Plan Amendment No. #63 – Smithville Urban Boundary Expansion

**POWERPOINT PRESENTATION**

6.2 **ITEM P19-23**

28

Jennifer Meader, Legal Counsel, (Phelps Homes Ltd. and JTG Holdings Incorporated)

Re: Official Plan Amendment No. #63

6.3 **ITEM P20-23**

37

Raymond Ziemba, Senior Planner, SGL Planning & Design Inc.

Re: Comments - Official Plan Amendment No. #63

**NOTE:** Remainder of Delegation’s Submission Attached to Staff Report No. PD-17-2022, Specifically Attachment 5 re SGL Comment Letter – OPA 63

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

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

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

- 1. The Chair to inquire if the IT Help Desk Analyst was aware if there were any members of the public who were in attendance virtually on the



Zoom meeting call who wished to address a specific item on tonight's Planning/Building/ Environmental Committee agenda, as permitted under Section 6.7 of the Procedural By-law.

2. The Chair to inquire if the Deputy Clerk had received any emails or correspondence from a member of the public prior to 4:30 p.m. today who wished to address a specific item on tonight's Planning/Building/Environmental Committee agenda, as permitted under Section 6.7 of the Procedural By-law.

**8. CONSENT AGENDA ITEMS**

There are no consent agenda items.

**9. COMMUNICATIONS**

There are no communications.

**10. STAFF REPORTS**

**10.1 ITEM P21-23**

70

Director of Planning & Building (Brian Treble)  
Re: Recommendation Report PD-17-2023 – Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration

**RECOMMENDATION:**

1. That, Recommendation report PD-17-2023, regarding “Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration”, dated March 6, 2023 be RECEIVED; and,
2. That, the proposed modifications to Official Plan Amendment 62 and 63, as found at Attachment 2 to this report and which incorporate both Regional staff and Township staff/consultant proposed modifications in one amending document, be endorsed by Township Planning/Building/Environmental Committee and Council as Township supported modifications for the Region to make to the adopted OPA 62 and 63 as part of final approval; and,
3. That, Township Council endorsement of the modifications be forwarded to Regional staff, prior to presentation of Official Plan Amendment’s 62 and 63 as modified, to Regional Council for adoption.

**10.2 ITEM P22-23**

303

Senior Planner (Gerrit Boerema) and Manager of Planning (Dave Heyworth)  
Re: Recommendation Report PD-16-2023 - Zoning By-Law Amendment (Temporary Use By-Law) - Kelly/Redekop Garden Suite

Application (File No. 1601-015-22)

**RECOMMENDATION:**

1. That, Recommendation Report PD-16-2023, regarding “Zoning By-Law Amendment (Temporary Use By-Law) –Kelly/Redekop Garden Suite Application File No. 1601-015-22”, dated March 6 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required, and;
3. That, the application for Temporary Use Bylaw, File Number 1601-015-22, BE APPROVED, as found within Attachment 3, and that staff circulate the Notice of Decision in accordance with the Planning Act, and;
4. That, the Mayor and Clerk be authorized to enter into a temporary use agreement with the owners/applicants.

**10.3 ITEM P23-23**

323

Senior Planner (Gerrit Boerema), Director of Planning & Building (Brian Treble), and Manager of Planning (Dave Heyworth)

Re: Recommendation Report PD-11-2023 - 197 Griffin Street

Application for Zoning Amendment - Owner – Christoph Arnold, Agent – NPG Planning Solutions (File No. 1601-005-22)

**RECOMMENDATION:**

1. That, Recommendation Report PD-11-2023, regarding “197 Griffin Street Application for Zoning Amendment Owner – Christoph Arnold, Agent – NPG Planning Solutions File No. 1601-005-22”, dated March 6, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required, and;
3. That, the application for Zoning Bylaw Amendment 1601-005-22, BE APPROVED as found in Attachment 5, and that staff circulate Notice of Decision in accordance with the Planning Act.

**10.4 ITEM P24-23**

350

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-07-2023 – By-law Enforcement and Land Use Planning Update – Grimsby Airpark

**RECOMMENDATION:**

1. That, Recommendation Report PD-07-2023, regarding “By-law Enforcement and Land Use Planning Update – Grimsby Airpark”, dated March 6, 2023, be RECEIVED; and,
2. That, staff continue to brief Committee and Council, as required, and to offer facilitation services to local residents who

remain concerned, including those West Lincoln residents who about the airport. This could include contacting Transport Canada, as required.

**11. OTHER BUSINESS**

**11.1 ITEM P25-23**

373

Director of Planning & Building (Brian Treble)

Re: Memorandum regarding Official Plan Amendments - Re Bill 109 and Bill 23

**11.2 ITEM P26-23**

Director of Planning & Building (Brian Treble)

Re: Stanpac Noise Matter

**VERBAL UPDATE**

**11.3 ITEM P27-23**

Members of Committee

Re: Other Business Matters of an Informative Nature

**12. NEW BUSINESS**

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

**13. CONFIDENTIAL MATTERS**

**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:

13.1 Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege Matter - Natural Severance

**VERBAL UPDATE**

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

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose;
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

13.2 Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No. 22-00280)

**VERBAL UPDATE**

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

- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose;

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

**RECOMMENDATION:**

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

**13.1 ITEM P28-23**

Director of Planning & Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege Matter - Natural Severance

**VERBAL UPDATE**

**RECOMMENDATION:**

That, the Township of West Lincoln Solicitor and Staff be and are hereby authorized to proceed as directed in closed session with respect to a Legal/Solicitor-Client Privilege Matter relating to a Natural Severance.

**13.2 ITEM P29-23**

Director of Planning and Building (Brian Treble)

Re: Legal/Solicitor-Client Privilege - Ontario Land Tribunal (OLT) - Helen Kszan (File No. 22-00280)

**VERBAL UPDATE**

**RECOMMENDATION:**

That, the Township of West Lincoln Solicitor be and is hereby authorized to proceed as directed in closed session with respect to a Legal/Solicitor-Client Matter relating to a Ontario Land Tribunal (OLT) Matter – Helen Kszan (File No. 22-00280).

**14. ADJOURNMENT**



**SMITHVILLE MASTER COMMUNITY PLAN  
OFFICIAL PLAN AMENDMENT NO. 63  
PROPOSED MODIFICATIONS**

March 6, 2023

## AGENDA

1. OPA 63 Policy Updates
2. OPA 63 Map Updates
3. Next Steps
4. Discussion/Questions

## BACKGROUND

- Smithville Master Community Plan (MCP) study area: ~685 Ha
- Official Plan Amendment (OPA) 62 and 63: Total land area within the MCP Secondary Plan: ~540 Ha
- OPA 62 updates population and employment growth forecasts to 2051 and urban area boundary as per the Region's new Official Plan. **OPA 62 was adopted on July 18, 2022.**
- OPA 63 incorporates the MCP in the Township's Official Plan as a Secondary Plan, adds the proposed land uses and infrastructure, transportation and natural heritage systems including mapping and related policies. **OPA 63 was adopted on August 11, 2022.**
- **OPA 62 and 63 submitted to Region for approval.**

Location Map



## OPA 63 PROPOSED POLICY MODIFICATIONS

### Stormwater Management

- 6.11.7.2.1 Policies regarding “Infrastructure / Corridors” identified on the Land Use Schedules can be found in Section 6.11.7.4 below. The areas identified as “Proposed SWM Facilities” on the schedules are the recommended ~~and preferred~~ conceptual locations for stormwater management facilities associated with future development, which will be required to conform with the policies and permitted uses for the land use designations adjacent to the Proposed SWM Facility.
- 6.11.7.4.3 The Land Use Schedules (“E-8” through “E-11”) identify the general locations for stormwater management facilities in the Smithville MCP Areas. The locations shown ~~are conceptual but~~ represent the preferred recommended conceptual locations for such facilities, as informed by the Subwatershed Study (SWS).



## OPA 63 PROPOSED POLICY MODIFICATIONS

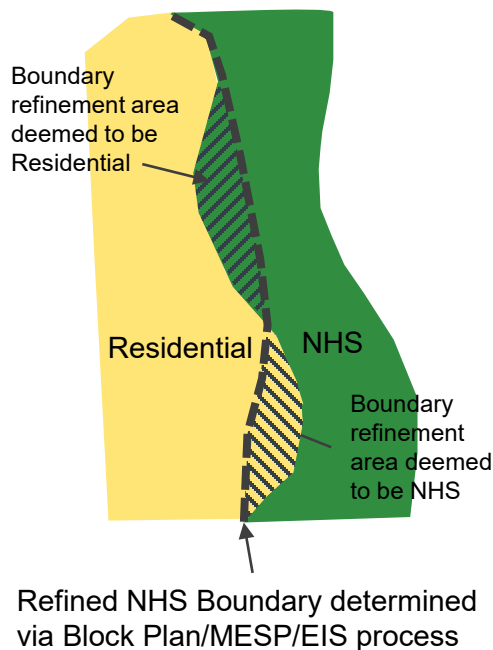
### Natural Heritage System – Definitions

- 6.11.7.3.3      e)      "natural cover target" shall mean the percentage of the total land area within the Smithville MCP Secondary Plan Area that is intended to be maintained in or restored to a natural state inclusive of the NHS and which may also include parks, trail corridors, green ~~infrastructure-utility/servicing~~ corridors and stormwater management facilities where these additional areas overlap or are located adjacent to the NHS, being the target identified in the SWS pursuant to support the achievement of the Township-wide coverage target in Section 10.3.2 (a) of this Plan.

## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Heritage System – General Policies

#### 6.11.7.3.4



- d) Within the MCP Area, the boundaries of the NHS shown on Schedule “E-12” will be confirmed and may be refined through the Block Plan process as determined through the preparation of the required Master Environmental Servicing Plan (MESP) and Environmental Impact Study (EIS). The extent of refinement that may be permitted shall be determined based upon the EIS and in a manner that contributes to the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e).

Where the boundaries of the NHS are refined, the refinement shall be deemed to be a refinement of the boundary between the NHS and the adjoining land use designation shown on the Land Use Plan (Schedules “E-8” to “E-11”) and the adjoining land use designation shall apply to any areas removed from the NHS as a result of approved NHS boundary refinements.

## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Heritage System – General Policies

- 6.11.7.3.4      h)      Any refinements to the boundaries of Linkage Areas or Recommended Restoration Areas resulting from future studies as described in Policy No. 6.11.7.3.4.g) should be made in a manner that ~~ensures the overall land area occupied by such Areas in the NHS is maintained or increased~~maintains or enhances their ecological functions and contributes to the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e).

## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Heritage System – Conceptual Buffers

- 6.11.7.3.14
- b) The ~~ecologically and hydrologically appropriate~~ width for each Buffer associated with a proposed development shall be a minimum of 30 metres as conceptually shown on Schedule “E-12” unless an ecologically and hydrologically appropriate alternative Buffer width is established through the completion of an Environmental Impact Study and shall generally be 30 metres (EIS) approved by the Township in consultation with the Region and the NPCA.
  - e) ~~Where the width established for a Buffer through the completion of an EIS differs from the conceptual width shown on Schedule “E-12”~~Where necessary to accommodate the details of a development layout, minor alterations may be made to the justified revised delineation of the boundaries of thea feature Buffer on that Schedule if appropriate as determined by the Township in consultation with the Region and the NPCA based on an approved EIS and in keeping with Policy Nos. 6.11.7.3.14 b) and c) above. without requiring~~Where the final Buffer established through an approved EIS differs from the conceptual Buffer shown on Schedule “E-12”~~an amendment to this Official Plan is not required to reflect the final Buffer.

## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Heritage System – Linkages

6.11.7.3.15

The identification of the type, classification and width of Linkages shall be determined based on the guidance within the SWS and may be refined based upon an EIS approved by the Township in consultation with the Region and the Niagara Peninsula Conservation Authority.

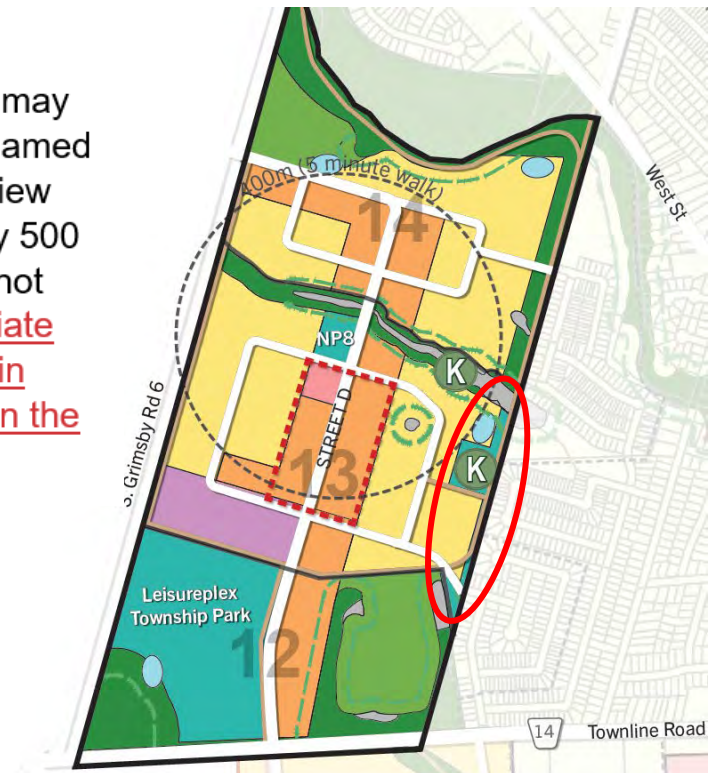
- a) Linkages may be refined where appropriate as determined through an EIS based upon the SWS and provided the ecological and hydrologic role and functions of the identified linkages are identified and maintained and taking into consideration and supporting the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).
- b) No development or site alteration shall be permitted in, or within 30 metres of, a Linkage unless an Environmental Impact Study has demonstrated, to the satisfaction of the Township, Niagara Region, and any other approval authority, that there will be no negative impacts on the Linkage or its ecological and hydrologic functions.

## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Heritage System – Linkages

6.11.7.3.15

- j) Further to Policy No. 6.11.7.3.15.i) above, the Township may seek to establish a linkage ~~of any width~~ between the unnamed tributary of Twenty Mile Creek that runs south of Forestview Court and the U-shaped woodland located approximately 500 metres to the south, notwithstanding that this corridor is not identified as a Linkage on Schedule “E-12”. The appropriate width of this linkage will be determined by the Township in consultation with the Region and the NPCA and based on the recommendations made in the approved EIS.





## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Heritage System – Recommended Restoration Areas

- 6.11.7.3.16      c)      An EIS undertaken under Policy No. 6.11.7.3.16.b) with respect to a Recommended Restoration Area:
- iii.      may refine the boundaries of Recommended Restoration Areas as they are shown on Schedule “E-12”, provided that the overall area designated as “Recommended Restoration Area” ~~is shall~~ not ~~be~~ reduced by such refinements unless it is demonstrated to the satisfaction of the Township that the refinement has taken into consideration and supports the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e); and,
  - i) ~~Where proposed development includes a Restoration Area as recommended by a completed EIS, an appropriate Buffer may be designated surrounding that Restoration Area, which Buffer shall be subject to the policies set out in Subsection 6.11.7.3.14.~~

## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Hazards – Karst

6.11.7.3.17

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



## OPA 63 PROPOSED POLICY MODIFICATIONS

### Natural Hazards – Karst

6.11.7.3.17

- d) Any development or site alteration proposed within 50 metres of a karst feature, including the potential high- and medium-constraint karst features identified on Schedules “E-8” and “E-11” and any other potential high- and medium-constraint karst features identified through further study, shall be subject to the following:
  - i. the requirement to complete a Karst Hazard Assessment which shall recommend the constraint level and classification of each karst feature identified on the landscape and recommend minimum setbacks for development and other appropriate mitigation strategies; and,
  - ii. approval of the NPCA, in accordance with NPCA regulations and policies.
- ~~d) — No development or site alteration shall be permitted within 50 metres of a high-constraint karst feature; or:~~

## OPA 63 PROPOSED POLICY MODIFICATIONS

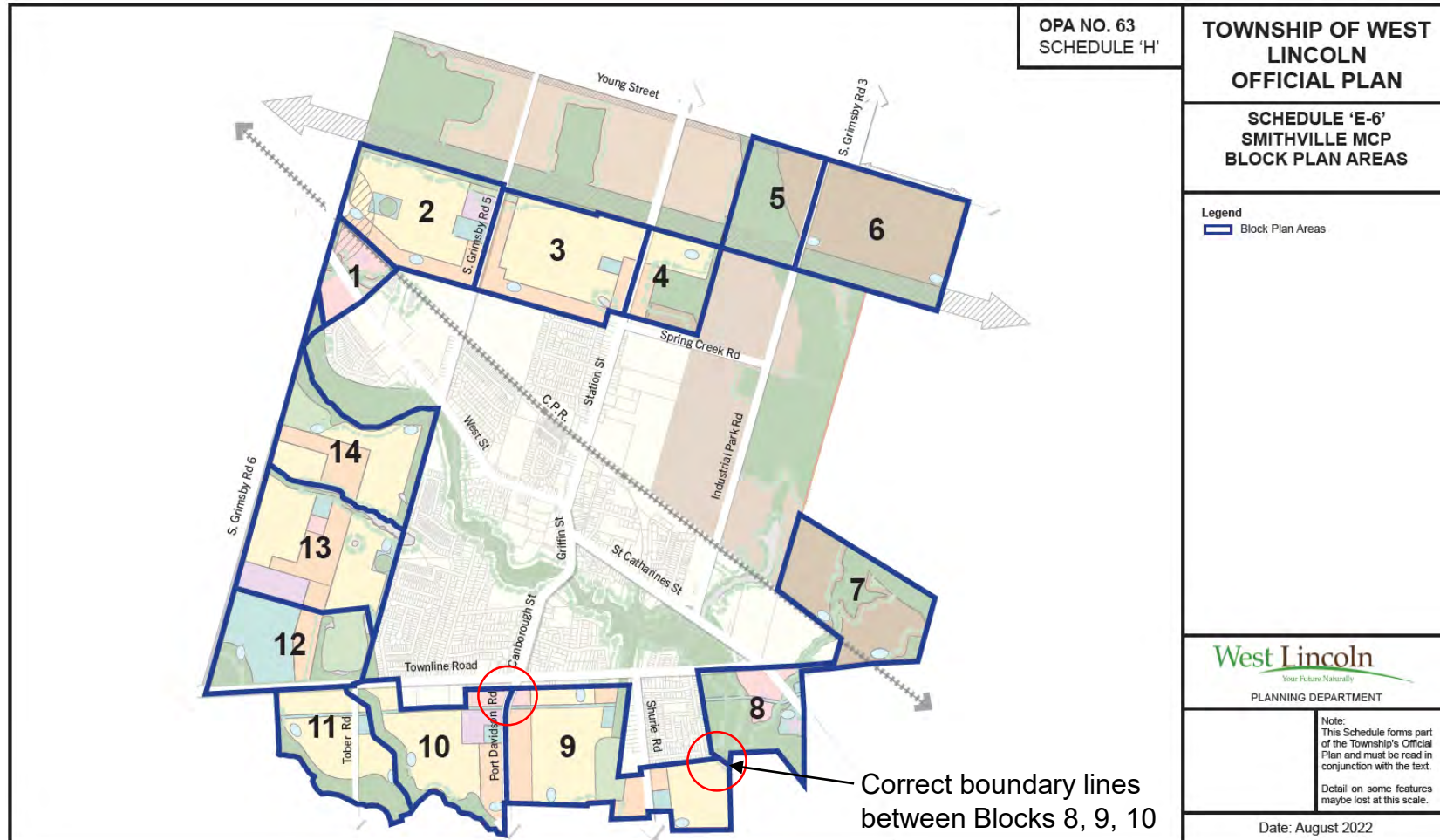
### Transportation

- 6.11.7.4.4 g) All roads under the Township's jurisdiction in the Smithville Urban Area shall have a minimum right-of-way width ~~of 20 metres, except as otherwise required in this Plan as follows:-~~

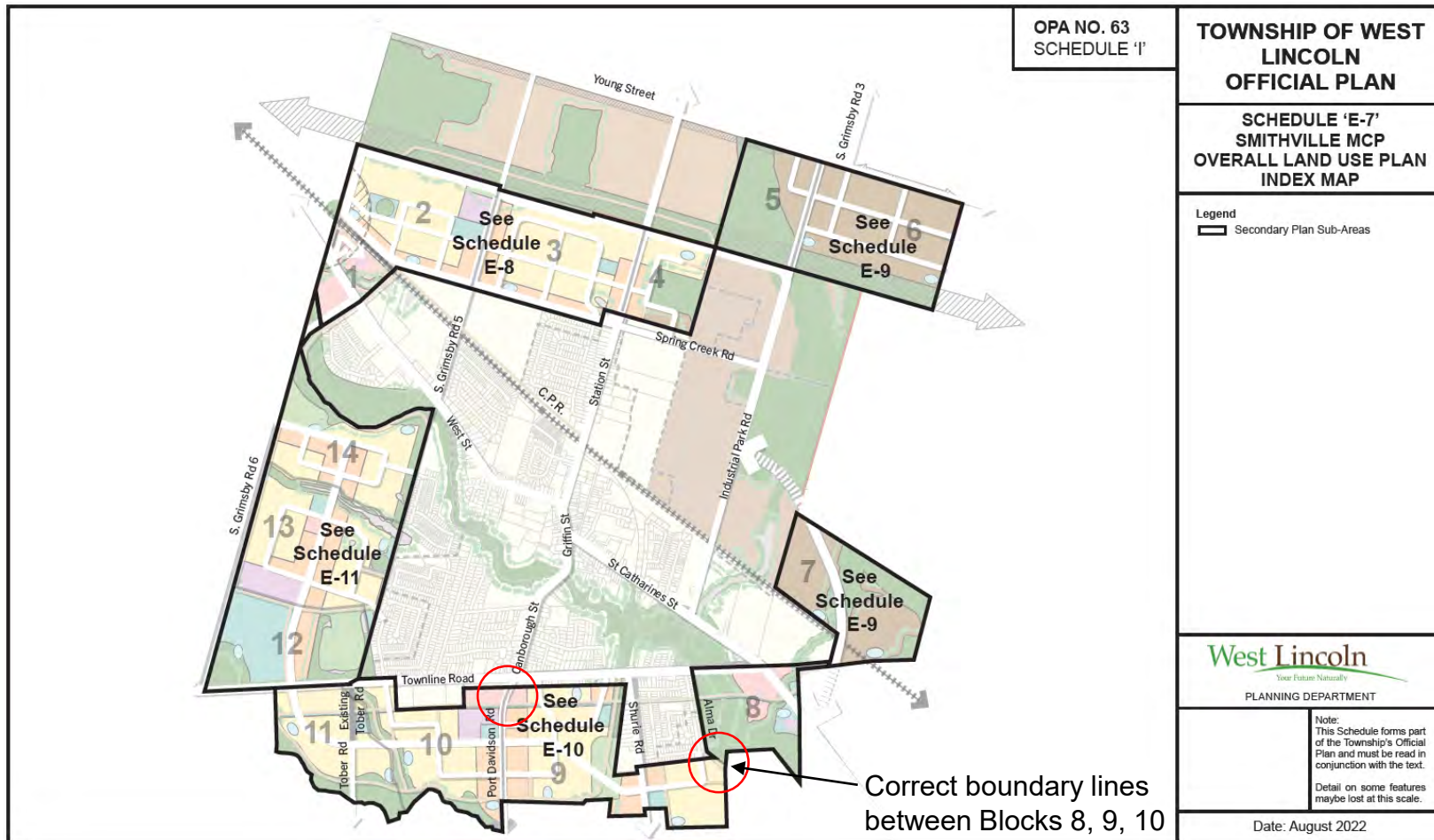
Road Classification	Minimum Right-of-Way Width
Arterial "B"	25.5 m
Collector	22.0 m
Local Road	20.0 m
Rural Road	28.5 m

- h) Notwithstanding Policy No. 6.11.7.4.4.g) above:-
- i. the Township may reduce the minimum right-of-way width of any road under its jurisdiction without requiring an amendment to this Plan, provided the final right-of-way width is to the satisfaction of the Township; and,
  - ii. Industrial Road between London Road and St. Catharines Street shall have a minimum right-of-way width of 25 metres.

## OPA 63 MAP SCHEDULE H

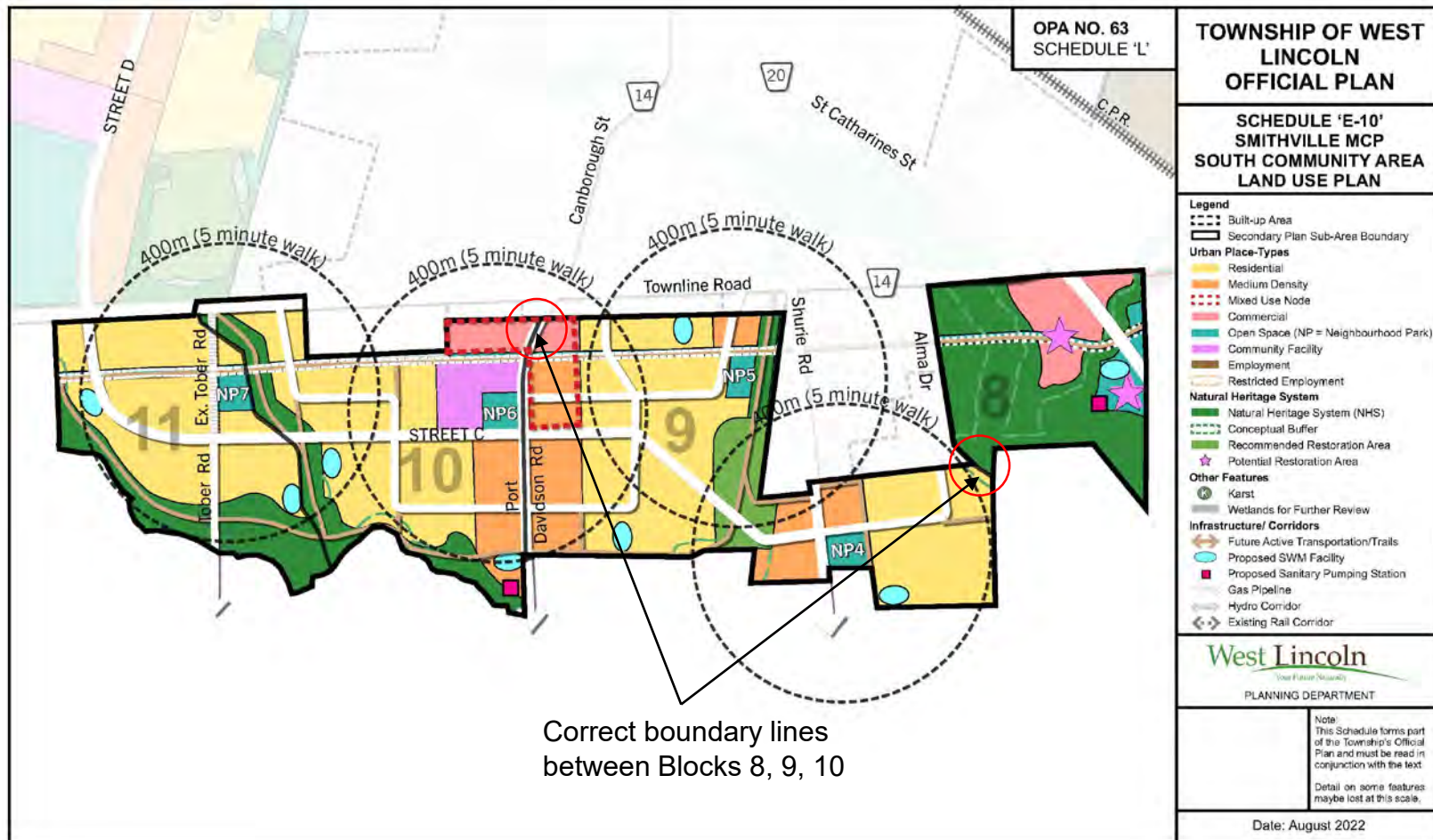


## OPA 63 MAP SCHEDULE I

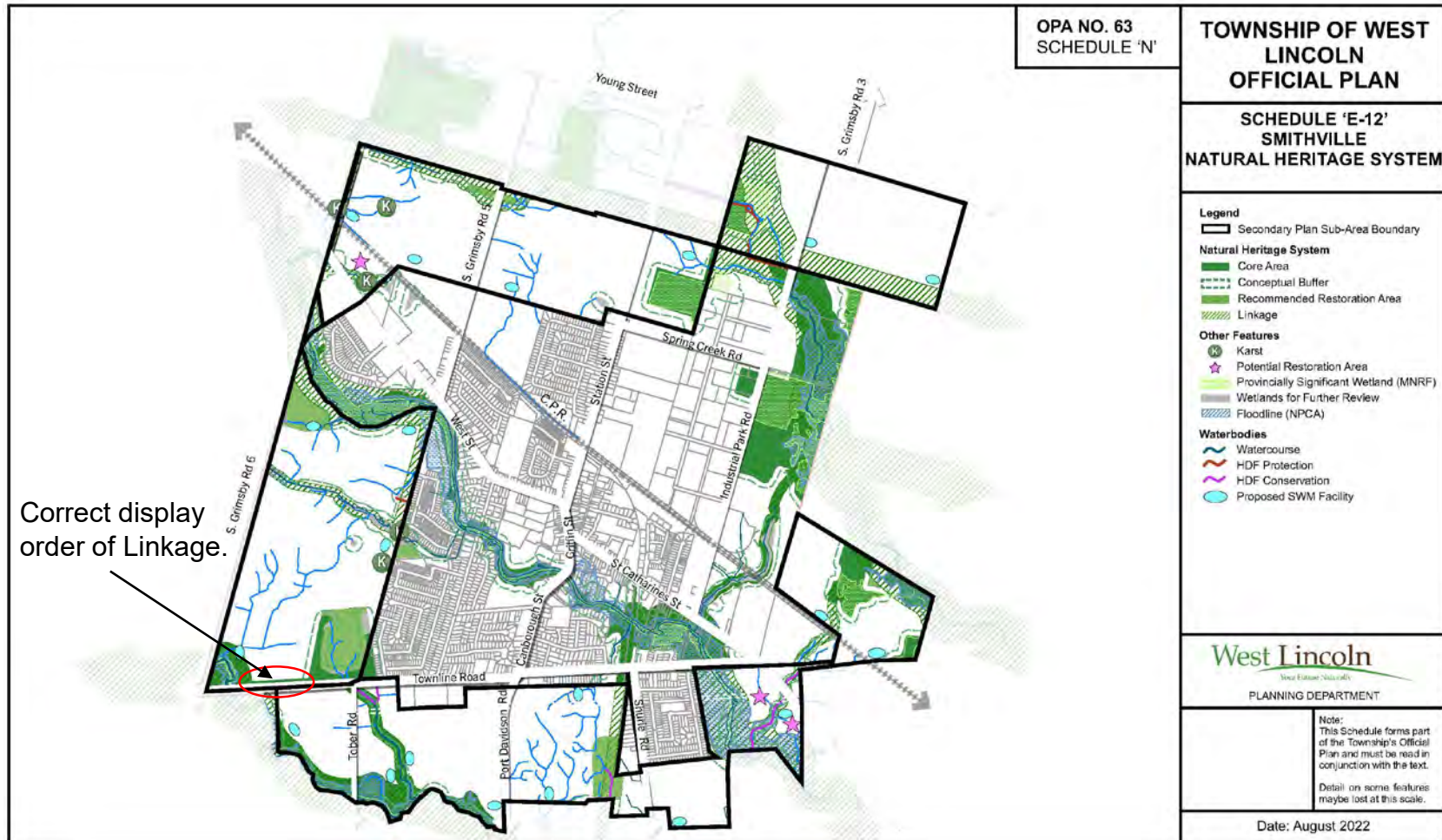




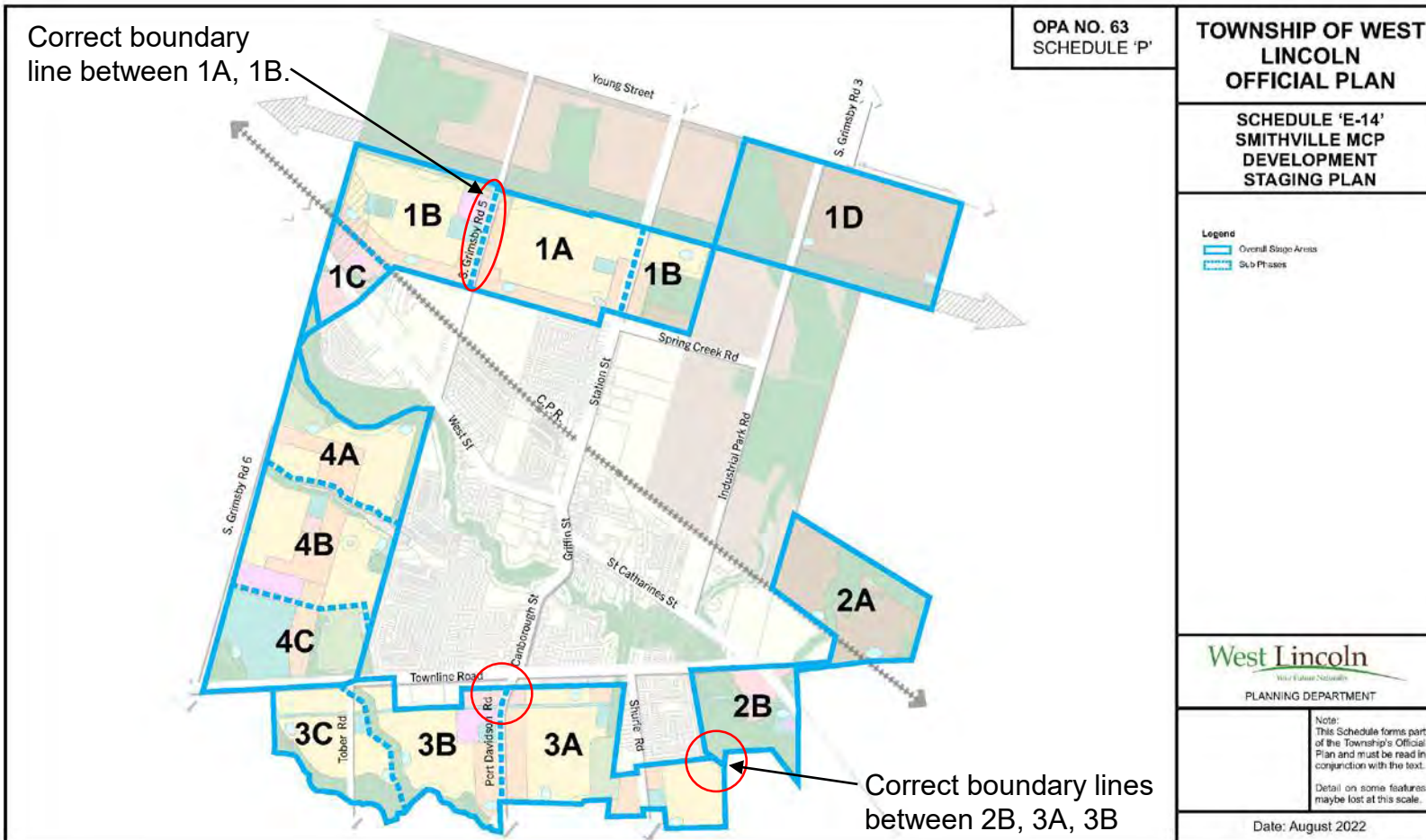
## OPA 63 MAP SCHEDULE L



## OPA 63 MAP SCHEDULE N



## OPA 63 MAP SCHEDULE P





## NEXT STEPS

- Submission of OPA 63 requested modifications to Region
- Regional approval of OPA 63 (with modifications)
- Region Notice of Decision, Township EA Notice of Completion



# DISCUSSION / QUESTIONS



# West Lincoln

Your Future Naturally

**SMITHVILLE MASTER COMMUNITY PLAN**  
COUNCIL MEETING, March 6, 2023



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March 2, 2023

Brian Treble, MCIP, RPP  
Director of Planning and Development  
Services Township of West Lincoln

VIA EMAIL

**RE: Township of West Lincoln  
OPA 63 – Smithville Urban Boundary Expansion Area**

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Dear Brian,

Please accept this letter as comments on behalf of Phelps Homes regarding Township of West Lincoln OPA 63 and the proposed modifications to be brought to Township Council. NPG Planning Solutions Inc. are land use planning consultants to Phelps Homes and JTG Holdings regarding their lands within the OPA 63 Secondary Plan Area. Phelps Homes and JTG Holdings are also participants in the landowners group for OPA 63; the Phelps lands are in Phases 4A, 4B, while the JTG Holdings lands are in Phase 4C. We note that the landowners group has provided comments on the OPA 63 Secondary Plan to the Township under separate cover.

We are sending this letter to you to provide additional commentary on the proposed modifications to OPA 63. The consulting team on behalf of the landowners group has provided detailed comments which we will not replicate. We do support the comments that have been provided to the Town by the landowners consulting team.

However, we first want to acknowledge that there has been a willingness by the Township staff and the Township's consultants to work in a cooperative manner to address the concerns that have been brought to your attention. We appreciate the updates and modifications to the Secondary Plan which have

addressed some of the concerns. Other concerns remain and it is for this reason that we are sending you and Township Council this letter.

### Natural Heritage:

The natural heritage system approach in OPA 63 is creating problematic issues in the Secondary Plan policies, mapping and the implementation of the Secondary Plan.

- a) Restoration Areas – the restoration areas continue to be problematic. The identification of Restoration Areas on the lands owned by Phelps Homes and JTG Holdings is not justified in the Subwatershed Study, is based on incorrect information, and is applying the Provincial Natural Heritage and the PPS 2020 policies incorrectly.
- b) Coverage Target – The 30% natural heritage coverage target has been the subject of much discussion. Our concerns remain which can briefly be described as follows:
  - a. The 30% target is an arbitrary number not grounded in science.
  - b. There are policy conflicts between OPA 63 and the parent Official Plan. The parent Official Plan encourages a 30% coverage target while OPA 63 requires a 30% coverage target.
  - c. Implementation of the 30% target will impact housing, jobs and infrastructure. The target is established as a mandatory requirement notwithstanding the detailed work needed in future studies.
- c) Environmental Impact Studies (EIS) – many of the policies tie the hands of qualified professionals to complete science based studies on natural heritage features, buffers, and linkages through detailed studies to implement the Secondary Plan (e.g. Block Plans). In many instances, the policy wording requires adherence to arbitrary standards/targets which limits the ability to refine natural heritage features and their buffers to reflect the results of their field work and science-based assessments.
- d) Wetlands for Further Review – these are potential wetlands requiring additional study and field work. These should not be presumed to be wetlands at this point in time, even if the Region has mapped some of them as Other Wetlands.
- e) Woodlands – the policies incorrectly apply the PPS 2020 as prohibiting development and site alteration in Significant Woodlands. The PPS 2020 allows development and site alteration if no negative impact is shown through an EIS.
- f) Conceptual buffers –The current wording uses the terminology “shall generally be 30 m”. This approach presupposes the outcome of an EIS which is

inappropriate.

- g) Linkages – although the linkage policies have been refined so that ecological studies will determine the need, width and location of the linkage, the total area of linkages remains constrained by the policy that requires that refinements to linkage boundaries contribute to the natural cover target.

### Transportation:

The comments from BA Group reflect the concerns regarding the transportation plan and policies within OPA 63. We wish to focus on two specific matters, as follows.

- a) Relationship to Natural Heritage System – Future Environmental Assessments for transportation corridors need to address the natural heritage system. This is appropriate as the EA process requires decision making to be made based on a multitude of factors. The comments on the natural heritage policies become critically important as the implementation of the Secondary Plan transportation network is completed, in part, through the EA process. The natural heritage policies cannot prejudice the EA process for transportation.
- b) Alternative road standards – we concur that the road cross sections need to include a narrower standard. There are design solutions and options for a narrower road solution through the draft plan stage that will allow flexibility to address detailed issues in design, servicing, and other issues such as natural heritage.

### Water and Wastewater Servicing

S. Llewellyn and Associates Ltd. have identified three additional options for servicing the lands owned by Phelps Homes and what can generally be described as the southern lands (**Phase 4 lands**). These are options that are viable in addition to the water and wastewater servicing option identified by the Township's consultants. It is in everyone's interests to ensure the most cost effective and efficient servicing solution. The modified Secondary Plan policies do speak to using alternatives for servicing which is appreciated. However, there are detailed implementation policies that are not aligned to servicing alternatives.

There is an important relationship between the servicing options, the phasing policies, and the financing of this growth. The three must fit together in order for the Township to achieve its planned growth. The policies for phasing and specifically altering the phasing are highly prescriptive and will require significant work by landowners and the Township to assess the viability of altering the phasing. This has significant implications for financing the infrastructure.

The servicing costs need the participation of landowners to implement the planned growth. Without an assurance of timely development, landowners in later phases will be hard pressed to contribute to servicing costs in earlier phases. Compounding this issue is the number of non-participating landowners in earlier phases. The ability to achieve the planned growth will be highly dependent on the financing of infrastructure. The phasing policies must permit alternative phasing in a manner that is less prescriptive than is in the current policies. Alternatives to phasing that support cost effective and efficient infrastructure, financing of infrastructure, and implementing the Secondary Plan are required. The current policies on alternative phasing are too prescriptive and do not support the infrastructure and financial implementation of the Secondary Plan.

#### Density:

The proposed densities for low and medium density residential development are insufficient to provide the full range of permitted housing types in the Secondary Plan. Densities in the low density policies are insufficient to achieve townhouses, which are a permitted use. With the medium density policies, uses such as stacked townhouses and back to back townhouses are permitted uses yet the proposed density (20 to 40 units per hectare) is insufficient to achieve this form of housing. Revisions to policies and densities are required.

#### Implementation:

Our comments relating to implementation are to support timely next steps to implementing this Secondary Plan. As a preface to this, the need for housing in Niagara has been demonstrated through the Regional Official Plan process and especially in support of the Niagara workforce. Implementation of this Secondary Plan must be a priority and policies must support immediate next steps in implementation.

- a) Master Environmental Servicing Plans – MESP's are appropriate tools to identify how servicing will occur. These plans can and should be refined through the draft plan stage based on more detailed implementation design of the draft plan and resolving issues within the overall draft plan design.
- b) Cumulative impacts – The cumulative impact of these policies will create consequences for the implementation of the Secondary Plan. Addressing the natural heritage studies within the adopted policy framework will lead to multiple studies and assessments with no clear ability to resolve the difference between policy and science based studies such as an EIS, an MESP, or an EA for transportation infrastructure. This will ultimately translate into delay as issues will require resolution which may impact the overall design and development

of this community. The comments of the landowners group as well as the comments in this letter are to support implementation of the Secondary Plan including the natural heritage features and functions. The natural heritage features and functions, as currently drafted, have significant issues that will challenge implementation of the Secondary Plan.

The Smithville Urban Boundary expansion lands are a key priority in the implementation of the new Niagara Official Plan and the commitment to more housing. To that end, we enclose our previous letter to Niagara Region regarding OPA 63, the imperative to address housing, and our concerns on a number of issues. The above issues highlight the challenges to finalizing the Secondary Plan and, more importantly, the implementation of the Secondary Plan. We request that you review these comments together with the comments of the landowners group. We are committed to working to a resolution with you. Thank you in advance for your assistance.

Sincerely,




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Mary Lou Tanner, FCIP, RPP  
Principal Planner  
NPG Planning Solutions  
[mtanner@npgsolutions.ca](mailto:mtanner@npgsolutions.ca)

cc: J. Whyte, Phelps Homes  
  
D. Morreale and M. Sergi, Niagara Region  
  
P. Lowes, SGL Planning and Design  
  
Township Council



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November 25, 2022

Diana Morreale, MCIP, RPP  
Director of Development Services  
Niagara Region Planning and Development Department

VIA EMAIL

RE: Township of West Lincoln  
**OPA 63 – Smithville Urban Boundary Expansion Area**

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Dear Diana,

Please accept this letter as comments on behalf of Phelps Homes regarding Township of West Lincoln OPA 63. NPG Planning Solutions Inc. are land use planning consultants to Phelps Homes regarding their lands within the OPA 63 Secondary Plan Area. Phelps Homes are also participants in the landowners group. We note that the landowners group has provided comments on the various studies and the OPA 63 Secondary Plan to the Township on which you were copied.

We are sending this letter to you to reiterate and reinforce the concerns regarding OPA 63. The consulting team on behalf of the landowners group has provided detailed comments on OPA 63 which we will not replicate. However we do support the comments that have been provided to the Town by the landowners consulting team.

We are writing to provide you with comments on certain key issues which can be grouped under three key issues: Natural Heritage; Transportation; Implementation.

### Natural Heritage:

The natural heritage system approach in OPA 63 is creating problematic issues in the Secondary Plan policies, mapping and the implementation of the Secondary Plan.

- a) Restoration Areas – the two categories of Restoration Areas (Potential and Recommended Restoration Areas) are treated differently in terms of mapping. We concur with the comments of Paul Lowes that these should not be mapped differently but should be shown as an icon on the mapping. The detailed EIS and science based decision making will determine the restoration areas through the Block Plan and Draft Plan process. At the scale of a Secondary Plan it is more appropriate to use the approach identified in Mr. Lowes' letter of June 6, 2022 which identifies the opportunity and the policies which address how that opportunity will be evaluated.
- b) Coverage Target – identifying an aspirational target is of concern. The coverage target is arbitrary and cannot reasonably be implemented. The target will be addressed over the time in which the Secondary Plan is implemented. This approach has the potential of impacting landowners differentially and particularly those in the latter stages of implementation. Fundamentally however the coverage target is problematic and needs to be removed – there is no basis for its establishment.
- c) Conceptual buffers – the policies regarding conceptual buffers need to be revised from the current wording. The current wording uses the terminology “shall generally be 30 m”. This type of policy language is problematic – is the test “shall” or “generally”? The policy wording should make reference to up to 30 m based on the scientific analysis in the EIS and remove the conflicting language.
- d) Linkages – the linkage policies need to be refined so that the ecological studies determine the need, width and location of the linkage. At a Secondary Plan scale the linkages can be seen as aspirational or potential but should not be definitive.

### Transportation:

The comments from BA Group reflect the concerns regarding the transportation plan and policies within OPA 63. We wish to focus on two specific matters, as follows.

- a) Relationship to Natural Heritage System – the comments in the BA Group letter appropriately identify that future Environmental Assessments for transportation corridors need to address the natural heritage system. This is appropriate as the EA process requires decision making to be made based on



a multitude of factors. The comments on the natural heritage policies become critically important as the implementation of the Secondary Plan transportation network is completed, in part, through the EA process. The natural heritage policies cannot prejudice the EA process for transportation.

- b) Alternative road standards – we concur that the road cross sections need to include a narrower standard. There are design solutions and options for a narrower road solution through the draft plan stage that will allow flexibility to address detailed issues in design, servicing, and other issues such as natural heritage.

### Implementation:

Our comments relating to implementation are to support timely next steps to implementing this Secondary Plan. As a preface to this, the need for housing in Niagara has been demonstrated through the Regional Official Plan process and especially in support of the Niagara workforce. Implementation of this Secondary Plan must be a priority and policies must support immediate next steps in implementation.

- a) Master Environmental Servicing Plans – MESP's are appropriate tools to identify how servicing will occur. These plans can and should be refined through the draft plan stage based on more detailed implementation design of the draft plan and resolving issues within the overall draft plan design.
- b) Staging of Development - The staging and infrastructure policies require greater flexibility and cannot be prescriptive. It is critical that the Township and the Region can work with landowners through various studies and issues to advance implementation. Prescriptive policies, such as those included in the plan, can lead to delays but also a plan that will be challenged to be implemented.
- c) Cumulative impacts – The cumulative impact of these policies will create consequences for the implementation of the Secondary Plan. We are very concerned that the Secondary Plan's implementation will be challenged and likely delayed. Addressing the natural heritage studies within the adopted policy framework will lead to multiple studies and assessments with no clear ability to resolve the difference between policy and science based studies such as an EIS, an MESP, or an EA for transportation infrastructure. This will ultimately translate into delay as issues will require resolution as well as impacting the overall design and development of this community. The comments of the landowners group as well as the comments in this letter are to support implementation of the Secondary Plan including the natural heritage features and functions.

The Minister of Municipal Affairs and Housing recently approved the new Niagara Region Official Plan. The Smithville Urban Boundary expansion lands are a key priority in the implementation of the new Official Plan and the Region's commitment to more housing. It is our view that the Region has a key interest in ensuring that the planned growth can be implemented in a timely manner. The above issues highlight the challenges to finalizing the Secondary Plan and, more importantly, the implementation of the Secondary Plan. The Region's commitment to more housing and the analysis of housing need must be front and centre in the decisions on OPA 63.

We are sending this letter to you because of the importance of OPA 63 as well as the significance of our concerns. We would be pleased to meet with you regarding these issues and this letter.

Sincerely,



---

Mary Lou Tanner, FCIP, RPP  
Principal Planner  
NPG Planning Solutions  
[mtanner@npgsolutions.ca](mailto:mtanner@npgsolutions.ca)

cc: J. Whyte, Phelps Homes

March 2, 2023

Project: UE.WL

**VIA EMAIL**

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

**Re: Draft OPA 63 Proposed Modifications**

SGL Planning & Design Inc. represents the Smithville Landowners Group. The Landowners Group are also being assisted by GEI Consultants Ltd., Terra-Dynamics and BA Group. Individual landowners have also retained other consultants to assist with their review of OPA 63. Our team of consultants has been actively involved in the Smithville Master Plan and have attended the Technical Advisory Committee meetings, the Steering Committee meetings, public open houses, and commented on the previous drafts of OPA 63. We have previously submitted comments:

- June 24, 2022 – OPA 63 Comment Letter (see **Appendix I**)
- December 2, 2022 – Suggested Edits to OPA 63 Via Email (see **Appendix II**);
- December 6, 2022 – Suggested Edits to OPA 63 Comment Letter (see **Appendix III**);
- January 23, 2023 – Suggested Cost Sharing Policy Via Email (see **Appendix IV**); and
- February 16, 2023 – Technical Memorandum for Alternative Engineer Strategy (see **Appendix V**)
- February 24, 2023 – Suggested Edits for Alternative Engineer Strategy (see **Appendix VI**)

We would like to thank Township staff and their consultants for the work to date to advance the OPA 63. We are pleased to see several of our suggestions and concerns have been resolved in the proposed modifications to OPA 63, however, we continue to have significant concerns, which are summarized below.

**Densities**

The Residential and Medium Density designations provide an appropriate range of permitted building types to address the housing needs in Smithville over the next 30 years. We also appreciate that the wording has been added in the OPA 63 noting the overall designated greenfield area density is a minimum, however, we continue to

reiterate that the density ranges of these two designations are too low to accommodate the full range of housing types permitted. For example, the medium-density residential is too low to permit back-to-back or stacked townhouses, which is a permitted building type. In light of Bill 23, and the significant push to introduce new housing units by 2031, a higher density range is appropriate.

### **Mixed Use**

The Mixed Use policies provide targets to ensure both the Mixed Use Nodes and Medium Density Mixed Use Nodes support a mix of community uses. However, we continue to raise the concern that the percentage requirements for the distribution of residential and non-residential space within a building in these designations is overly prescriptive.

### **Restoration Areas**

We understand and support the goal of restoration in a Natural Heritage System, but have significant concerns with the approach applied in OPA 63. OPA 63 establishes two classes of restoration areas. Potential Restoration Areas and Recommended Restoration Areas. These two classifications provide for the same restoration function, but Recommended Restoration areas are specifically mapped without any analysis demonstrating the necessity of those specific lands to be restored while Potential Restoration Areas are identified schematically.

We appreciate some efforts have been made to address our concerns by permitting an Environmental Impact Study (EIS) to refine the boundaries of Recommended Restoration areas, however, in our opinion, all restoration areas should be identified schematically as Potential Restoration Areas. This would enable each feature to be evaluated in depth through an EIS at the block plan and/or draft plan of subdivision stage, rather than applying an unsubstantiated boundary on the schedules.

### **Coverage Target**

OPA 63 sets out a process for refinements to natural areas, linkages, restoration areas and conceptual buffers. We are supportive of that process. However, OPA 63 further states that refinements to these features shall take into consideration and support the achievement of the natural coverage target. As we have stated previously, the natural coverage target is an aspiration policy target in the Official Plan that is to be applied to the entire watershed and is to be encouraged through voluntary landowner stewardship and restoration. We appreciate the modifications of OPA 63 included revising the definition of the “natural coverage target” to include parks, trail corridors, green utility/service corridors and stormwater management facilities, but only where they overlap or are located adjacent to the NHS.

If an area doesn't contain any NHS features and sufficient parks, stormwater management facilities and other corridors are not planned for the area, an equally sized piece of farmland would need to be included in the NHS to meet the target requirement. In our opinion, this requirement is onerous and not based on any ecological principles or

requirements in any provincial or regional policy or guideline. We request that the policies be revised to apply the natural cover target municipal wide as Section 10.3.2 requires rather than specifically to the Secondary Plan.

### **Cost Sharing**

We requested Cost Sharing Agreement policy be added to OPA 63 to ensure all development proponents contribute equally towards community and infrastructure facilities such as parks, collector roads, water and sanitary infrastructure and stormwater management etc. (**Appendix IV**). This is an essential policy to ensure fair distribution of costs and has been included in many secondary plans in the Greater Golden Horseshoe. This requested policy has not been included, and we are concerned that development may occur unfairly without a Cost Sharing agreement.

### **Alternative Servicing Strategy**

We are concerned that a number of policies in the servicing and transportation section are overly prescriptive and do not provide the flexibility to facilitate development. The policies generally reiterate the direction of the Water and Wastewater Master Servicing Plan, which does not provide flexibility for different approaches and staging of the block plans. To illustrate alternative strategies could work when a more detailed studies come forward, we submitted an alternative engineering strategy that demonstrated another approach that should be considered (see **Appendix V**). In support of this alternative engineering strategy we also provided minor edits to OPA 63 that would introduce the necessary flexibility to ensure an efficient and orderly development for alternative strategies (**Appendix VI**). These policies suggestion would ensure there are no delays caused by requiring an Official Plan Amendment if a different strategy or staging comes forward. Again, with the significant push for introducing housing as a result of Bill 23 and getting shovels in the ground, we recommend these changes be incorporated.


### **Conclusion**

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

Yours very truly,  
**SGL PLANNING & DESIGN INC.**



Paul Lowes, MES, MCIP, RPP  
Principal



Raymond Ziembra, MCIP, RPP  
Senior Planner

---

cc: Brian Treble  
Richard Vandezande  
Steve Weber, GSP  
Tony Miele, Smithville Landowner Group



**Cost sharing agreement**

The locations of proposed public infrastructure such as roads, stormwater management facilities or the provision of other community facilities identified in this Secondary Plan have been incorporated without regard to property ownership.

To ensure that all affected development proponents contribute equitably towards the provision of community and infrastructure facilities such as parks, collector roads, road improvements, internal and external services, stormwater management facilities, public/private utilities and school sites, the Township shall require that, as a condition of development approval, development proponents enter into one or more developers' group agreements to address the sharing of these costs.

The Trustee of the developers' group cost sharing agreement shall be notified by the Township of any applications for plan of subdivision, zoning or development approval in the Secondary Plan Area. As a condition of approval, the Trustee shall notify the Township that the landowner is a member, in good standing, of the developers' group cost sharing agreement.



**S. LLEWELLYN & ASSOCIATES LIMITED**  
CONSULTING ENGINEERS

## TECHNICAL MEMORANDUM

<b>To:</b>	Mr. Raymond Ziemba	<b>From:</b>	Colin Dougan Steven Frankovich
		<b>Date:</b>	February 16, 2023
<b>Project:</b>	Smithville Urban Boundary Expansion Review	<b>Pages:</b>	8 + Appendix A & B
		<b>Job #:</b>	20040
<b>Re:</b>	Phases 4A, 4B and 4C Wastewater Servicing Strategy		

### INTRODUCTION

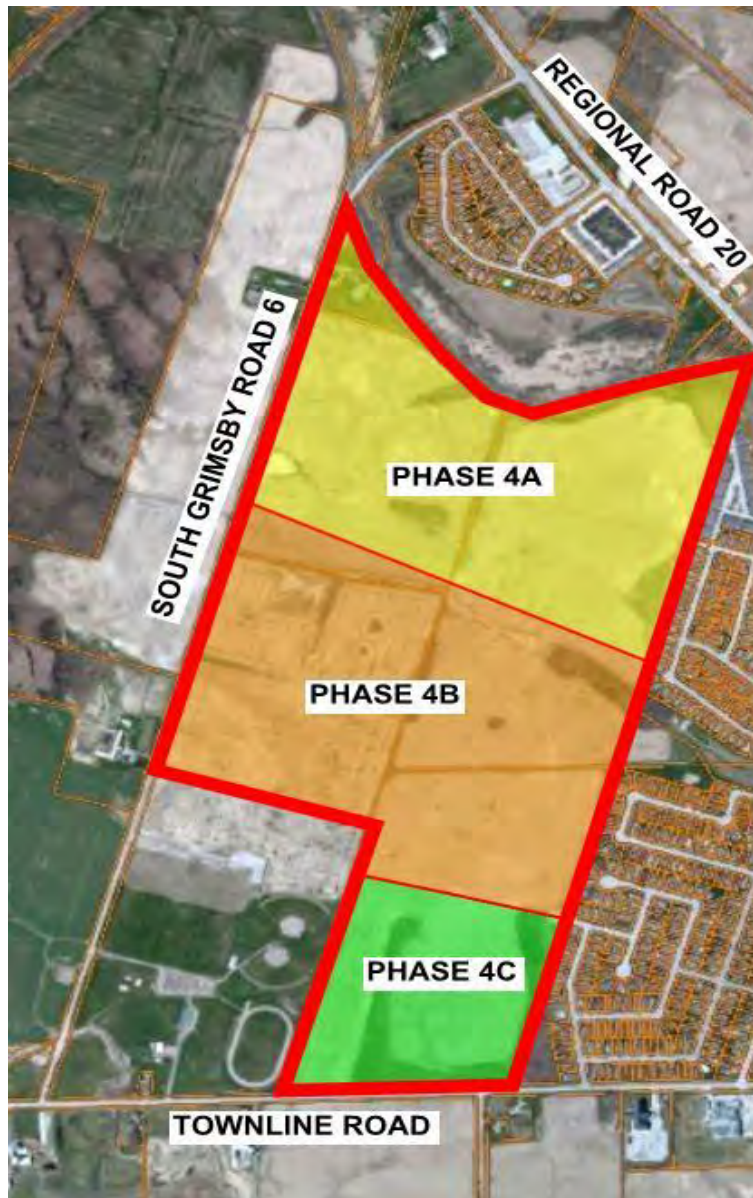
S. Llewellyn and Associates Limited (SLA) was retained by John Georgakakos and Phelps Homes Ltd. to review and prepare a wastewater servicing memorandum in support of the proposed development located in Smithville, within the Township of West Lincoln (see Figure 1 for location plan). The purpose of this memorandum is to investigate additional alternative routes for wastewater servicing as part of Phases 4A, 4B and 4C within the Smithville Urban Boundary Expansion.

### BACKGROUND INFORMATION

The following documents were referenced in the preparation of this memorandum:

- Ref. 1: Design Criteria for Sanitary Sewers, Storm Sewer and Force mains for Alterations Authorized under Environmental Compliance Approval (Ministry of Environment, Conservation and Parks, July 2022)
- Ref. 2: Municipal Engineering Standards (Township of West Lincoln, 2022)
- Ref. 3: Smithville Master Community Plan (AECOM, January 2023)
- Ref. 4: Sanitary Sewer Servicing Technical Memorandum (S. Llewellyn & Associates Limited, June 2022)
- Ref. 5: Smithville UBE South Sanitary Servicing Schematic (Landsmith Engineering & Consulting Ltd., May 2022)
- Ref. 6: Baker Road WWTP Pollution Prevention and Control Plan and Master Servicing Plan (GM Blue Plan, November 2021)

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Tel. (905) 631-6978 [www.sla.on.ca](http://www.sla.on.ca)



**Figure 1 - Location Plan**

The subject site is in the Township of Smithville and is bounded by existing residential developments to the east, Townline Road to the south, South Grimsby Road 6 to the west, and Twenty Mile Creek to the north.

#### **AECOM Recommended Strategy**

According to the Smithville Master Community Plan (Ref. 3), the recommended wastewater servicing strategy for the subject lands is option “S4WW1 and S4A-FM2”. A schematic of this strategy (Figure 5-2) has been provided in Appendix A. This option includes:

- Sanitary Pumping Station – Northeast Corner of Phase 4A

- Forcemain – SPS to gravity sewer in Phase 4A
- Gravity sewer – Phase 4A to Future Port Davidson Pumping Station (Phase 3B)

Based on our review of the Smithville Master Community Plan (Ref. 3), the construction of Phase 4 will be dependent on the following:

- Upgrades to the Smithville Sanitary Pumping Station
- Future Port Davidson Pumping Station (Phase 3B)
- Sanitary Gravity Sewer – Port Davidson Road
- Phase 3B forcemain (Option “S3FM1B”)
- Engineering Approvals / Available Funding

## **ALTERNATIVE WASTEWATER SERVICING STRATEGIES**

### **Option 1 (Preferred Strategy)**

As part of the Phase 3A lands, further investigation was completed by Landsmith Engineering & Consulting Limited (LECL) to verify another alternative route for sanitary servicing. LECL provided the servicing option for Phase 3A can convey sanitary flows north by gravity sewers through Rock Street Park and ultimately discharging into the Smithville Sanitary Pumping Station. For further information refer to the Smithville UBE South Sanitary Servicing Schematic prepared by LECL in Appendix B. The proposed depth of the sanitary manhole located at the intersection of Rock Street and Townline Road was utilized for Option 1, prepared by SLA.

Option 1 includes:

- Gravity Trunk Sewer – Rock Street and Townline Road intersection to Phase 4A
- Gravity Sewer – Phase 4A, 4B and 4C
- Sanitary Pumping Station – Northeast corner of Phase 4A
- Forcemain – Northeast Pumping Station (Phase 4A) to gravity sewer within Phase 4A

For further details refer to the Option 1 Wastewater Servicing Strategy Schematic prepared by S. Llewellyn & Associates Limited in Appendix A.

Based on Option 1, the construction of Phase 4 will also be dependent on the following:

- Upgrades to the Smithville Sanitary Pumping Station
- Sanitary Gravity Sewer – Phase 3A to Smithville Sanitary Pumping Station as presented in the Smithville UBE South Sanitary Servicing Schematic prepared by Landsmith Engineering & Consulting Limited in Appendix B

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- Engineering Approvals / Available Funding

## **Option 2**

Option 2 contemplates connecting to existing sanitary outlets adjacent to Phase 4. These outlets include:

- Brookside Terrace – 200mmØ sanitary sewer at intersection of Brookside Terrace and Forestview Court
- Manorwood Drive – 200mmØ sanitary sewer at intersection of Manorwood Drive and Forestview Court
- Oakdale Boulevard – 250mmØ sanitary sewer located within existing Stormwater Management Block between Forestview Court and Golden Acres Drive

As-constructed information indicates that Brookside Terrace would be the only viable option as a wastewater servicing outlet. Sanitary sewers in the Township of West Lincoln require a minimum 2.75m depth of cover. To conform to this standard, 2-4m of suitable fill material would be required to lift Phase 4A to promote a gravity sewer.

Option 2 includes:

- Gravity Trunk Sewer – Rock Street and Townline Road intersection to Phase 4A
- Gravity Sewer – Phase 4A to Gravity Trunk Sewer
- Gravity Sewer – Northern portion of Phase 4A to Brookside Terrace
- Gravity Sewer Upgrades – Brookside Terrace to Manorwood Drive
- Smithville Trunk Sewer Upgrades – Manorwood Drive to Smithville Sanitary Pumping Station

It was determined that approximately 23% of Phase 4 would be directed to Brookside Terrace. Table 1 below summarizes the estimated sanitary demand for Phase 4A, which would be supplementary to the existing sanitary sewer network along Brookside Terrace. The estimated population for Phase 4 was taken from Table 1-1 of the Smithville Master Community Plan (Ref. 3).

<b>Table 1 – Phase 4A Sanitary Sewer Discharge</b>						
Location	Area (ha)	Population <sup>A</sup>	Avg. Demand <sup>B</sup> (l/s)	Peaking Factor <sup>C</sup>	Infiltration <sup>D</sup> (l/s)	Peak Flow <sup>E</sup>
Phase 4A	18.63	1,114	3.55	4.89	5.33	<b>22.69</b>
<sup>A</sup> Population = 4,845 persons x 23% = 1,114 persons <sup>B</sup> Average Demand = 275 l/cap/day (Ref. 2) <sup>C</sup> Peaking Factor = $5/P^{0.2}$ with P expressed in thousands, $2 < M < 5$ <sup>D</sup> Infiltration flow based on 0.286 l/ha/s x site area <sup>E</sup> Peak Flow = (Average Flow x Peaking Factor) + Infiltration						

As part of the Baker Road WWTP Pollution Prevention and Control Plan and Master Servicing Plan (Ref. 6), it has been recommended that the Smithville trunk sewer be upgraded to increase system resilience to wet weather and provide flexibility for intensification. It was also identified that the creek crossing at Manorwood Drive had a poor I&I (Inflow and Infiltration) performance classification. SLA recommends implementing multiple flow monitoring points within the existing subdivision to identify the location for the on-going I&I. For further details refer to the Option 2 Wastewater Servicing Strategy Schematic prepared by S. Llewellyn & Associates Limited in Appendix A.

Based on Option 2, the construction of Phase 4 will also be dependent on the following:

- Upgrades to the Smithville Sanitary Pumping Station
- Sanitary Gravity Sewer – Phase 3A to Smithville Sanitary Pumping Station as presented in the Smithville UBE South Sanitary Servicing Schematic prepared by Landsmith Engineering & Consulting Limited in Appendix B
- Upgrades to the Smithville trunk sewer
- Upgrades to the existing infrastructure west of the Manorwood Drive creek crossing
- Engineering Approvals / Available Funding

### **Option 3**

As part of Options 1 and 2, a deep gravity trunk sewer is required within Phase 4 and Townline Road. Option 3 is recommended to avoid the need for installing deep gravity sewers. Option 3 includes:

- Temporary/Permanent Sanitary Pumping Station – This pumping would be located in the southeast corner of Phase 4 or further to the east along Townline Road
- Forcemain – Temporary/Permanent Sanitary Pumping Station to Rock Street and Townline Road intersection
- Townline Road Gravity Sewer – Phase 4 to the Temporary/Permanent Sanitary Pumping Station

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- Sanitary Pumping Station – Northeast corner of Phase 4A
- Forcemain – Northeast Pumping Station (Phase 4A) to gravity sewer within Phase 4A
- Phase 4 Gravity Sewer – Phase 4A, 4B and 4C

For further details refer to the Option 3 Wastewater Servicing Strategy Schematic prepared by S. Llewellyn & Associates Limited in Appendix A.

Based on Option 3, the construction of Phase 4 will also be dependent on the following:

- Upgrades to the Smithville Sanitary Pumping Station
- Sanitary Gravity Sewer – Phase 3A to Smithville Sanitary Pumping Station as presented in the Smithville UBE South Sanitary Servicing Schematic prepared by Landsmith Engineering & Consulting Limited in Appendix B
- Available lands to construct the temporary/permanent pumping station further to the east of Phase 4
- Engineering Approvals / Available Funding

### **Conclusions and Recommendations**

Based on the information provided herein, it is concluded that there are three additional solutions to be considered in the servicing scheme for Phase 4. Therefore, these solutions will provide the following key benefits:

#### **Option 1 (Preferred Strategy)**

- Phase 4 construction will not be reliant on the development of Phase 3B or Phase 3C lands
- The future Port Davidson Sanitary Pumping Station will receive reduced wastewater flows, which would reduce the overall size of the pumping station
- The Townline Road trunk sewer will provide a service connection for future development west of Phase 4
- The Townline Road trunk sewer will contribute to the Niagara Region's on-going I&I reduction program
- The Townline Road trunk sewer will eliminate the need for a sanitary forcemain along Townline Road
- The northern portions fronting Townline Road within the Phase 3B and 3C lands can convey sanitary flows via gravity to the Townline Road trunk sewer
- Provides the most cost-effective solution for Phase 3B, 3C, 4A, 4B and 4C

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- There will be minimal discarded costs for temporary infrastructure
- The Townline Road trunk sewer will provide additional cost-sharing opportunities for all landowners who are eager to participate in the development process
- Provides less disruption to existing residents by completing road re-construction works along Townline Road within one timeframe

### **Option 2**

- Phase 4 construction will not be reliant on the development of Phase 3B or Phase 3C lands
- The future Port Davidson Sanitary Pumping Station will receive reduced wastewater flows, which would reduce the overall size of the pumping station
- The Townline Road trunk sewer will provide a service connection for future development west of Phase 4
- The Townline Road trunk sewer will contribute to the Niagara Region's on-going I&I reduction program
- Upgrades to the existing infrastructure west of Manorwood Drive creek crossing will contribute to the Niagara Region's on-going I&I reduction program
- Phase 4A does not require a Sanitary Pumping Station
- The Townline Road trunk sewer will contribute to the Niagara Region's on-going I&I reduction program
- There will be minimal discarded costs for temporary infrastructure
- The Townline Road trunk sewer will eliminate the need for a sanitary forcemain along Townline Road
- The northern portions fronting Townline Road within the Phase 3B and 3C lands can convey sanitary flows via gravity to Townline Road trunk sewer
- The Townline Road trunk sewer will provide additional cost-sharing opportunities for all landowners who are eager to participate in the development process

### **Option 3**

- Phase 4 construction will not be reliant on the development of Phase 3B or Phase 3C lands
- Townline Road would not require deep gravity trunk sewers

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- The temporary/permanent sanitary pumping station could be located further to the east of Phase 4 to allow additional lands to be gravity serviced fronting Townline Road

The wastewater servicing scheme for the Urban Boundary Expansion should be flexible with the ability to adapt other potential servicing options based on landowners' willingness to corporate and participate in the development process. As outlined above, Option 1 will be the most cost effective and efficient approach for supporting development in the southern phases. We trust the information enclosed will be passed onto the Township of West Lincoln and Region of Niagara for review and consideration. Should you have any question please do not hesitate to contact our office.

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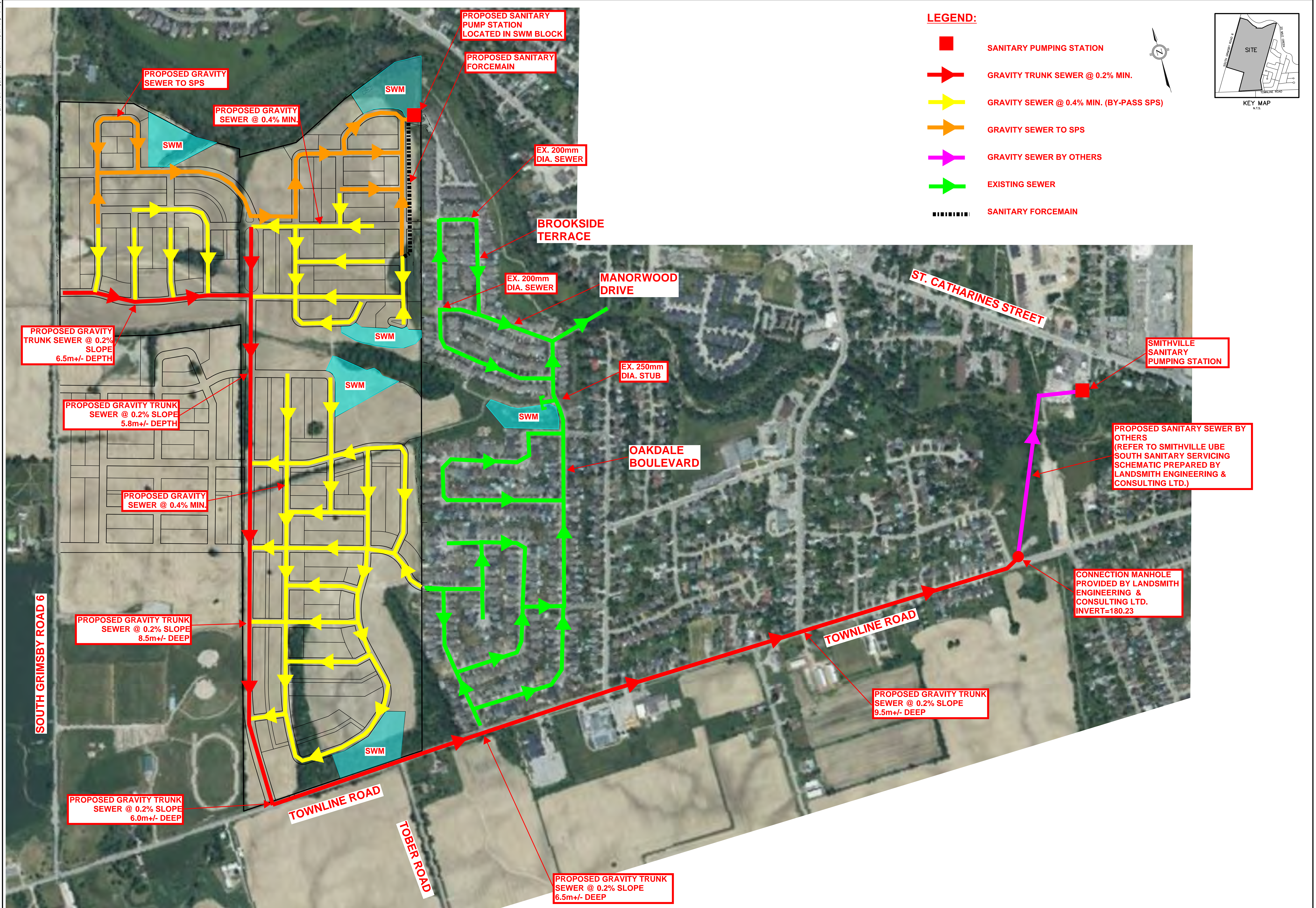
## **APPENDIX A**

### **OPTIONS 1 & 2 INFORMATION**

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NO.	DATE	BY	REVISIONS
DESIGN	CD	CHK'D	SF
DRAWN	CD	CHK'D	
FEB. 2023			

APPROVALS	
	STAMP

**S. LLEWELLYN & ASSOCIATES LIMITED**  
CONSULTING ENGINEERS  
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Website: www.sla.on.ca  
Email: info@sla.on.ca  
3228 South Service Road, Suite #105 East Wing, Burlington, Ont., L7N 3H8

CLIENT  
**PHELPS HOMES LTD.**  
166 MAIN STREET WEST GRIMSBY,  
ON L3M 1S3

PROJECT NAME  
**SMITHVILLE URBAN BOUNDARY  
EXPANSION PHASE 4  
TOWNSHIP OF WEST LINCOLN**

TITLE  
**OPTION 1  
WASTEWATER SERVICING  
STRATEGY**

PROJECT No. 20040  
DRAWING No. SERV-1

SCALE  
1:2500


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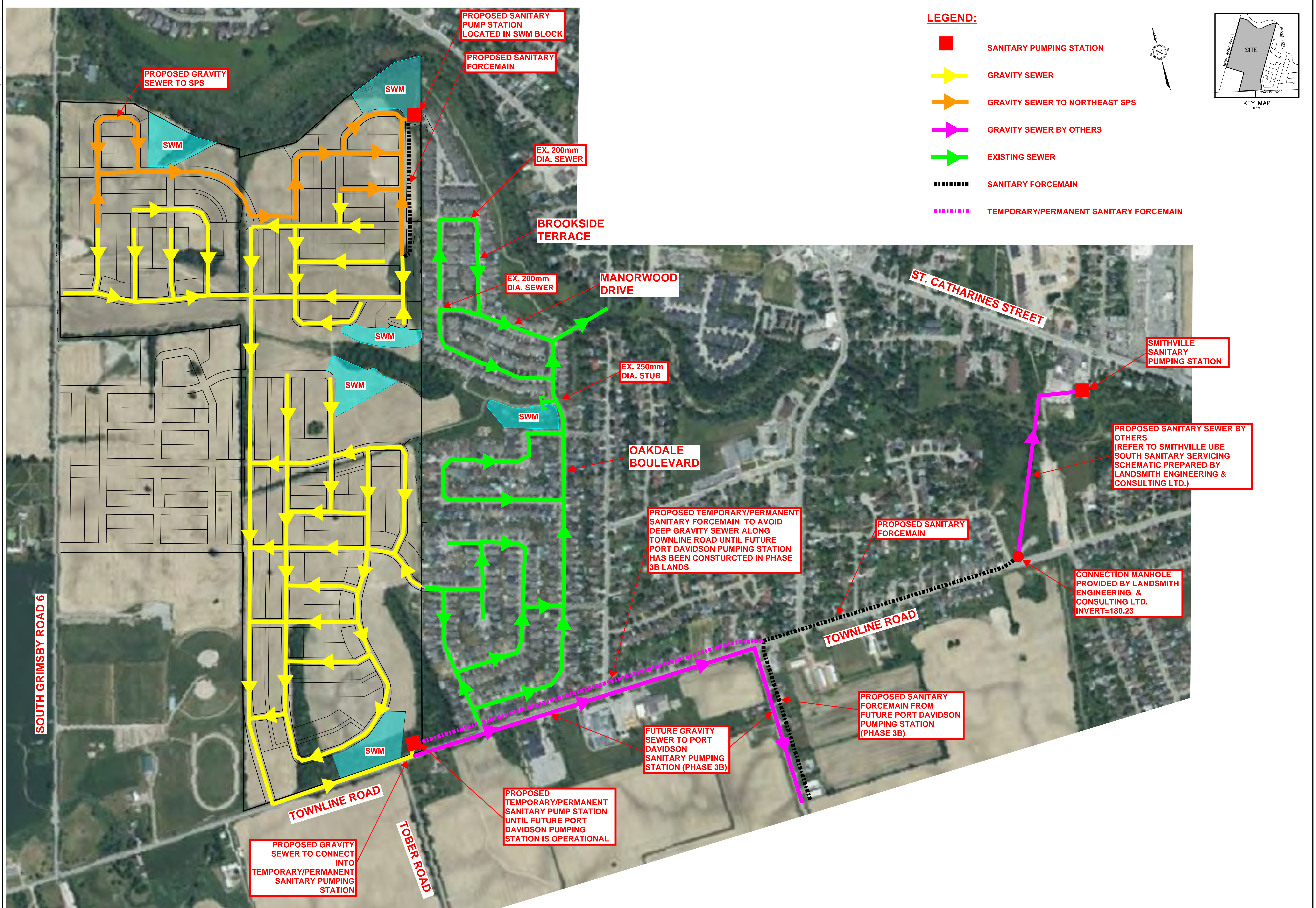


## APPROVALS



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SCALE <div style="display: flex; align-items: center;"> <span style="margin-right: 10px;">1" = 2500'</span>  </div>	





NO.	DATE	BY	REVISIONS
DESIGN	CD	CHK'D	SF
DRAWN	CD	CHK'D	SF
FEB. 2023			

APPROVALS	
STAMP	

**S. LLEWELLYN & ASSOCIATES LIMITED**  
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CLIENT  
**PHELPS HOMES LTD.**  
166 MAIN STREET WEST GRIMSBY,  
ON L3M 1S3

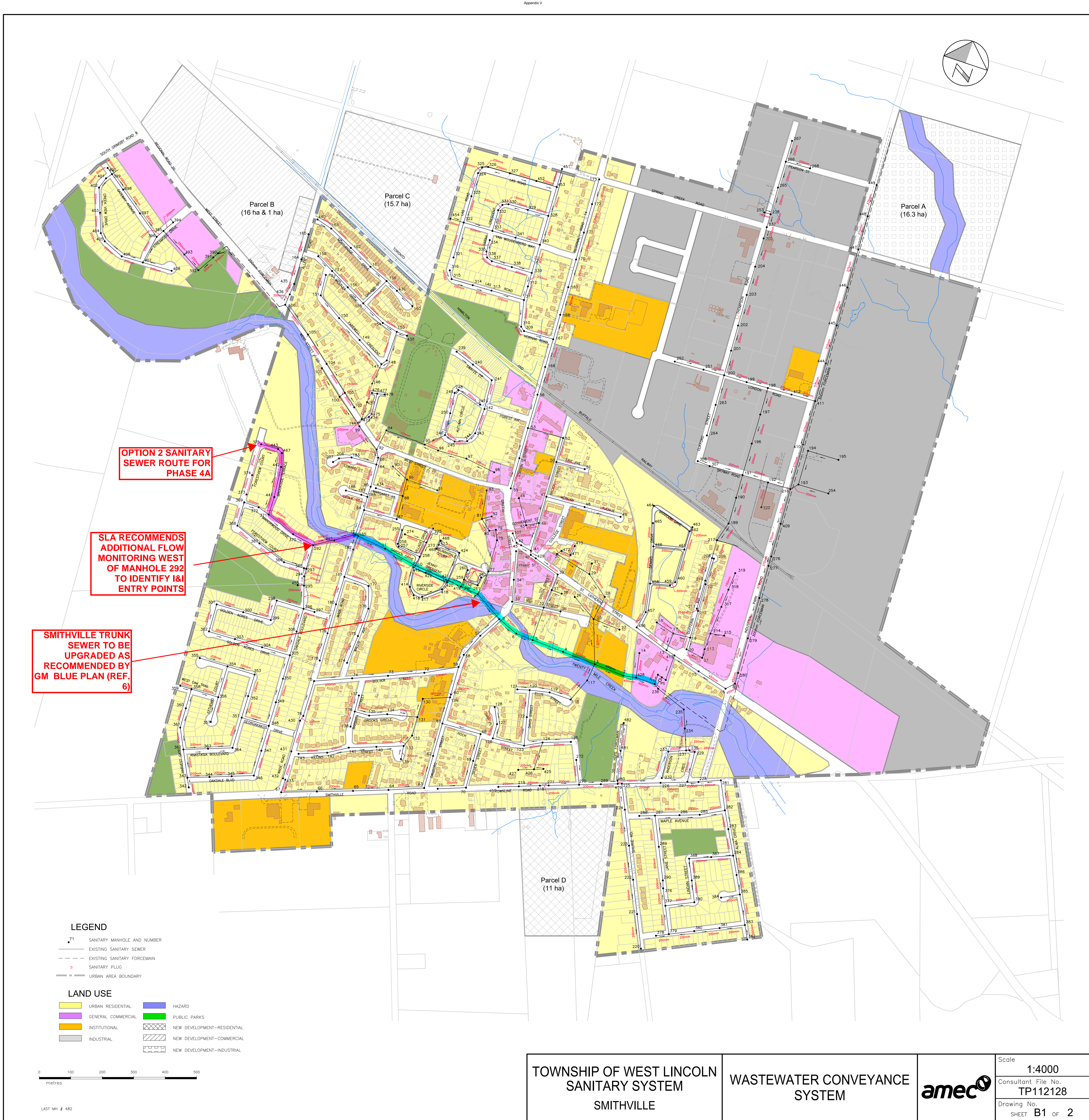
PROJECT NAME  
**SMITHVILLE URBAN BOUNDARY  
EXPANSION PHASE 4  
TOWNSHIP OF WEST LINCOLN**

TITLE  
**OPTION 3  
WASTEWATER SERVICING  
STRATEGY**

PROJECT No. 20040  
DRAWING No. SERV-1

SCALE  
1:2500





P:\Work\TP112128\Town\Sanitary.dwg

LAST MH # 482

TOWNSHIP OF WEST LINCOLN SANITARY SYSTEM SMITHVILLE	WASTEWATER CONVEYANCE SYSTEM		Scale	1:4000
			Consultant File No.	TP112128
			Drawing No.	SHEET B1 OF 2
			Jun 07/13 — dina.kuvandykova	



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**APPENDIX B**

**LANDSMITH ENGINEERING & CONSULTING LTD.**

**INFORMATION**

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## Colin Dougan

---

**From:** Colin Dougan  
**Sent:** January 31, 2023 11:56 AM  
**To:** Colin Dougan  
**Subject:** FW: Smithville UBE - South Lands, Sanitary Infrastructure

---

**From:** Andrew Smith  
**Sent:** June 14, 2022 9:31 AM  
**To:** Grueneis, Karl <[Karl.Grueneis@aecom.com](mailto:Karl.Grueneis@aecom.com)>; 'Adi Irani' <[adi.irani@ajclarke.com](mailto:adi.irani@ajclarke.com)>  
**Cc:** Tony Miele <[tony@mieledevelopments.com](mailto:tony@mieledevelopments.com)>; Wan, Benny <[Benny.Wan@aecom.com](mailto:Benny.Wan@aecom.com)>; 'anastasiagrove anastasiagrove' <[anastasiagrove@sympatico.ca](mailto:anastasiagrove@sympatico.ca)>; Lambert, Phill <[Phill.Lambert@niagararegion.ca](mailto:Phill.Lambert@niagararegion.ca)>  
**Subject:** Smithville UBE - South Lands, Sanitary Infrastructure

Good Morning Gentlemen,

Thank you for taking the time last week to discuss the infrastructure constraints and opportunities for the Smithville south Urban Boundary Expansion areas. I have attached a drop box link below which contains a .PDF of the topographic information and sanitary sewer invert elevations which we measured in the field in the areas in question. It also contains the Topographic survey in AutoCAD format, reference to the horizontal and vertical control points used and the map of the existing Smithville Sanitary System.

<https://www.dropbox.com/sh/knz4zmhb01q30g5/AAAayl4webv3j2bXvd5HHNwZa?dl=0>

As we discussed via our Zoom meeting, we had concerns with the layout for the southern sanitary trunk sewers which was described during TAC Meeting 7; and we are suggesting an alternative route / solution which we believe has numerous benefits from both life-cycle cost and initial constructability perspectives. This route would entail crossing 20-Mile Creek at the Rock Street Park and connection to Sanitary Manhole A2, or another new manhole in that general vicinity. We recognize that this solution would require either the upgrading of the sewers from A2 to the SPS, or the twinning of these sanitary sewers along the same route.

We had not investigated the other alternative route discussed at the meeting, which was the potential use of the easement which runs between Saint Catharine Street and Townline Road as noted by AECOM staff. On first review, to me this seems to also be a better alternative than the original route, however I believe that the Rock Street park option is even better still and that this will become evident through the assessments completed by AECOM. We will leave that analysis to Karl and his team as he discussed entering the alternatives into their decision-making matrix which will objectively review all constraints and opportunities.

With that said, some of the **key benefits** for your consideration, that we see for the Rock Street Park alternative are as follows:

1. 460m of Sanitary Sewer to get to Townline & Rock Street intersection vs. 860m to get from Saint Catharine Street and Townline Road intersection to the same point (saves 400m of sewer length)

2. There is no clear benefit that we can see for bringing the sanitary sewer down Townline Road from Saint Catharine Street westerly to Rock Street; there is already sanitary sewer on Townline to just east of Anderson Crescent and from that point to Saint Catharine Street there are no proposed connections.
3. The crossing of 20 Mile Creek will dictate the elevations for all downstream sewers from that point to the Sanitary Pumping Station (SPS) – were the crossing to be done along Townline Road, the distance to the SPS is approximately 1km and the depth of the sewer along Saint Catharine street would be difficult to construct, varying from 6m to 8m depth along an existing right of way, and significant disturbance to the new turning circle at the Saint Catharine Street & Townline Road intersection
4. We expect that the cost to come through Rock Street Park will be much lower as it can be done quickly, without traffic control and with east of restoration; as opposed to construction within the right-of-way of the existing streets; there would also be less disruption to the local community
5. There is an opportunity to service the entire lands south of Townline and East of Port Davidson Road by gravity sewers, there will be some depth to the sanitary sewer coming through the Kingma lands, however this will be in Greenfield areas, not along existing streets and it will most likely be possible in the engineering to lower the peak grades and reduce the cut to the sewer depth
6. Under this arrangement the expected force-main along Port Davidson Road could be entirely eliminated – discharge from the new South Sanitary Pumping station can be completed to the gravity sewer immediately east of Port Davidson Road. It appears that the lift-station would still be required, but the discharge point would be much closer.
7. There is an opportunity to service the lands south of Cherry Avenue, along the extension of Shurrie Road and Alma Drive through new gravity sewers, properly sized, on the lands to the west between Shurrie Road and Port Davidson Road, this would avoid routing sanitary flows from this development area through the existing neighbourhood where capacity is unknown (Note: there is a need to further investigate the southernmost reaches of the lands south of Shurrie Road to ensure all can go northerly, but a new sewer coming from the west can be significantly lower than a connection to the existing sewers on Shurrie Road and Alma Drive)
8. We acknowledged that it will still be required to install new sanitary on St. Catharine Street southerly, to the employment lands, but this can be significantly shallower and smaller in size
9. We would suggest that direct boring under the Creek can avoid environmental concerns.

Karl – if there are any questions regarding the attached materials within the Dropbox link I would be happy to go through these with you or with one of your team members.

If there are any questions regarding the above points / information from anyone else in this group please do not hesitate to reach out.

Thank you for your consideration of this matter.

Best Regards,

**Andrew Smith, P. Eng.**  
**289-775-9374**



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**From:** Andrew Smith  
**Sent:** June 10, 2022 1:17 PM  
**To:** Grueneis, Karl <[Karl.Grueneis@aecom.com](mailto:Karl.Grueneis@aecom.com)>; 'Adi Irani' <[adi.irani@ajclarke.com](mailto:adi.irani@ajclarke.com)>  
**Cc:** Tony Miele <[tony@mieledevelopments.com](mailto:tony@mieledevelopments.com)>; Wan, Benny <[Benny.Wan@aecom.com](mailto:Benny.Wan@aecom.com)>;  
'anastasiagrove anastasiagrove' <[anastasiagrove@sympatico.ca](mailto:anastasiagrove@sympatico.ca)>  
**Subject:** RE: Smithville UBE - Stantec report

Thanks Adi and Karl,

I will have my drawing sent over to Karl for early next week (Monday) together with the topographic information and some explanation of the analysis that we have completed thus far. I will make myself available if there are any questions regarding our work.

Thanks again for taking the time to review the sanitary items together, I am confident that we can work together to find the optimal solution and I am glad that there is still time to evaluate some of these alternatives.

Best Regards,

Andrew Smith, P. Eng.  
LandSmith Engineering & Consulting Ltd.  
289-775-9374

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**From:** Grueneis, Karl <[Karl.Grueneis@aecom.com](mailto:Karl.Grueneis@aecom.com)>  
**Sent:** June 10, 2022 12:21 PM  
**To:** 'Adi Irani' <[adi.irani@ajclarke.com](mailto:adi.irani@ajclarke.com)>  
**Cc:** Andrew Smith <[andrew@landsmithec.com](mailto:andrew@landsmithec.com)>; Tony Miele <[tony@mieledevelopments.com](mailto:tony@mieledevelopments.com)>; Wan, Benny <[Benny.Wan@aecom.com](mailto:Benny.Wan@aecom.com)>; 'anastasiagrove anastasiagrove' <[anastasiagrove@sympatico.ca](mailto:anastasiagrove@sympatico.ca)>  
**Subject:** RE: Smithville UBE - Stantec report

Thanks Adi

Yes was very good meeting. Thank you for your analysis and sharing information.

We will connect again when we complete the EA alternatives evaluation.

Regards

Karl

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**From:** Adi Irani <[adi.irani@ajclarke.com](mailto:adi.irani@ajclarke.com)>  
**Sent:** June-10-22 11:47 AM  
**To:** Grueneis, Karl <[Karl.Grueneis@aecom.com](mailto:Karl.Grueneis@aecom.com)>  
**Cc:** Andrew Smith <[andrew@landsmithec.com](mailto:andrew@landsmithec.com)>; Tony Miele <[tony@mieledevelopments.com](mailto:tony@mieledevelopments.com)>  
**Subject:** [EXTERNAL] Smithville UBE - Stantec report

Hi Karl

Thank you for helping us at the subTAC meeting for engineering infrastructure this morning.

I thought it was very useful.

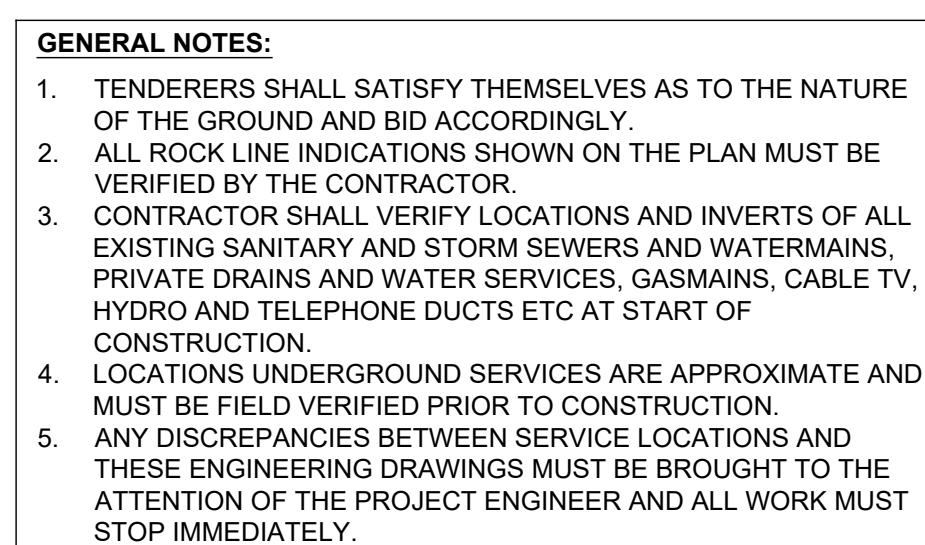
As promised, please find attached the Stantec Report regarding the sanitary sewer system in Smithville.

If you need additional information, please contact me.

Regards.

Adi Irani, P.Eng.  
Senior Consultant  
A J Clarke and Associates Ltd.  
Tel: 905 520-8434





1	May 31 / 22	For Owner Review
NO:	DATE:	DESCRIPTION:

REVISIONS

SE



andrew@landsmithec.com 289-775-9374

MUNICIPALITY:  
**TOWNSHIP OF WEST LINCOLN**

CLIENT:

TITLE:	SMITHVILLE UBE SOUTH SANITARY SERVICING SCHEMATIC
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SCALE: <b>1:2000</b>	DATE: <b>May 31, 2022</b>
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CHECKED BY: <b>AS</b>	DESIGNED BY: <b>AS</b>
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DWG No: <b>22028Kin</b>	SHEET No: <b>1</b>
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#### 6.11.7.4 Infrastructure & Transportation Systems

##### 1. General Policies

- a) All infrastructure and transportation systems will be planned and developed through appropriate Environmental Assessment (EA) processes to ensure that full regard is had to the Natural Heritage System, to natural hazard features, and to cultural heritage resources.
- b) Infrastructure and transportation systems will be located, designed, constructed, and operated in a strategic, sustainable, and cost-efficient manner that minimizes adverse impacts.
- c) The Township will assess its infrastructure and transportation systems for risks and vulnerabilities, with particular emphasis on those caused by the impacts of climate change.

##### 2. Water & Wastewater

The strategy for providing water services to development in the Smithville MCP Area has been developed to optimize the use of existing and future road corridors and to take advantage of planned improvements to existing roads. The provision of water services to the early development phases of the Smithville MCP Area will be coordinated with the servicing of the Northwest Quadrant Secondary Plan Area, which is adjacent to MCP Block Plan Areas 1, 2, and 3. Meeting the future water demands of development in the expanded Smithville Urban Area will require upgrades to the Smithville Pumping Station to provide additional pumping capacity.

The wastewater servicing strategy for development in the Smithville MCP Area is based on conveying wastewater flows from future development to the existing Smithville Wastewater Pumping Station, once that station has been upgraded to provide the necessary capacity. Wastewater flows will be conveyed by new sanitary sewers that avoid sending flows through the existing sanitary sewer network. If the use of existing sanitary sewers is needed, upgrades will be required. New sanitary sewers will generally use existing and future road corridors, where feasible.

The wastewater servicing strategy proposes ~~three~~ two new pumping stations in the South Community Area, as shown on Schedule "E-10" and "E11". A fourth third station is proposed at Streamside Drive, located to the north of the West Community Area. (The proposed location of this ~~fourth~~ third station is not shown on the schedules.) The location of these pumping stations are conceptual, and The siting of pumping stations will be guided by topography and by the desire to integrate these stations with planned open spaces and stormwater management facilities.

The installation of infrastructure to provide water and wastewater services is anticipated to take place through separate four-phase projects and through the integrated Municipal Class Environmental Assessment (MCEA) process, following the final approval of the Smithville Master Community Plan (OPA 63).

**Commented [RZ1]:** Schedule E11 to be updated to show the the conceptual location of the 3rd pumping station reflected in Aecom's Preferred Strategy on Northeast Corner of 4A

Water and wastewater servicing systems for the Smithville MCP Area will follow the general direction provided by the Region's Water and Wastewater Master Servicing Plan (WWMSP) and will be captured in future updates to the WWMSP.

The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with applying the following policies:

- a) All new development in the Smithville MCP Area shall be provided with full municipal water services and full municipal wastewater services according to an approved Master Environmental Servicing Plan (MESP) that has been prepared in accordance with Subsection 6.11.7.6.2 of this Plan.
- b) New development in the Smithville MCP Area may be required to provide for the future connection of adjacent existing uses to full municipal services, as established through an approved MESP, as a condition of development approval, where appropriate and financially feasible.
- c) No development shall proceed in any given Overall Stage Area shown on Schedule "E-14" unless the infrastructure and services to support that development have been constructed, in accordance with the policies in Subsection 6.11.7.6.3 of this Plan.
- d) It is expected that existing uses in the Smithville MCP Area will eventually be connected to full municipal water and wastewater services, but expansions to, or the redevelopment of, an existing use may be permitted on existing private services, provided that:
  - i. the use of private services is appropriate for the proposed expanded or redeveloped use, either because the existing use is located in an area for which there is not yet capacity available in existing water and wastewater systems or because the nature of the proposed expansion or redevelopment does not warrant connection to full municipal services;
  - ii. site conditions are appropriate for the continued provision of such services with no negative impacts; and
  - iii. the existing private services will be used to service only the expanded or redeveloped existing use and will not provide services to more than one property.
- e) Where the connection of an existing use to full municipal services has been provided for under Policy No. 6.11.7.4.2.b) above, expansions to, or the redevelopment of, that existing use shall generally be required to connect to full municipal services, provided that sufficient capacity is available in existing systems.
- f) The Township may exempt minor expansions to an existing use from the requirement to connect to full municipal services set out in Policy No. 6.11.7.4.2.e).
- g) Infrastructure and systems for water, wastewater, and other buried services shall be installed using best management practices to prevent the redirection of groundwater flow.

- h) It is recommended that any construction of municipal services that will require dewatering systems apply for and obtain a Permit to Take Water from the Ministry of the Environment before any construction activities begin, in the event that unexpectedly high flows are encountered.
- i) Backfilling during the decommissioning of any existing sewer lines should consider the use of materials with low hydraulic conductivity to prevent preferential groundwater flow.

#### 6.11.7.6 Implementation

##### 1. Block Plans

- a) Detailed planning for development will occur by Block Plan. Block Plan Areas for community areas are shown on Schedule "E-6".
- b) Block Plans Areas are also shown on Schedule "E-6".
- c) The phasing of employment areas shall be separated from community areas.
- d) The Block Plan Areas on Schedule "E-6" represent the smallest area for which a Block Plan will be accepted by the Township.
- e) The Township may accept a single Block Plan for multiple Block Plan Areas provided that the land within the proposed Block Plan is generally contiguous and is located within the same overall Development Stage.
- f) For the purposes of Section 6.11.7.6:
  - i. references to "Development Stages" shall refer to the "Overall Staging Areas" shown on Schedule "E-14" ("Development Staging Plan");
  - ii. any reference to a "Development Stage" in conjunction with a numeral ("1", "2", "3", or "4") shall be interpreted as referring collectively to all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with that numeral; and
  - iii. all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with the same numeral shall be understood as being located in the same overall Development Stage.
- g) All four stages shown on "E-14" can be independently serviced and developed, the numerical order of stages is suggestive and not determinative of the final order of development in accordance with policy 6.11.7.6.3 d);
- h) Prior to the preparation of a Block Plan, a Terms of Reference shall be prepared in consultation with and to the satisfaction of the Township and in consultation with Niagara Region. The Township may prepare and adopt a standard Terms of Reference for the preparation of Block Plans. A Terms of Reference shall identify the required studies and plans required, and the scope thereof, as well as public and agency notice, consultation, review and approval requirements for Block Plans.

- i) Block Plans shall be required to conform with the Smithville MCP and no Block Plans shall be approved until the Smithville MCP is in effect.
- j) Block Plans for Block Plan Areas that are located in the same overall Development Stage shall be prepared in a manner that provides for the coordination of elements such as transportation infrastructure, services, features of the NHS, and other matters as determined through the preparation of a Terms of Reference.
- k) Further to Policy No. 6.11.7.6.1.g), Block Plans for Block Plan Areas 10, 11, and 12 shall be prepared in a manner that provides for the coordination of various elements, as determined through the preparation of a Terms of Reference.
- l) The Township may accept a single Block Plan for Blocks 10, 11 and 12, notwithstanding Policy No. 6.11.7.6.1.c) above and the fact that these Block Plan Areas are located in two different Development Stages.
- m) No applications proposing development in a Block Plan Area shall be approved unless a Block Plan for the area in question has been prepared and has been approved by the Township.
- n) All development in the Smithville MCP Area shall generally conform with and implement the approved Block Plan for the Block Plan Area in which that development is located.
- o) Block Plans shall:
  - i. Illustrate the detailed land uses including the location, type, area, and approximate dimensions of each land use proposed, in conformity with and as a refinement to the land use designations shown on the applicable Land Use Plan in Schedules "E-8" through "E-11";
  - ii. identify the location, distribution, and land areas for required community facilities, parks, and open spaces, in conformity with and as a refinement to the land use designations intended to accommodate such uses shown on the applicable Land Use Plan in Schedules "E-8" to "E-11" and based upon any applicable Township Master Plans;
  - iii. be accompanied and supported by, and based upon, a Master Environmental Servicing Plan (MESP) that has been prepared in accordance with Subsection 6.11.7.6.2 below, with the SWS, and with the MSP and TMP;
  - iv. include a description of the vision and design principles, along with graphics and imagery to illustrate the design intent and to demonstrate conformity with the applicable policies in Section 6.11.7.5 above and in keeping with the applicable Township Design Guidelines.
- p) In addition to the requirements set out in Policy No. 6.11.7.6.1.l), any Block Plan prepared for a Residential Neighbourhood Area, a Commercial Area, or a Mixed Use Neighbourhood Node shall identify the proposed housing mix and calculated densities, provide estimates for population and the number of population-related jobs estimate, conform with the policies

for the applicable land use designations, and demonstrate that the greenfield density target will be achieved.

- q) In addition to the requirements set out in Policy No. 6.11.7.6.1.I), any Block Plan prepared for an Urban Employment Areas shall provide an estimate for the number of jobs and demonstrate that the employment density target will be achieved.
- r) The Township may waive the requirement for a Block Plan for the development of land within the Employment and Commercial land use designations, if the Township is satisfied that all of the required information normally provided as part of a Block Plan will be provided as part of a complete application for development for the entirety of the land within the Block Plan Area. The Region will be consulted regarding the planning process for development proposed in the Employment land use designation.
- s) The Township may waive the requirement for a Block Plan for minor development applications, such as minor variances or site plans related to existing or interim land uses. However, applications involving the development or transition of land in the MCP Area to an urban land use shall be subject to the requirement for an approved Block Plan, except where otherwise permitted by the policies of this Plan.
- t) Block Plans shall be subject to approval by Township Council. Council may delegate this responsibility to an appropriate Township staff person, either for specific Block Plans or generally for all Block Plans.

## 2. Master Environmental Servicing Plans (MESP)

- a) A Master Environmental Servicing Plan shall be prepared for each Block Plan, and may be prepared for multiple Block Plan Areas, and shall include the following:
  - i. an Environmental Impact Study (EIS) to delineate and confirm the boundaries of the NHS, in conformity with and as a refinement to the NHS shown on Schedule "E-12" and based upon the SWS;
  - ii. proposed water and wastewater servicing plans, along with a review and confirmation of capacity of municipal servicing systems, including water and wastewater system modelling, based upon the MSP;
  - iii. the proposed order or phasing of development and the provision of services, in accordance with the Development Staging Plan and with the policies in Subsection 6.11.7.6.3;
  - iv. a stormwater management strategy that includes the proposed location and sizing of stormwater management facilities and low-impact development measures, preliminary grading plans, and coordination with areas external to the subject Block Plan Area, in conformity with and as a refinement to the conceptual

SWM locations shown on Schedules “E-8” through “E-11” and based upon the SWS;

- v. a Karst Hazard Assessment, where required, based on the presence of identified Karst features and the policies of this Plan;
- vi. a Transportation Impact Study (TIS), prepared in accordance with the recommendations and guidelines of the TMP, that identifies and provides an assessment of connections to the existing road network, as well as the required timing and phasing of upgrades to existing roads and intersections;
- vii. detailed plans showing the street and active transportation network, along with typical street profiles or cross-sections, in conformity with and as a refinement to the Transportation System shown on Schedule “E-13” and based upon the TMP;
- viii. a noise impact assessment with respect to any transportation-related or stationary noise sources, where applicable, based on the location of existing or proposed sensitive land uses and provincial guidelines and requirements;
- ix. an assessment of, and detailed plans for the avoidance and mitigation of, potential land use conflicts with any existing livestock facilities within the MCP Area based on the application of Minimum Distance Separation (MDS I) setbacks;
- x. environmental site assessment(s); and
- xi. archaeological assessments;

### 3. Development Staging Plans

- a) It is the intent of this Plan that development in the Smithville MCP Area will occur in a logical and orderly manner over the planning period of this Plan.
- b) Development of the Smithville MCP Area shall be staged to align with the planning and implementation of the required infrastructure and transportation systems.
- c) The order of development of the MCP Area shall generally be based on the Development Staging Plan in Schedule “E-14” and on the timing of the provision of the required infrastructure and transportation systems in accordance with the MSP and TMP.
- d) Notwithstanding Policy No. 6.11.7.6.3.c) above, the Township may consider and approve changes to the ordering of the Sub Phases within any Development Stage, or changes to the overall sequencing of Development Stage without an amendment to this Plan, provided that the following requirements are addressed through the Block Plan process and associated MESP, to the satisfaction of the Township:
  - i. There is a demonstrated need for the Block Plan Area to advance to development earlier or in a different order than what is contemplated by the Development Staging Plan, based on the growth forecasts of this Plan, current and forecast average annual



growth expectations and absorption rates, the status of other developments, non-participating landowners, and the available supply and timing of residential units and/or non-residential floor space in the Smithville Urban Area including the MCP Area.

- ii. Development that proceeds according to the altered ordering will not adversely affect the achievement of the intensification target within the built-up area.
- iii. The proposed development of the Block Plan Area according to the altered ordering will provide the necessary roads and infrastructure required for the development of the Block Plan Area, as well as necessary roads and infrastructure external to the Block Plan Area that development within the Block Plan Area will rely upon and provided they area sized to accommodate growth within the Block Plan Area and Block Plan Areas through which it traverses. to provide for the future development of other Block Plan Areas in Sub Phases that under the original Development Staging Plan would have been developed earlier.
- iv. Proposed development in the Block Plan Area will have adequate access to, and will not adversely affect traffic conditions on, existing or new roads or on the future development and transportation needs of other Block Plan Areas in Sub Phases that under the original Development Staging Plan would have been developed earlier.
- v. Any proposed changes to the order of Sub Phases will neither compromise nor adversely affect the provision of the required infrastructure and transportation systems for any other land in the MCP Area in accordance with the MSP and TMP.
- vi. Any improvements or oversizing external to the Block Plan Area will be addressed through development agreements with the Township, Region, and affected landowners, as applicable, which may include front-ending considerations.
- vii. Grading, drainage and stormwater management will be addressed and coordinated with the future development of adjacent Block Plan Areas.
- viii. The required community facilities and parks will be provided to meet the needs of the estimated population growth in the Block Plan Area, or there is adequate capacity within existing community facilities, as determined by the Township based on applicable Master Plans and in consultation with the relevant agencies.
- ix. Adequate reserve infrastructure capacity is or will be available to service development in the Block Plan Area without compromising or negatively impacting the future development of land in Sub Phases that under the original Development Staging Plan would have been developed earlier.
- x. An Environmental Assessment has been prepared and approved as an addendum to the MSP or the TMP, as the case may be,

where changes to the planned infrastructure and transportation systems are proposed or required.

- xi. Any temporary or interim infrastructure, transportation, or other facilities or systems required that are not part of the permanent systems identified in the MSP or TMP are appropriately designed for their future decommissioning and removal, and such decommissioning and removal has been addressed through appropriate development, operational, and maintenance agreements.
- e) The Township will consult and work with the Region to plan for the provision of municipal services in a co-ordinated, timely and financially viable manner, based on the principle that growth pays for growth to the extent permitted by applicable legislation, aligned with Block Plans and complete applications for development as well as the Region's and Township's Master Servicing and Transportation Plans. Infrastructure and transportation projects may be advanced in a Development Stage or a Sub Phase before development is permitted.
- f) Approval of Block Plans and development applications will be based on the timing of the implementation of required infrastructure and available reserve servicing capacity. The Township may adopt and implement a servicing allocation policy to establish the requirements and criteria for obtaining and renewing servicing allocations for development approvals and to ensure infrastructure capacity is reserved and allocated in a manner that supports the implementation of this Plan, the achievement of the intensification target, and other objectives and targets of this Plan.
- g) The Township may use holding provisions, conditions of development approval (including the phasing or staging of development within plans of subdivision), as well as front-ending and credit agreements with extended reimbursement periods, where necessary, to support the logical and orderly development of the MCP Area, manage the pace of growth and development, and ensure development is aligned with the provision and timing of the required infrastructure and transportation systems.
- h) The Township may, at its sole discretion, revise the Development Staging Plan without an amendment to this Plan where circumstances warrant, such as, but not limited to, unreasonable delay by landowner(s), in order to facilitate the planned progression of growth and development in a manner that supports the implementation of the MCP.

**DATE:** March 6, 2023

**REPORT NO:** PD-17-2023

**SUBJECT:** **Recommendation Report – Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- Beginning in the fall of 2019, the Consulting firms of Aecom and Wood were hired to work on the Master Community Plan project for Smithville. This project included an analysis of infill growth opportunities, environmental issues, subwatershed planning and master servicing and transportation plan work as part of some of the most extensive urban boundary expansion studies in all of Ontario.
- Following multiple Public Information Centres and Public Meetings, our consulting teams, in consultation with a Technical Advisory Committee and Steering Committee, which included land owners, presented proposed expansion plans to the public in the form of Official Plan Amendment (OPA) 62 and Official Plan Amendment (OPA) 63.
- OPA 62, which includes the proposed new urban lands for future phased growth along with infill and intensification expectations; hamlet boundary adjustments and a rural employment park designation was adopted by Township Council on July 18<sup>th</sup>, 2022 and subsequently forwarded to the Region for final approval.
- OPA 63, followed the same extensive process which included extensive consultation with the land owners, developers and community. OPA 63 is a policy based document that is being considered the secondary plan for the new urban growth lands. This OPA was adopted by Township Council on August 11, 2022 and subsequently forwarded to the region for final approval.
- Regional approval of OPA 62 and OPA 63 is still pending. Approval could not happen until after the Region's new Niagara Official Plan was approved by the Province. The Niagara Region Official Plan was approved on November 4, 2022 with some modifications, as shown by attachment 1, Regional staff have reviewed the adopted Township OPA 62 and 63 documents and to date have provided some staff draft modifications prior to Regional Council approval of OPA 62 and 63.

**OVERVIEW (continued):**

- Discussions between consultants, Township and Regional planning staff and land owner's group representatives have also been ongoing since Township Council approval of OPA 62 and 63 in the hopes that ongoing dialogue will result in a lessened likelihood of an appeal. This on-going discussion has resulted in a few proposed policy wording modifications that improve policy clarity for future interpretation purposes. Attachment 3 provides some explanation for changes proposed for OPA 63.
- Mr. Steve Wever, President of GSP Group, will lead us through the proposed Regional changes and proposed consultant/staff changes to seek support of Township Council. Should Township Council support the proposed modifications, Regional Council consideration is expected to occur in April of 2023.
- Once approved by Regional Council, OPA 62 will be final, as it is a conformity based amendment, but OPA 63 will have an appeal period.

**RECOMMENDATION:**

1. That, Recommendation report PD-17-2023, regarding "Proposed Modifications to Official Plan Amendment 62 and 63 - Prior to Regional Council Consideration", dated March 6, 2023 be RECEIVED; and,
2. That, the proposed modifications to Official Plan Amendment 62 and 63, as found at Attachment 2 to this report and which incorporate both Regional staff and Township staff/consultant proposed modifications in one amending document, be endorsed by Township Planning/Building/Environmental Committee and Council as Township supported modifications for the Region to make to the adopted OPA 62 and 63 as part of final approval; and,
3. That, Township Council endorsement of the modifications be forwarded to Regional staff, prior to presentation of Official Plan Amendment's 62 and 63 as modified, to Regional Council for adoption.

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

- Strategic Responsible Growth

**BACKGROUND:**

The Master Community Plan work in West Lincoln officially began in late October of 2019, with the passing of the Authorizing By-laws 2019-96 and 2019-97 and with the signing of contracts to hire Aecom and Wood to undertake the Master Community Plan work, Urban Structure work, and Natural Heritage system assessment work. All of this work in turn has been incorporated into the Regional Municipal Comprehensive Review, which is part of the new Niagara Official Plan. In order to do so, and to ensure compliance with the Planning Act and the Environmental Assessment Act, Public Information Centres (PICs) have also been held as required. To date, four PIC's have now occurred, on January 30th, 2020 (PIC 0), February 11th, 2021 (PIC 1), October 6th, 2021 (PIC 2) and a combined PIC (PIC 3) and statutory public meeting on, April 27th, 2022 for OPA 62. A virtual Public Open House was held from April 13 to 20, 2022. The statutory public meeting on OPA 63 was held on June 27th, 2022.

Additionally, in 2021 the Township retained MHBC Planning to complete a review of the Township's rural settlement areas to see if there were any opportunities for limited growth, rounding out of boundaries and a location for a rural employment park. This study work is also implemented through Official Plan Amendment No. 62 as it relates to changes to a number of the Township's Rural Settlement Areas.

Official Plan Amendment No. 62 was drafted and circulated for review to all agencies, interested parties and public, prior to the Public Meeting and PIC on April 27, 2022, in accordance with the Planning Act. OPA 62 was refined and finalized in consideration of the input received, adopted by Township Council on July 18, 2022 and forwarded to the Region of Niagara for approval.

Official Plan Amendment No. 63 was also drafted and circulated for review to all agencies, interest parties, and the public and applicable agencies, prior to the June 27, 2022 Public Meeting. OPA 63 includes land use designation mapping and policy for complimentary growth of the entire Community of Smithville in a phased and controlled format by means of a Secondary Plan. Township staff and the consulting team reviewed all comments received and submitted the final version of OPA 63 for consideration and adoption to the August 11, 2022 all Committee/Council meeting.

Notices were circulated over a period of a number of weeks which included four newspaper notices, direct mailing to residents (nearly 1000 households) within the study area and within 120 metres of the study area, and through email based on the study contact list.

Considerable dialogue has occurred since OPA 62 and 63 were adopted by Township Council and forwarded to Regional Council for approval. Should proclamation of certain sections of Bill 23 occur before Regional approval then the Province would become the approval authority for these OPAs.

#### **CURRENT SITUATION:**

Since the Region's new Niagara Official Plan received Provincial approval on November 4, 2022, as noted in attachment 1, Regional staff have completed a preliminary review of OPA 62 and 63 and have drafted some minor policy modifications to date that they would like to recommend to our Official Plan amendment documents. These have been reviewed and adjusted slightly through discussions with Township staff and Township consultants. The proposed draft modifications, are found at attachment 2 to this report, is incorporated into revised OPA 62 and 63 documents.

Attachment 2 includes a summary of proposed modifications that have resulted from ongoing discussions between Township staff and consultants and the land owners group (mainly through their planning representatives at SGL Planning). These changes have been discussed with Regional Planning staff who are supportive of these proposed modifications. Attachment 3 provides some explanation of the changes proposed for OPA 63.

In essence, the modifications are beneficial because they help clarify policy language to ensure consistency of future interpretation; or they are required in order to ensure full compliance with the Region's new Niagara Official Plan as approved by the Province of Ontario.

On November 28, 2022, a letter from NPG Planning Solutions, as found at attachment 4 to this report, was brought to the attention of Township Planning staff and consultants. A letter, as found at attachment 5 to this report, was also received from SGL Planning who are the Planners for the Landowners Group. In addition, SGL Planning has submitted comments on Storm Water Management and a proposed phasing policy modification attached as attachment 6 to this report. Review and discussion of these comments has occurred and Township staff and the consulting team are of the opinion that many of the concerns expressed in these comments have been already addressed through the modifications proposed at attachment 2 to this report.

### **Implementation**

Once the Region has approved the OPAs and the appeal period passes, implementation aspects will become increasingly important in order to see housing built. Key implementation points include:

- Developing a Block Plan Guideline to identify the block plan process, supporting material and requirements for submission;
- Ensuring that supporting infrastructure occurs in a logical integrated, connected and cost effective manner;
- Developing a process to ensure the costs of services are covered with development phasing being initiated in a timely manner. This could involve front ending agreements with developers and ensure infrastructure works are included in the capital works budgeting; and,
- An update of the Development Charge Background study is also required so that works are included for future Development Charge Collection as deemed appropriate through the Master Plans.

### **FINANCIAL IMPLICATIONS:**

Front ending costs of the Master Community Plan work and implementation costs of the Master Community Plans (Transportation, Water/Waste Water and Storm Water) will be incorporated into Development Charges by opening up the development charges background study in 2023.

### **INTER-DEPARTMENTAL COMMENTS:**

A copy of this report was provided to the Township Public Works Department.

### **Stakeholder Consultation**

Proposed modifications as found within Attachment 2 to this report have been presented to key participants including the land owners planning representatives at SGL Planning and the NPCA and of course Regional planning staff. A couple of direct conversations have occurred between the Township staff, our consultants and Regional staff as well.

The November 28, 2022 letter from NPG Planning Solutions has been addressed earlier in this report.

Given the complexity of landownership and desire for growth to take place over the horizon of the plan and not all at once, there is no consensus from all landowners over the phasing of development as proposed in OPA 63. OPA 63 has been structured to address Council's concerns over the pace of growth in the expansion area, the Region's growth allocations, and sequencing of servicing, over the next 30 years. Staff and the consulting team are of the opinion that the policies address Council's growth concerns while still providing the flexibility to considering different phasing scenarios if certain terms are addressed. Significant servicing upgrades to the sewer and water systems are required. These servicing upgrades are often tied to Regional infrastructure and will therefore require ongoing cooperation between both levels of government. Regional staff have indicated that the proposed staging policies conform to the Niagara Official Plan.

#### **CONCLUSION:**

Following a presentation by Steve Wever at the March 6, 2023 Committee meeting, staff recommend that Committee and subsequently Council endorse the modifications to OPA 62 and 63 as generally outlined in this report and as found at attachment 2 and explained in attachment 3 (OPA 63) for the Region, as the approval authority, to incorporate as modifications to the adopted OPAs.

#### **ATTACHMENTS:**

1. Notice of Decision of Province dated November 4, 2022 to new Regional Official Plan
2. Draft Township staff consultant and Regional modifications to OPA 62 and 63
3. Table explaining Proposed Modifications for OPA 63
4. Letter dated November 25, 2022 from NPG Planning Solutions
5. Letter Dated December 15, 2022 from SGL Planning
6. Email and Comments on Storm Water and Proposed Phasing Policy Modifications – SGL Planning

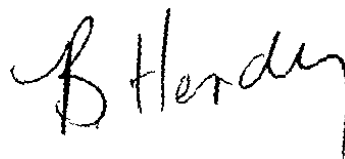
**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building

**Approved by:**



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**Bev Hendry**  
CAO



File No.: 26-OP-171748  
Municipality: Regional Municipality of Niagara  
Subject Lands: All lands within the Regional  
Municipality of Niagara

Date of Decision: November 4, 2022  
Date of Notice: November 4, 2022

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## NOTICE OF DECISION

With respect to a new Official Plan under  
subsection 17(34) of the *Planning Act*

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A decision was made on the date noted above to approve, with modifications, the new Niagara Official Plan for the Regional Municipality of Niagara, as adopted through By-law No. 2022-47.

### Purpose and Effect of the Official Plan

The approval of the Regional Municipality of Niagara's new official plan, as modified, repeals and replaces the in-effect official plan and all amendments thereto. The new Niagara Official Plan, as approved, outlines a comprehensive land use policy framework to guide growth and development within the region to the year 2051, including policies and schedules related to housing; planning for employment and infrastructure; environmental and agricultural protection, among other matters.

The forty-five (45) modifications to the official plan have been made by the Minister to address provincial policy direction and government priorities related to increasing housing supply, the protection of the natural heritage system and features, aggregate resource protection and land use compatibility.

### Decision Final

Pursuant to subsections 17(36.5) and (38.1) of the *Planning Act*, the decision of the Minister of Municipal Affairs and Housing regarding an official plan adopted in accordance with section 26 of the *Planning Act* is final and not subject to appeal. Accordingly, the Niagara Official Plan, as approved with modifications by the Minister, came into effect on November 4, 2022.

### Other Related Applications

None.

### Getting Additional Information

Additional information is available on the Regional Municipality of Niagara's website <https://www.niagararegion.ca/official-plan/> or by contacting the Ministry of Municipal Affairs and Housing:

Ministry of Municipal Affairs and Housing  
Municipal Services Office – Central  
777 Bay Street, 16<sup>th</sup> Floor  
Toronto, Ontario, M7A 2J3  
416-585-6226

**AMENDMENT NUMBER 62  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN  
(SMITHVILLE URBAN AREA EXPANSION)  
2022**

**AMENDMENT NUMBER 62  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN**

**PART 1 – THE PREAMBLE**

**1.1 TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 62 (Smithville Urban Area Expansion) to the Official Plan of the Township of West Lincoln.

**1.2 COMPONENTS**

This Amendment consists of Part 1 – The Preamble and Part 2 – The Amendment. The preamble does not constitute part of the actual amendment but is included as background information.

**1.3 PURPOSE**

The purpose of this Amendment is to revise specific policies and schedules of the Official Plan to:

- Update the population and employment growth forecasts and the greenfield density and intensification targets of the Official Plan consistent with those of the Niagara Region Official Plan, pursuant to the Growth Plan for the Greater Golden Horseshoe, to the 2051 planning horizon;
- Add land to the boundary of the Smithville Urban Area by implementing the settlement area boundary recommended through the Smithville Master Community Plan process and corresponding to the expanded settlement area boundary for Smithville delineated in the Niagara Region Official Plan;
- Designate the land to be added to the boundary of the Smithville Urban Area as “Future Greenfield Area” corresponding to the limits of the Designated Greenfield Area delineated in the Niagara Region Official Plan for the expanded Smithville Urban Area;

Modification 1

- Identify the land to be added to the boundary of the Smithville Urban Area as a Secondary Plan area being the Smithville Master Community Plan for Smithville; and,

Modification 2

- Establish interim policies for the Smithville Master Community Plan Secondary Plan area to reserve these areas for appropriate future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems based on land use mapping and policies to be incorporated in the Official Plan through a future/separate Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan. The Smithville Master Community Plan is intended to be implemented as a Secondary Plan via future/separate Township-initiated Official Plan Amendment(s).



## 1.5 **BASIS OF THE AMENDMENT**

The basis of this amendment is the Planning Act which requires the Council of the Township of West Lincoln to, among other things:

- Revise its Official Plan to ensure that it conforms with provincial plans or does not conflict with them (Planning Act s. 26(1)(a)), including the Growth Plan for the Greater Golden Horseshoe (2019, amended in 2020) which establishes population and employment forecasts for the Region of Niagara to the year 2051 as well as intensification targets for delineated built-up areas and minimum density targets for designated greenfield areas;
- Amend its Official Plan to conform with the Niagara Region Official Plan (Planning Act s. 27(1)) which establishes a settlement area boundary and the geographic limits of the delineated built-up area and designated greenfield area for the Smithville Urban Area, the boundaries of rural settlement areas (hamlets) in the Township of West Lincoln, as well as population and employment growth forecasts and intensification and greenfield density targets to the year 2051 for the Township of West Lincoln.

The need to add land to the Smithville Urban Area and to a lesser extent to certain hamlets within the Township of West Lincoln has been established through a Municipal Comprehensive Review completed by Niagara Region leading to the creation of a new Niagara Region Official Plan providing a basis for planning to accommodate growth and for directing and managing land use changes and development in the Region to the year 2051. The new Niagara Region Official Plan was adopted by Regional Council on June 23, 2022 and is subject to approval by the Ministry of Municipal Affairs and Housing. Niagara Region is the approval authority for this amendment to the Township of West Lincoln Official Plan and the Region's approval of this amendment is subject to the Region's receipt of Ministry approval of the new Niagara Region Official Plan.

A Master Community Plan for the land to be added to the Smithville Urban Area has been developed under the Planning Act and is integrated with related infrastructure planning in accordance with the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment (EA) for Water, Wastewater and Roads (as amended in 2015) Master Plan Approach #4. A Subwatershed Study has also been undertaken to address environmental and stormwater considerations associated with the Twenty Mile Creek watershed and support the Master Community Plan Study including the EA process. The Master Community Plan is intended to be adopted as a Secondary Plan for the Smithville urban expansion lands, and to be implemented via the approval of separate Township-initiated Official Plan Amendment(s) to incorporate the Secondary Plan in the Township's Official Plan, prior to the considerations and acceptance of applications for urban development in the area.

As this Official Plan Amendment implements changes to the Smithville Urban Area boundary in anticipation of further amendment(s) to incorporate a Secondary Plan for the urban expansion area, it includes interim policies to establish the applicable land use designations, permitted uses and policies until such time as **the Smithville Master Community Plan a Secondary Plan** is approved and implemented via separate amendment(s) to the Official Plan. The **Smithville Master Community Plan** **is the process includes the development of a** Secondary Plan for the urban expansion area. Official Plan Amendment No. 63 has been drafted to implement the **Secondary Plan Smithville Master Community Plan** for the urban expansion area subsequent to the approval of this Official Plan Amendment No. 62.

Modification  
6

The interim policies included in this Official Plan Amendment No. 62 are intended to apply to land within the urban expansion area until Official Plan Amendment No. 63 is approved to implement the **Smithville Master Community Plan Secondary Plan**. The interim policies permit limited land use changes and development of an interim nature and those permitted by the implemented Zoning By-law, to recognize that there are existing land uses in the area and some limited changes of use and/or expansion of existing uses may be appropriate prior to the development and redevelopment of the area for urban land uses in accordance with an approved Secondary Plan.

Modification  
7

Alongside this recognition of and flexibility for existing uses and those of an interim nature, the conservation, protection, restoration and enhancement of the existing natural features on the landscape is required and will support the longer-term planning objectives for the area as well as maintaining conformity with the applicable Provincial and Regional policies. Therefore, the existing Natural Heritage System designations and policies of the Official Plan will remain in place for the urban expansion area until an updated Natural Heritage System is incorporated as part of the **Smithville Master Community Plan Secondary Plan** through the approval of Official Plan Amendment No. 63.

Modification  
8

The Township initiated the Master Community Plan process in 2019 and the process is nearing completion including the advancement of Official Plan Amendment No. 63 to establish a Secondary Plan for the urban expansion area, in parallel with the Niagara Region Municipal Comprehensive Review and creation of the new Niagara Region Official Plan. Through the Master Community plan process, the Township has initiated and prepared a draft **Smithville Master Community Plan Secondary Plan** for the area in keeping with the policies of the new Niagara Region Official Plan through a comprehensive, watershed-based, integrated land use and infrastructure planning approach involving extensive consultation and engagement with the public and key stakeholders including public agencies and partners, area landowners and their consultant representatives and advisors. This amendment anticipates the completion of the Township-initiated Master Community Plan process in due course. Privately initiated Secondary Plans and related Official Plan Amendments are not contemplated nor supported by this Official Plan Amendment.



## **PART 2 – THE AMENDMENT**

### **2.1 PREAMBLE**

All of this part of the document entitled PART 2- THE AMENDMENT, consisting of the text amendments and mapping amendments constitute Amendment No. 62 to the Official Plan of the Township of West Lincoln.

### **2.2 DETAILS OF THE AMENDMENT**

#### Modification 9

The text of the Township of West Lincoln Official Plan is hereby amended by replacing the reference in section 2.3 to a population of “13,170” and associated footnote number 1 citing the “2006 Census Population” with a population of “15,454” and revising the footnote to read “2021 Census Population, **excluding under count**”.

- 2.2.2 The text of the Township of West Lincoln Official Plan is hereby amended by rewording the first sentence of section 2.5 to read as follows:

“The policies and designations of the Plan are intended to guide development in the Township to the year 2051.”

- 2.2.3 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the first paragraph of section 3.2 with the following:

“Through this Official Plan, the Township intends to accommodate the population and employment growth forecasts provided for the Township of West Lincoln in the Niagara Region Official Plan which are based on projections to the year 2051 provided in the Growth Plan. The Niagara Region Official Plan directs the Township of West Lincoln to plan for a total population of 38,370 people and for total employment of 10,480 jobs by 2051.”

- 2.2.4 The text of the Township of West Lincoln Official Plan is hereby amended by replacing the first sentence of the second paragraph of section 3.4(b) with the following:

“The majority of the forecast population and employment growth in the Township will be directed to land within the Smithville Urban Settlement Area via urban development on full municipal services.”

- 2.2.5 The text of the Township of West Lincoln Official Plan is hereby amended by rewording section 5.2(a) to read as follows:

“a) To ensure that Settlement boundaries contain sufficient land to accommodate the growth forecasts of this Official Plan.”

- 2.2.6 The text of the Township of West Lincoln Official Plan is hereby amended by deleting section 5.3 in its entirety and replacing it with the following new section 5.3:

#### **“5.3 Population and Employment Growth Targets**

- a) This Plan is intended to accommodate the population and employment growth forecasts set out in section 3.2 primarily within the Smithville Urban Settlement Area while limited growth may occur within the Hamlet Settlement areas.

- b) Population growth in the Township will be primarily accommodated within the Smithville Urban Settlement Area through the provision of a range and mix of housing types, as follows:

## Modification 10

- i. Through intensification within the Built Boundary, focussed primarily within Downtown Smithville, by planning to achieve a **minimum** target of 13% of new residential units to be accommodated within this area over the planning horizon; and,

## Modification 11

- ii. Through the development of complete communities within designated Greenfield areas, by planning to achieve a **minimum density** target **density** of 50 people and jobs combined per hectare.

- c) A limited amount of new housing may be accommodated in the Hamlet Settlement Areas by infilling and rounding out of existing development.

- d) Outside of settlement areas, new non-farm housing will be discouraged and limited to locations where new dwellings are permitted by the implementing Zoning By-law.

- e) Employment growth will be primarily accommodated within the Smithville Urban Settlement Area through the development of a range of commercial, industrial and institutional land uses as well as work-from-home employment within existing and new households, as follows:

- i. Through infilling, redevelopment and expansion of existing commercial, mixed-use and institutional sites and buildings within the Built Boundary to maintain and enhance these areas and support the role of Downtown Smithville as the commercial and mixed-use hub of the Township;

## Modification 12

- ii. Through the development of new commercial, mixed-use and institutional sites within the designated Greenfield areas, by planning to achieve a **minimum density target density** of 50 people and jobs combined per hectare; and,

Can we keep the word "target" in both ii. and iii.?

## Modification 13

- iii. Through the development of compatible employment uses in the Smithville Industrial District (**as delineated designated employment areas**) in the Niagara Region Official Plan), by planning to achieve a **minimum density** target **density** of 20 jobs per hectare **to 2051**.

a designated Employment Area

- f) A limited amount of new employment may be accommodated in the Hamlet Settlement Areas by infilling and rounding out of existing development.

- g) Outside of settlement areas, a limited amount of rural employment growth will be accommodated through permitted agricultural, agriculture-related and on-farm diversified uses and the limited expansion of existing commercial, industrial and institutional sites and buildings where these uses are permitted by the implementing

2.2.7 The Zoning By-law of the Township of West Lincoln Official Plan is hereby amended by deleting section 5.4 in its entirety.

2.2.8 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.5 as section 5.4 and replacing clause (a) with the following new clause (a):

- “a) A diverse range and mix of housing types, unit sizes and densities will be planned for and provided within the Smithville Urban Settlement Area to accommodate the market based and affordable housing needs of the Township’s current and future residents, as follows:
- i. Through intensification within the Built Boundary, focussed primarily within Downtown Smithville, where the majority of new housing will be accommodated in the form of multi-unit residential buildings and apartments within mixed-use buildings, infilling of ground-related housing forms on vacant and underutilized land within low and medium density residential areas, and additional residential units within existing homes and residential accessory buildings;
  - ii. Through new residential and mixed-use developments in designated Greenfield areas, by planning to achieve a target housing mix of 60% low density, 35% medium density, and 5% high density.”

2.2.9 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.6 as section 5.5 and re-wording the last sentence of clause (a) to read as follows:

“The structure of the Urban Settlement Area is comprised of: the built-up area, intensification areas within the built-up area, greenfield areas and future greenfield areas, the core natural heritage system, and transportation corridors.”

2.2.10 The text of the Township of West Lincoln Official Plan is hereby amended by replacing section 5.6 (d) (now re-numbered to section 5.5 (d)) with the following:

“(d) Greenfield Areas are intended for the development of new neighbourhoods and will be planned to achieve ~~an overall a minimum~~ density target of 50 persons and jobs per hectare. It is realized that not every site will be able to individually achieve that target; however, the Township will closely monitor Greenfield developments to ensure that the Township will meet the ~~minimum overall~~ Greenfield target measured across the Greenfield Area. Future Greenfield Areas are intended to be planned primarily for future residential neighbourhoods as complete communities with a range of housing, commercial and community facilities and services, parks and a linked natural heritage and open space system, to be developed on full municipal services and supported by a local, collector and arterial street network, including complete streets, providing for transportation options and the efficient movement of people and goods. Future Greenfield Areas will be designated for specific land uses, and related policies as well as the required infrastructure, transportation systems and natural heritage systems will be established for these areas, through Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan as a Secondary Plan.”

Modification 14

2.2.11 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.7 to section 5.6.

2.2.12 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.8 to section 5.7.

- 2.2.13 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.9 to section 5.8 and by re-wording the first two sentences of the first paragraph of this section to read as follows:

## Modification 15

“The majority of the intensification will be located within the identified Intensification Area on Schedule B-5 with a **minimum** target of 13% of new residential units to be constructed within the existing Built-Up Area. Based on the projected growth, the Township will develop an updated Intensification Strategy to address anticipated intensification requirements over the planning period of this Plan and to consider the need for related amendments to this Plan including updates to the Intensification Strategy set out herein.”

- 2.2.14 The text of the Township of West Lincoln Official Plan is hereby amended by re-numbering section 5.10 to section 5.9 and by revising the list of features and areas excluded from the calculation of the greenfield density to read as follows:

- “i. Natural heritage features and areas, natural heritage systems and floodplains, provided development is prohibited in these areas;
- ii. Rights-of-way for electricity transmission lines, energy transmission pipelines, freeways as defined by and mapped as part of the Ontario Road Network, and railways;
- iii. Employment areas; and,
- iv. Cemeteries.”

- 2.2.15 The text of the Township of West Lincoln Official Plan is hereby amended by adding the following new subsection to the end of section 6.11:

“6.11.7 Smithville Master Community Plan

## Modification 16

The area shown on Schedule “B-4” as the Smithville Master Community Plan **is** **a** Secondary Plan area **is** intended to be designated for appropriate future urban land uses, public service facilities and infrastructure, transportation and natural heritage systems based on land use mapping and policies to be incorporated as a Secondary Plan through future Township-initiated Official Plan Amendment(s). Until such time as the Smithville Master Community Plan is approved and incorporated herein as a Secondary Plan by amendment to this Plan, the following policies shall apply to this Secondary Plan area:

- a) Permitted uses within the Smithville Master Community Plan area will be limited to those of an interim nature except as otherwise provided in the implementing Zoning By-law.
- b) The Township may amend the Zoning By-law to apply status zoning and/or holding zones to limit and avoid development and changes of land use that may adversely impact the efficient development and servicing of the land for appropriate urban land uses in the future.
- c) New development for urban land uses shall not be permitted until **the Smithville Master Community Plan a Secondary Plan** is approved for the area by amendment to this Plan.

## Modification 17

## Modification 18

- d) The submission requirements for Block Plans and for complete applications for development of urban land uses will be determined in accordance with the ~~an~~ approved ~~Smithville Master Community Plan~~ ~~Secondary Plan~~, and therefore applications submitted prior to approval of the ~~Smithville Master Community Plan a Secondary Plan~~ may be deemed incomplete by the Township.

- e) Notwithstanding clauses (a) through (d) of this subsection, the area designated as Public Parks as shown on Schedule “B-4” may continue to be used for existing and new land uses in accordance with the applicable policies of Section 9 of this Plan.

## Modification 19

- f) The Natural Heritage System designation and policies of this Plan shall continue to apply to the land within the Smithville Master Community Plan as shown on Schedules “B-4” and “C-1”, “C-2”, “C-3” and “C-4” and in accordance with the applicable policies of Section 10 of this Plan. It is the intent of this Plan that updated Natural Heritage System designations, policies and mapping will be incorporated as part of ~~the Smithville Master Community Plan a Secondary Plan~~ through future Township-initiated Official Plan Amendment(s), based on subwatershed planning.

## Modification 20

- g) The development and improvement of infrastructure and extension of municipal services and transportation systems will be based on the applicable master plans prepared by the Region and the Township. It is the intent of this Plan that infrastructure and transportation system policies and mapping will be incorporated ~~as part of a Secondary Plan~~ through future Township-initiated Official Plan Amendment(s), based on the applicable master plans prepared by the Region and the Township. For greater clarity and certainty, this policy does not restrict the Region and the Township in undertaking public infrastructure and transportation improvements prior to

2.2.16 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording subsection 14.5.1 (a)(iv) to read as follows:

- “iv. Future development of a Regional Road 20 by-pass around the north and to the east of Smithville, shown as a Conceptual Planned Corridor in the Niagara Region Official Plan, will permit the more efficient movement of heavy traffic through the Township.”

2.2.17 Schedule “A” – Municipal Structure of the Township of West Lincoln Official Plan is hereby amended by:

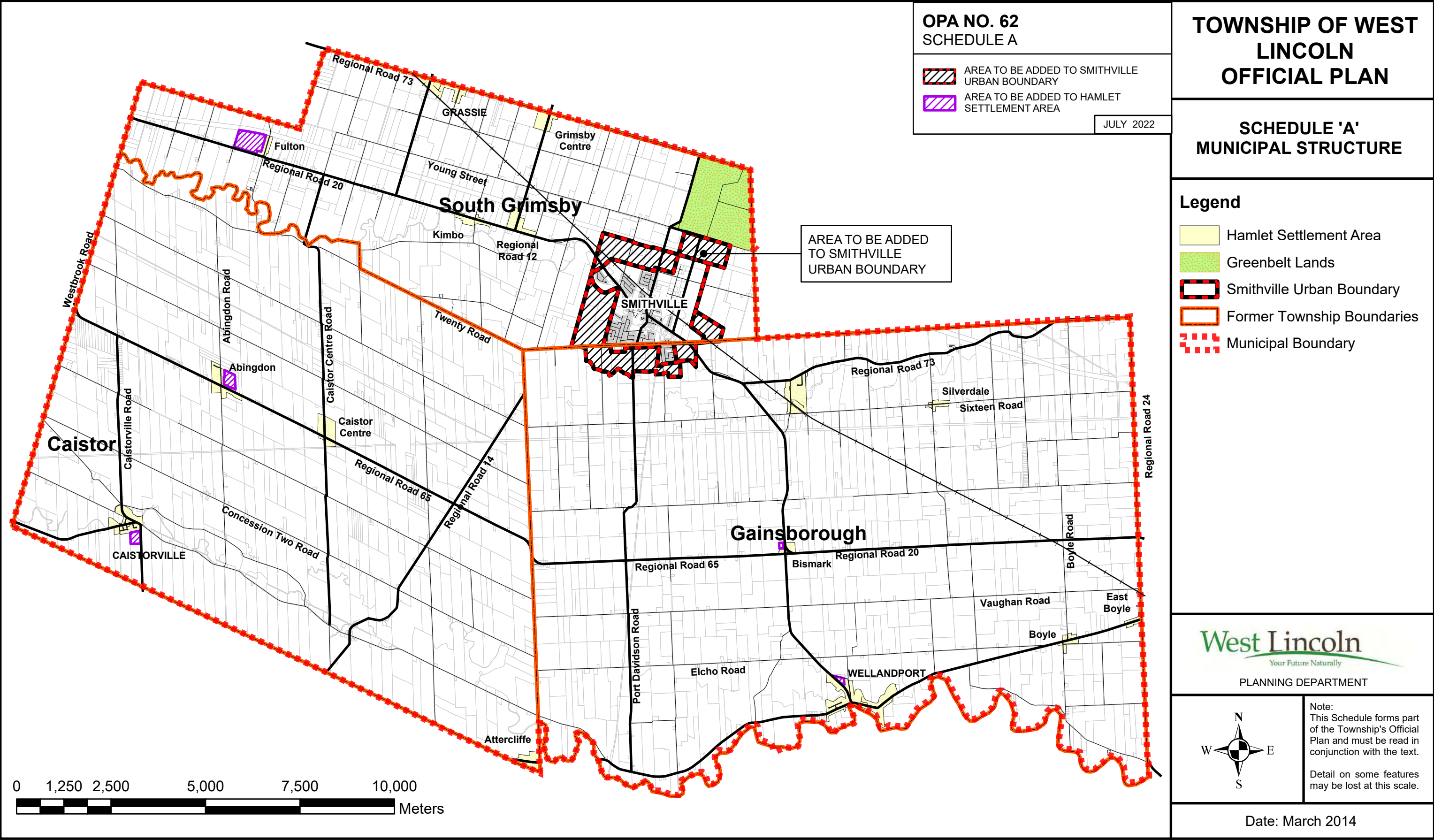
- a) Adding land to the Smithville Urban Boundary as shown on Schedule A hereto; and,  
b) Adding land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedule A hereto.

2.2.18 Schedules “B-1”, “B-2” and “B-3”, “B-4” – Land Use of the Township of West Lincoln

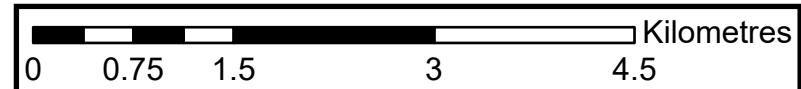
Official Plan are hereby amended by:

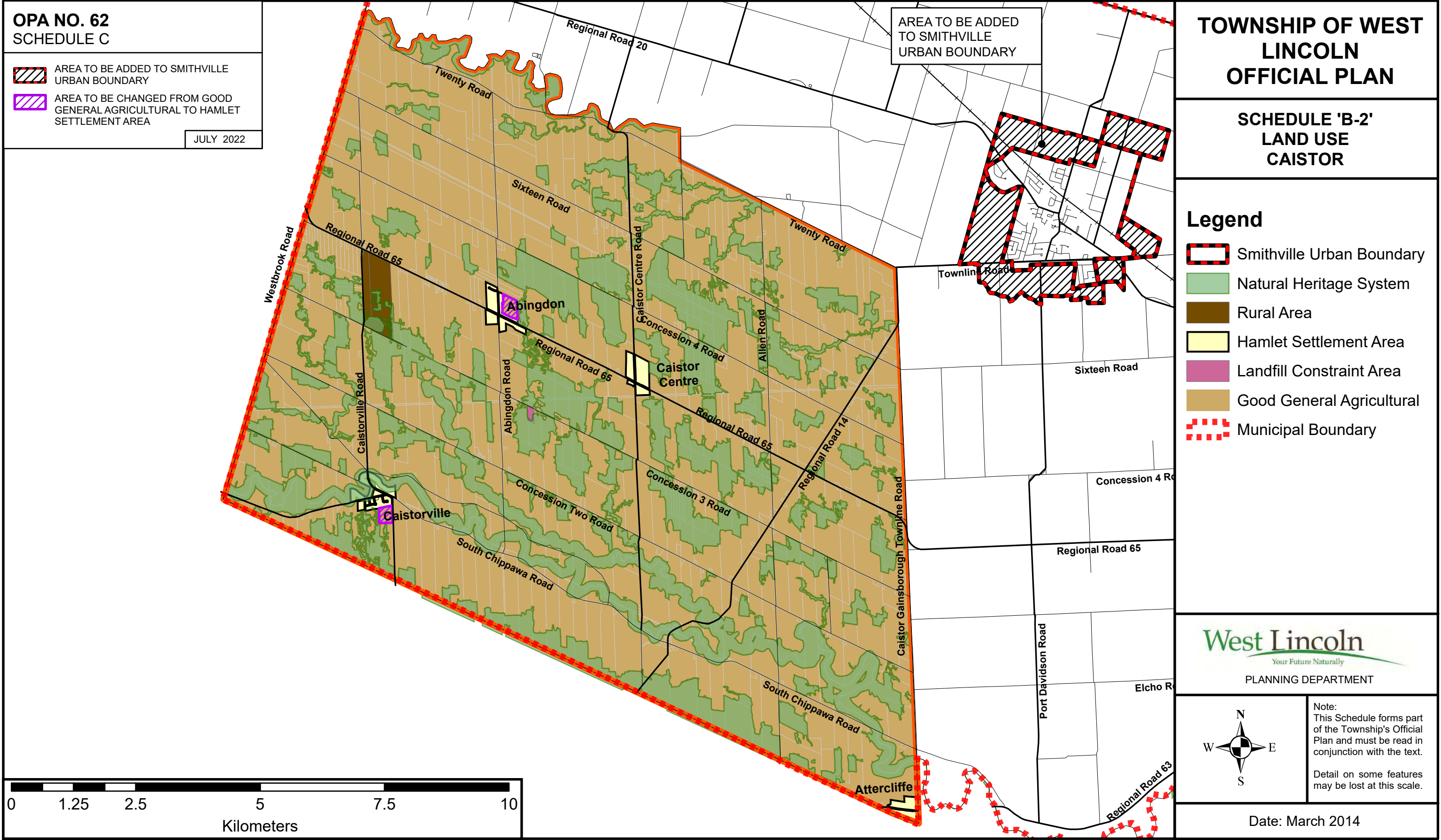
- a) Adding the land to the Smithville Urban Boundary and removing the land from Schedules “B-1”, “B-2” and “B-3” as shown Schedules B, C and D hereto, respectively;
  - b) Removing the land to be added to the Smithville Urban Boundary from the Good General Agricultural designation on Schedules “B-1”, “B-2” and “B-3” as shown on Schedules B, C and D hereto, respectively;
  - c) Adding the land to the Smithville Urban Boundary, designating the land as Secondary Plan (to be mapped as an overlay of the existing Public Parks and Natural Heritage System designations where the area to be designated as Secondary Plan overlaps with these designations) and labelling the area as “SMITHVILLE MASTER COMMUNITY PLAN” on Schedule “B-4” as shown on Schedule E hereto;
  - d) Changing the designation of the land north-west of Bismark and north of Wellandport from Good General Agricultural to Hamlet Settlement Area on Schedule “B-1” as shown Schedule B hereto;
  - e) Changing the designation of the land north-east of Abingdon and south of Caistorville from Good General Agricultural to Hamlet Settlement Area on Schedule “B-2” as shown on Schedule C hereto; and,
  - f) Changing the designation of the land west of Fulton from Good General Agricultural to Hamlet Settlement Area on Schedule “B-3” as shown Schedule D hereto.
- 2.2.19 Schedule “B-5” – Urban Structure Smithville of the Township of West Lincoln Official Plan is hereby amended by adding the land to the Smithville Urban Boundary and designating the land as Future Greenfield Area as shown on Schedule F hereto.
- 2.2.20 Schedules “C-1”, “C-2”, “C-3” and “C-4” – Natural Heritage System and Schedule “C-5” – Aggregate & Petroleum Resources of the Township of West Lincoln Official Plan are hereby amended by adding the land to the Smithville Urban Boundary and adding the land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedules G, H, I, J and K hereto, respectively.
- 2.2.21 Schedules “D-1”, “D-2” and “D-4” – Hamlet Boundaries of the Township of West Lincoln Official Plan are hereby amended by adding the land to the Hamlet Settlement Areas of Abingdon, Bismark, Caistorville, Fulton and Wellandport as shown on Schedules L, M, and N hereto, respectively.
- 2.2.22 Schedule “F” – Infrastructure and Transportation of the Township of West Lincoln Official Plan is hereby amended by adding the land to the Smithville Urban Boundary and removing the Highway 20 By-pass from the map as shown Schedule “O” hereto.



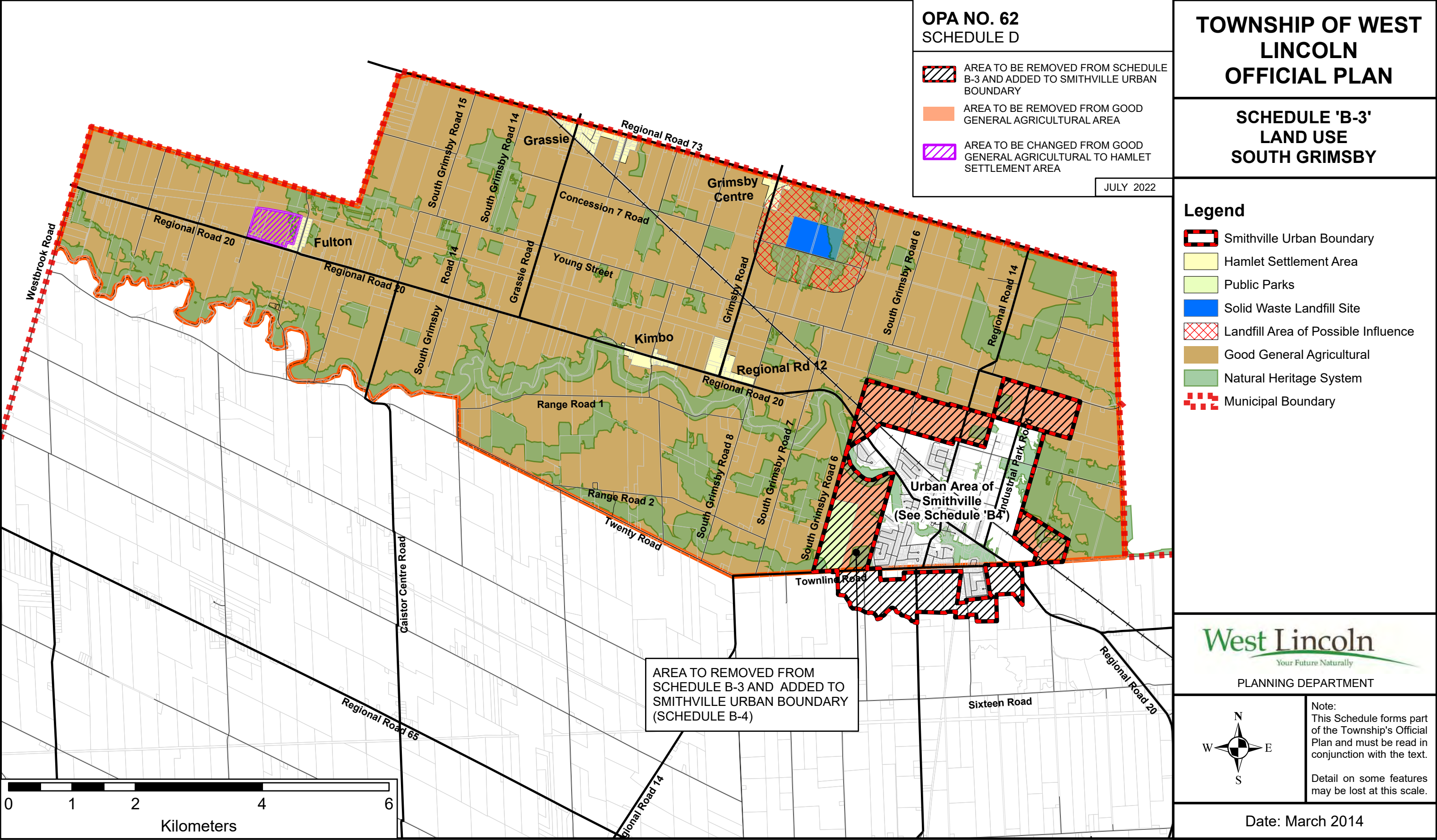














OPA NO. 62  
SCHEDULE E
















-  AREA TO BE ADDED TO SMITHVILLE URBAN BOUNDARY
-  AREA TO BE DESIGNATED SECONDARY PLAN AND LABELLED AS "SMITHVILLE MASTER COMMUNITY PLAN"

JULY 2022

TOWNSHIP OF WEST  
LINCOLN  
OFFICIAL PLAN

SCHEDULE 'B-4'  
LAND USE  
SMITHVILLE

Legend

-  Smithville Urban Boundary
-  Mixed Use Corridor
-  Urban Boundary Expansion - Employment
-  Natural Heritage System
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Secondary Plan
-  Commercial Core
-  Commercial Plaza
-  Service Commercial
-  Employment Area
-  Institutional
-  Public Parks
-  Public Use

West Lincoln  
Your Future Naturally

PLANNING DEPARTMENT

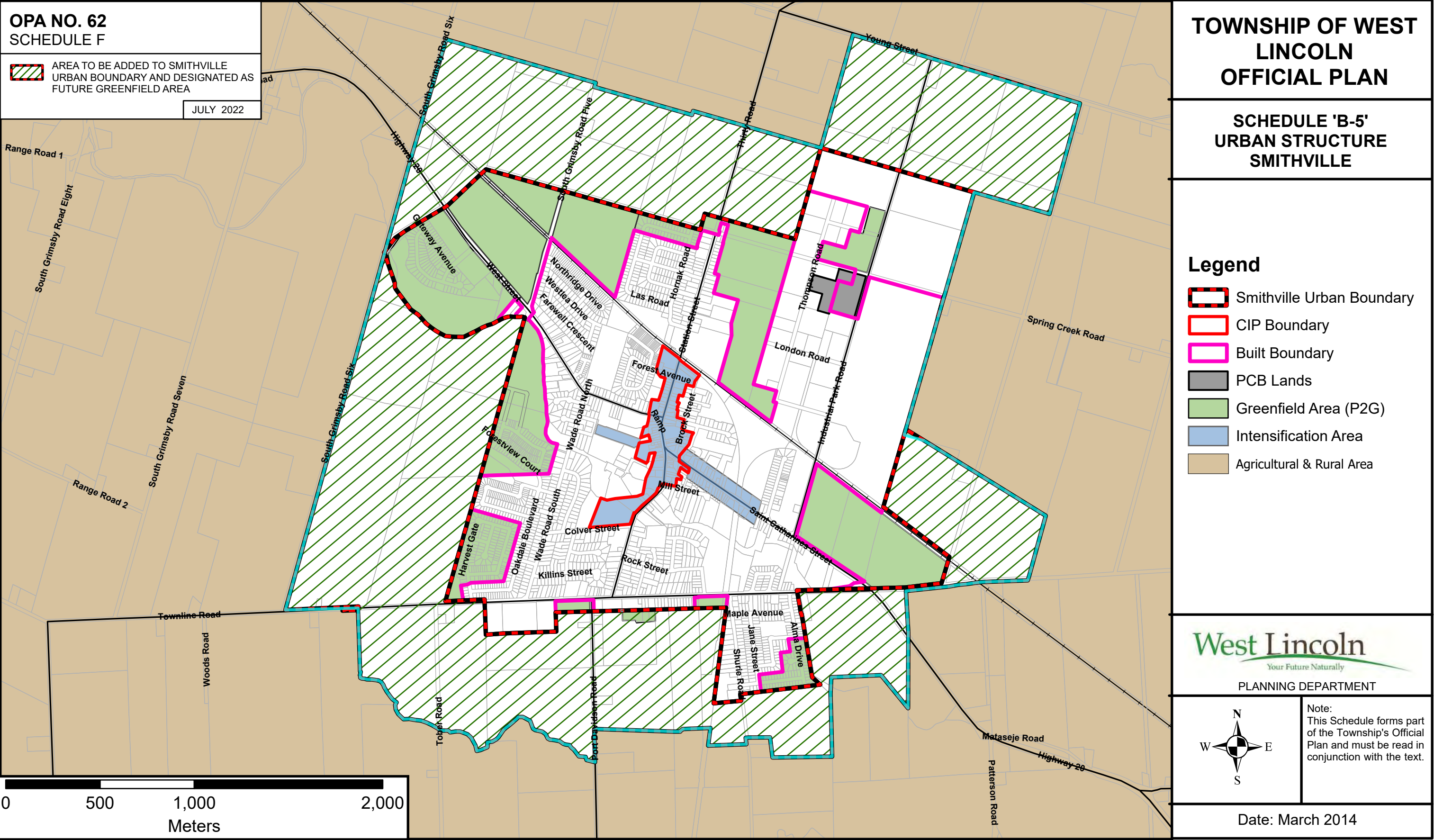


Note:  
This Schedule forms part  
of the Township's Official  
Plan and must be read in  
conjunction with the text.

Date: March 2014

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West Lincoln  
Your Future Naturally

PLANNING DEPARTMENT

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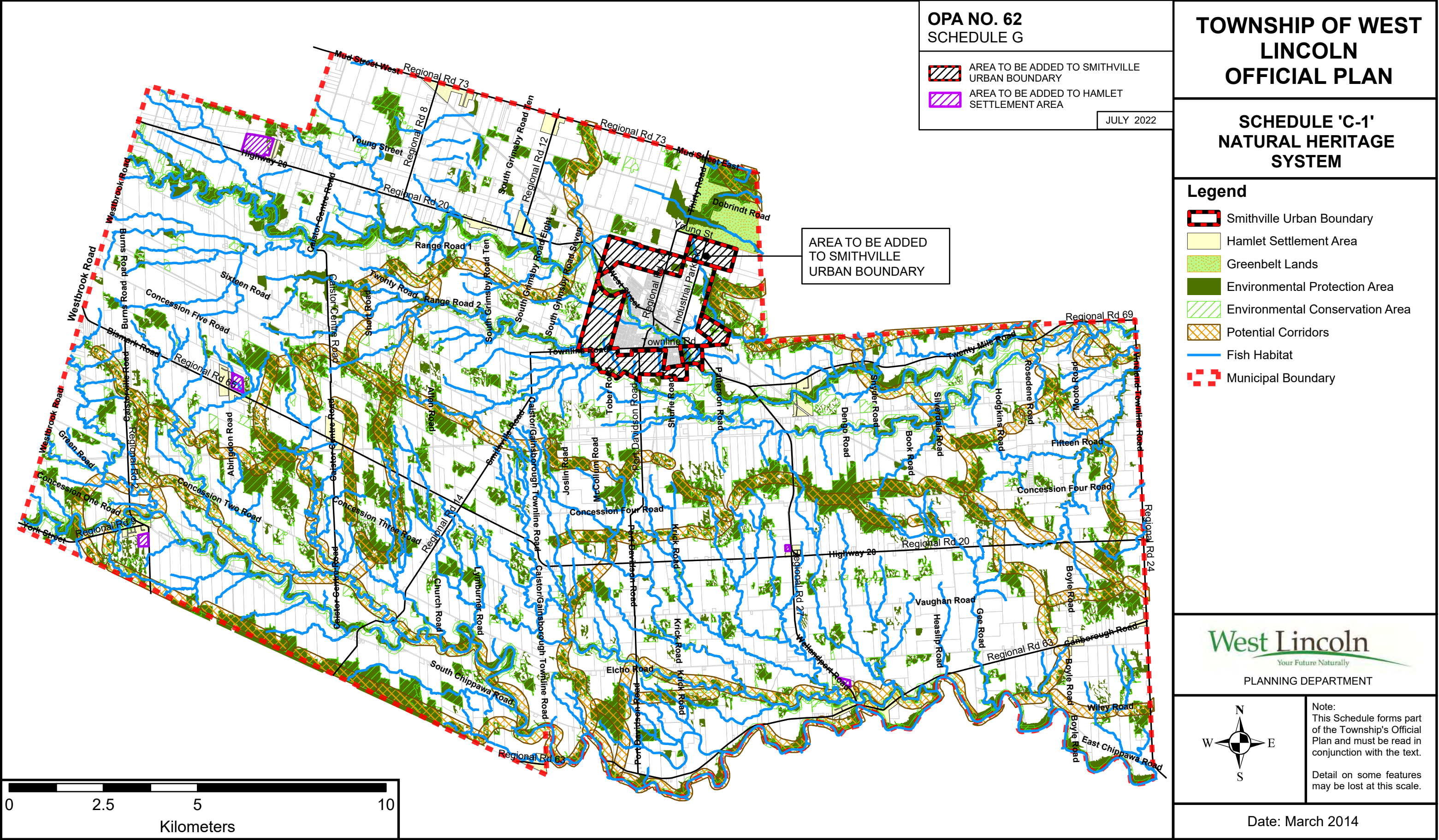
Note:  
This Schedule forms part  
of the Township's Official  
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Date: March 2014

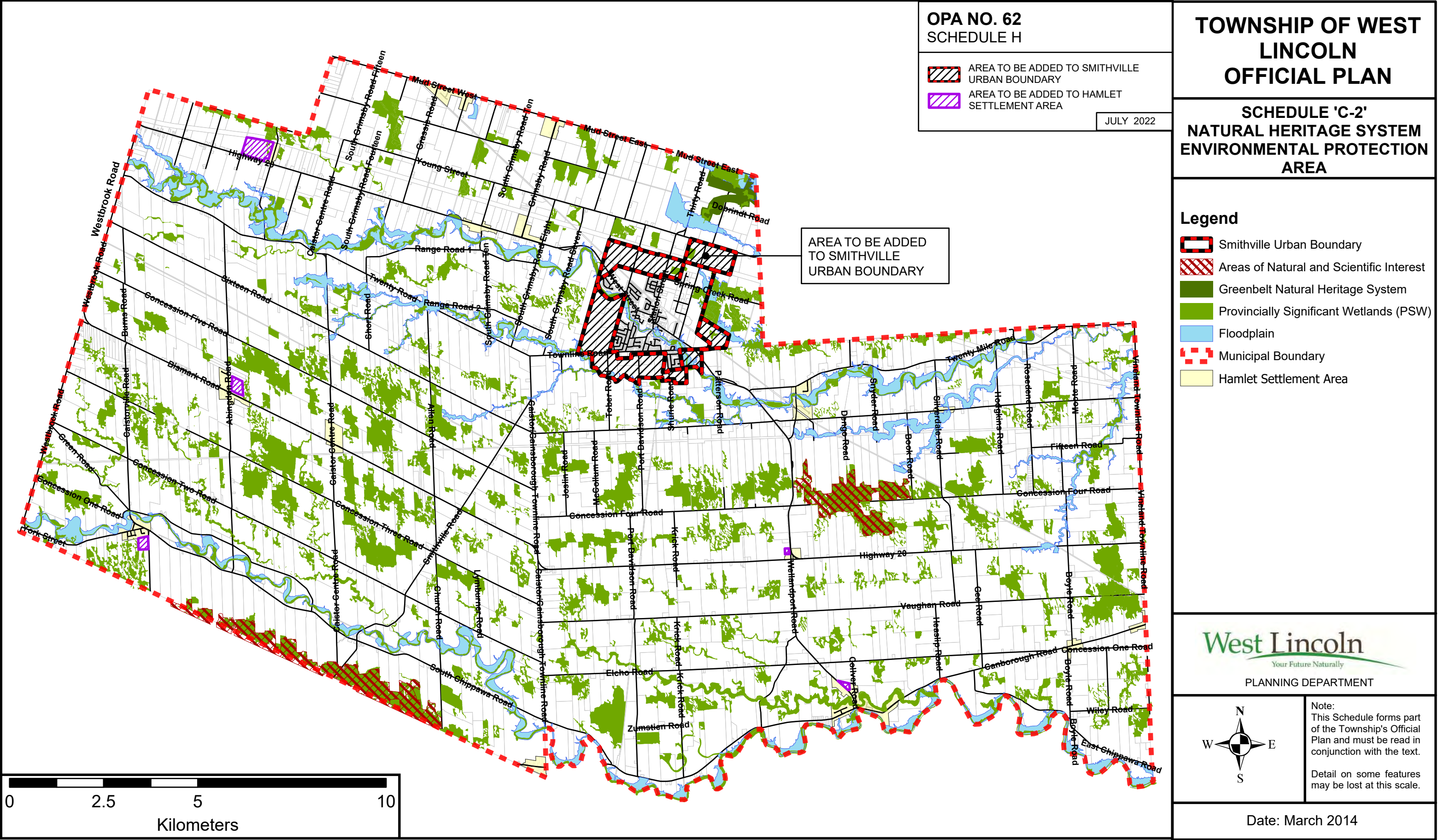
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Range Road 1  
South Grimsby Road Eight  
Range Road 2  
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Townline Road  
Woods Road  
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Port Dalhousie Road  
Maple Avenue  
Jane Street  
Shurle Road  
Alma Drive  
Highway 20  
Patterson Road  
Mataseje Road  
Spring Creek Road  
Industrial Park Road  
London Road  
Thompson Road  
Hornak Road  
Las Road  
Forest Avenue  
Brock Street  
Mill Street  
Rock Street  
Colver Street  
Wade Road South  
Killins Street  
Oakdale Boulevard  
Harvest Gate  
Forestview Court  
Wade Road North  
Farewell Crescent  
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Northridge Drive  
Gleway Avenue  
Young Street  
Highway 20  
South Grimsby Road Six  
South Grimsby Road Five  
Highway 20

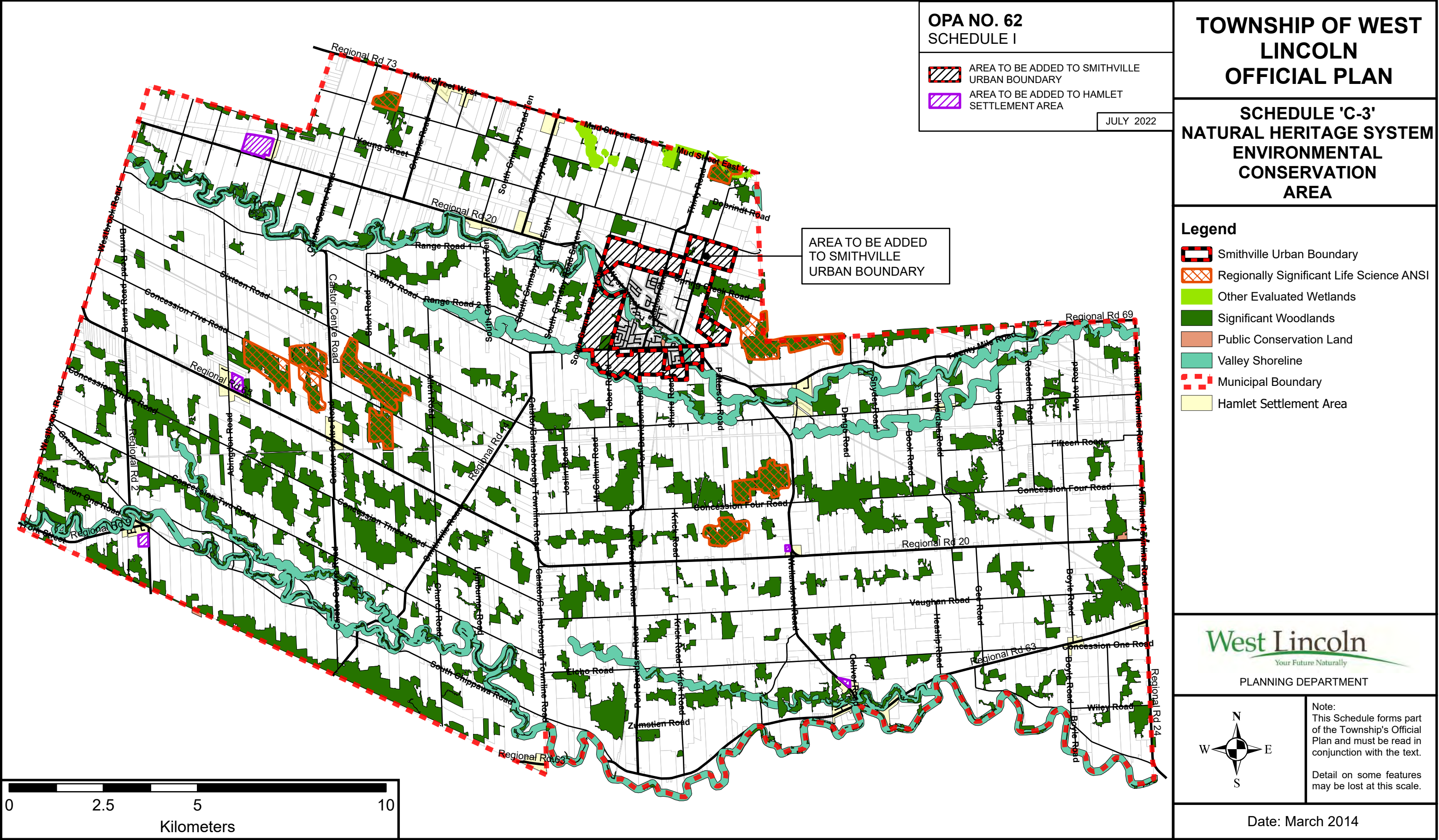








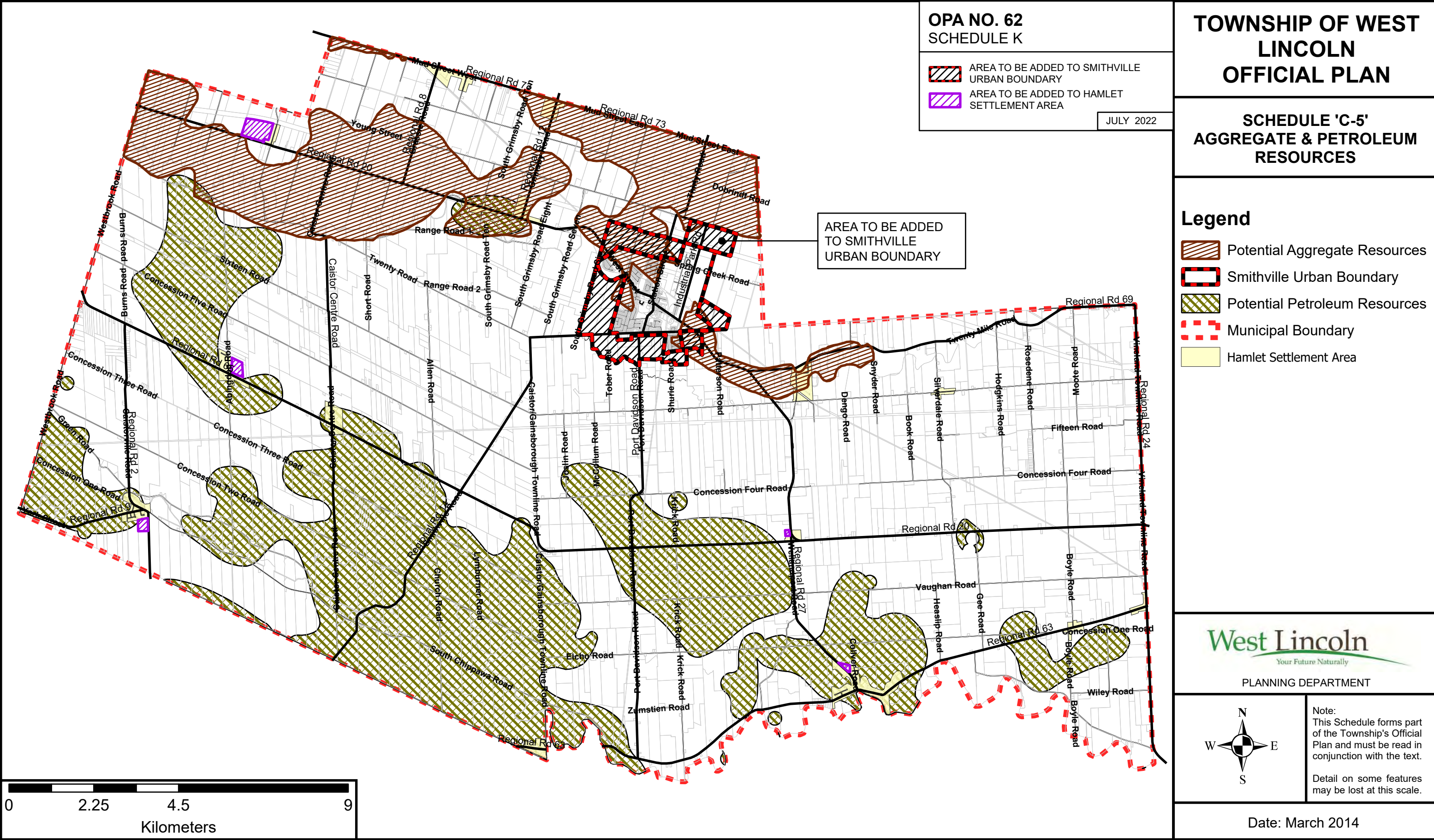




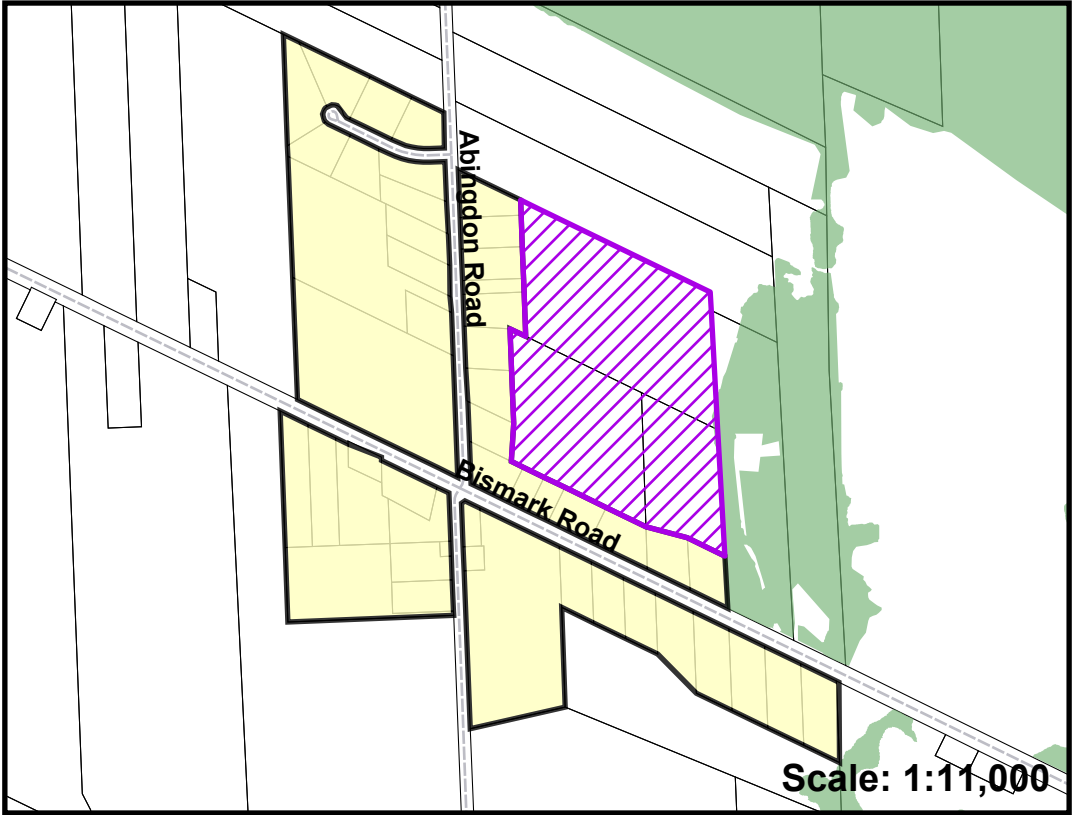




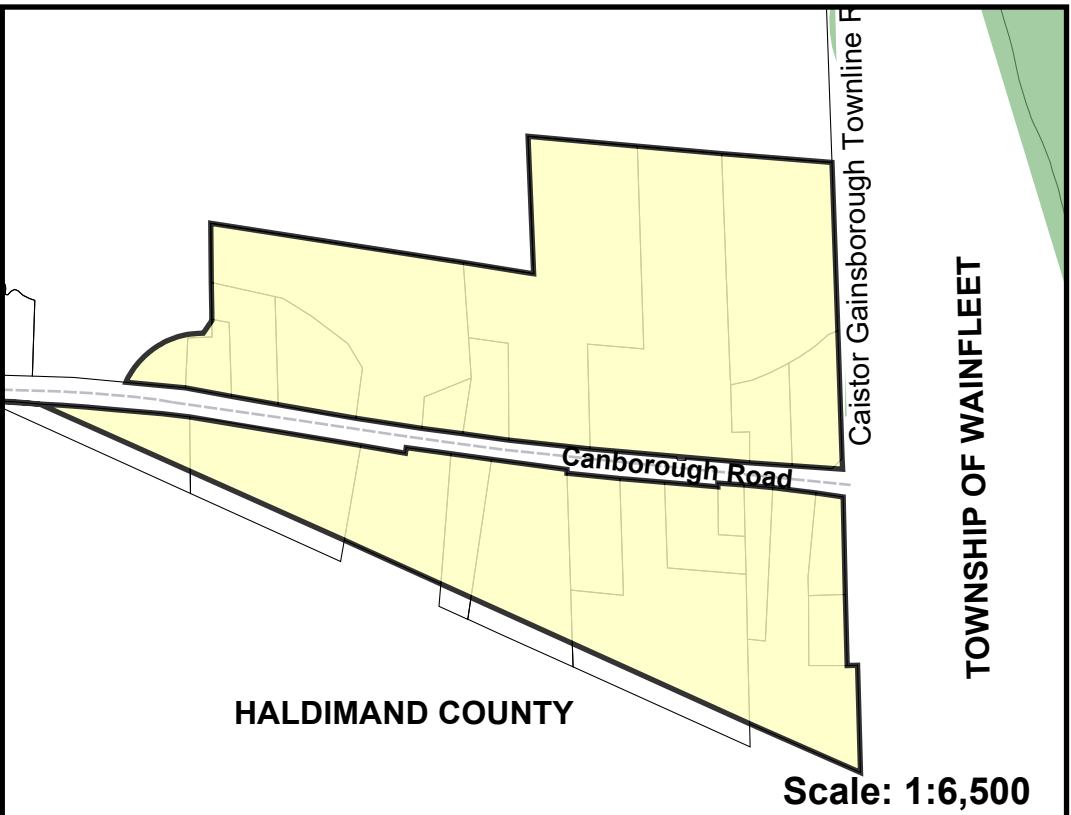




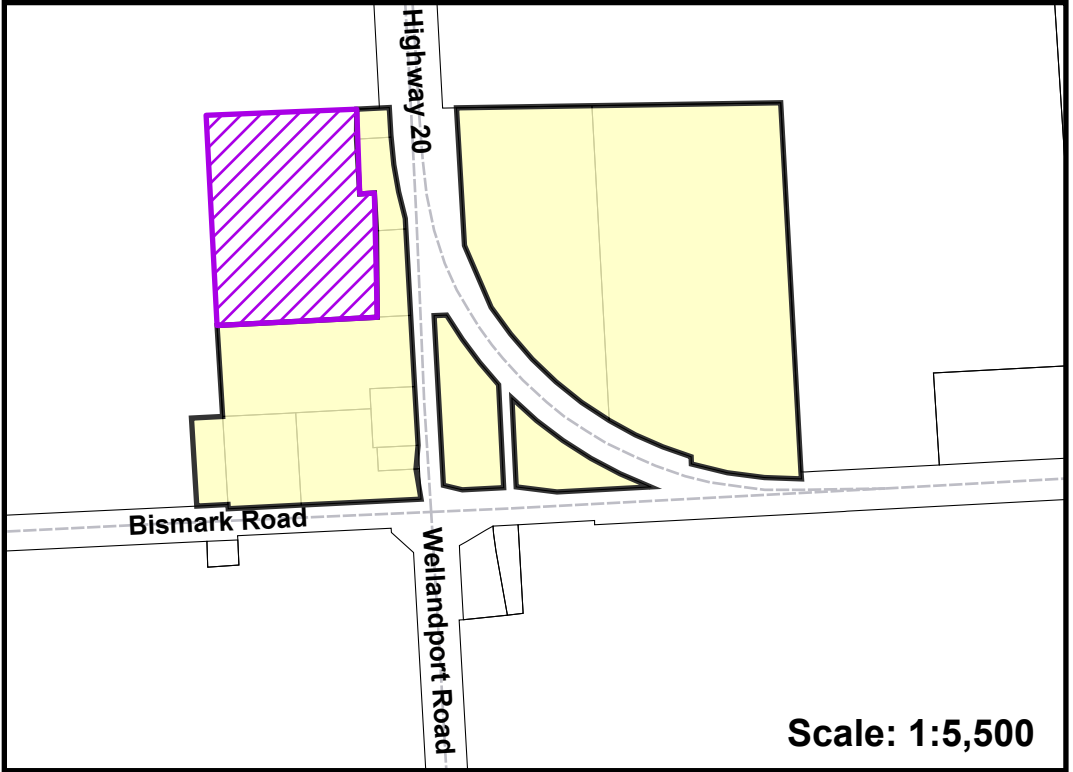
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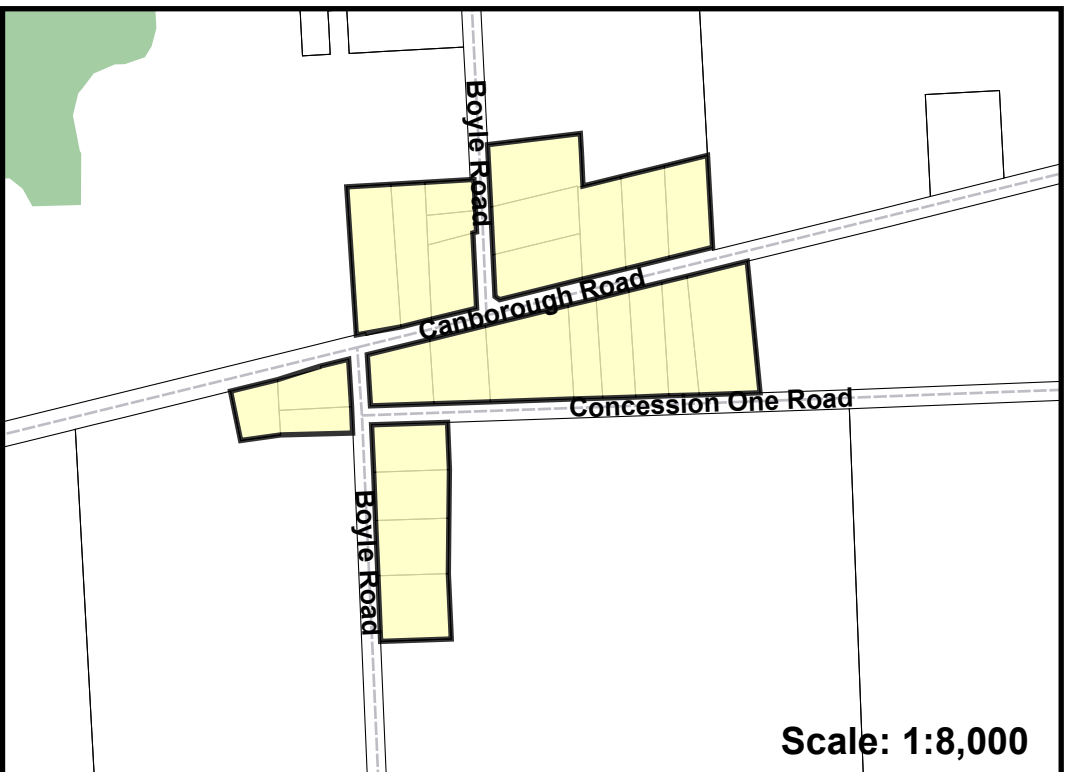
ATTERCLIFFE



BISMARK



BOYLE



TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN

SCHEDULE 'D-1'  
HAMLET BOUNDARIES

Legend

- Hamlet Settlement Area
- Natural Heritage System
- Municipal Boundary

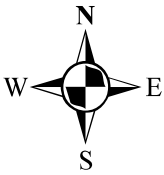
OPA NO. 62  
SCHEDULE L

- AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT

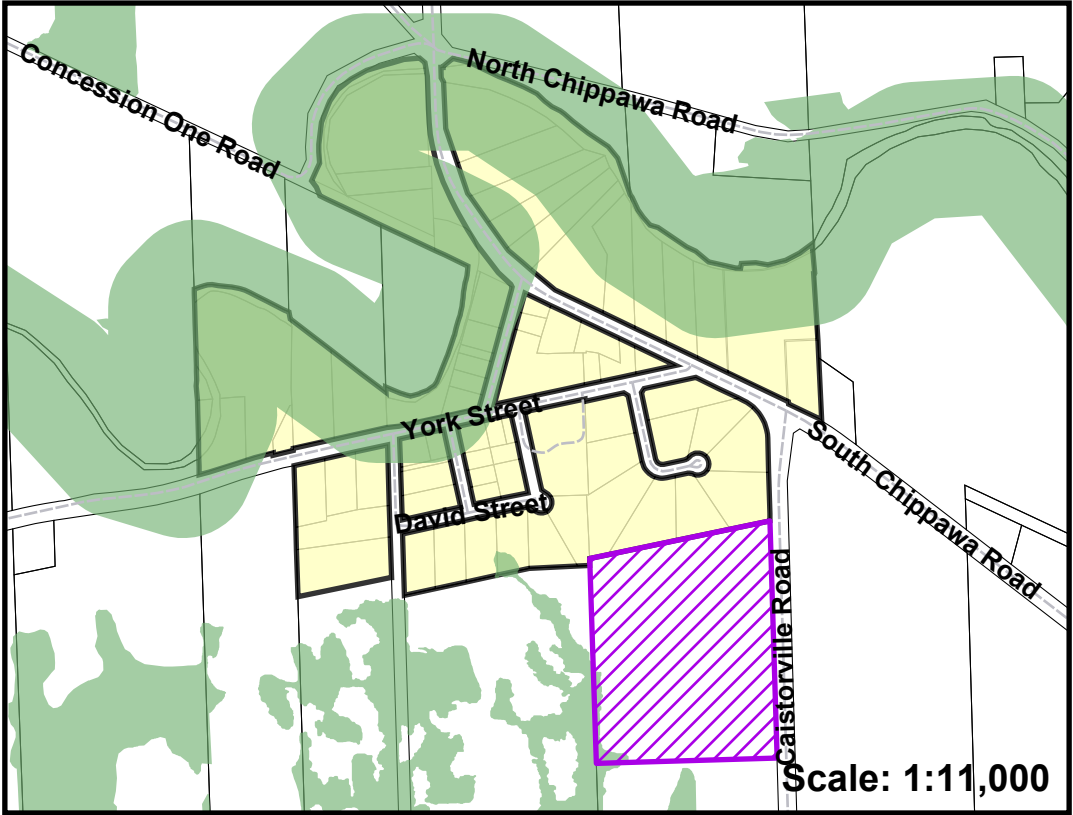


Note:  
This Schedule forms part of the Township's Official Plan and must be read in conjunction with the text.  
  
Detail on some features may be lost at this scale.

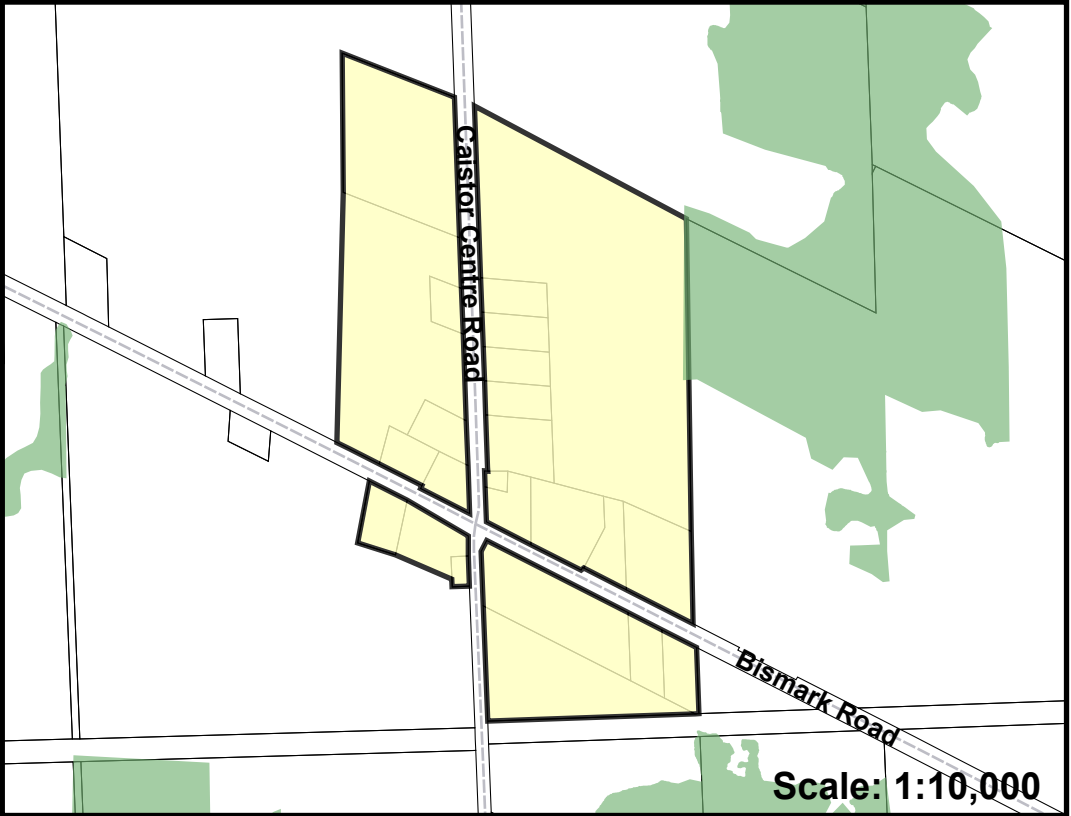
Date: March 2014



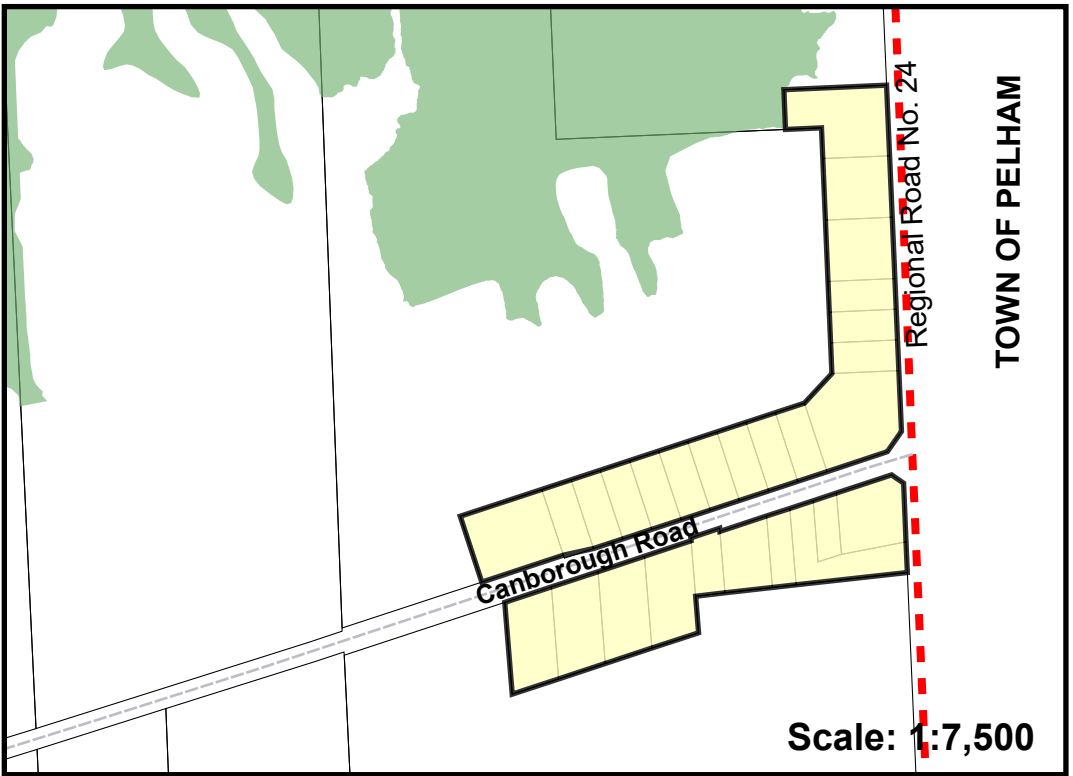
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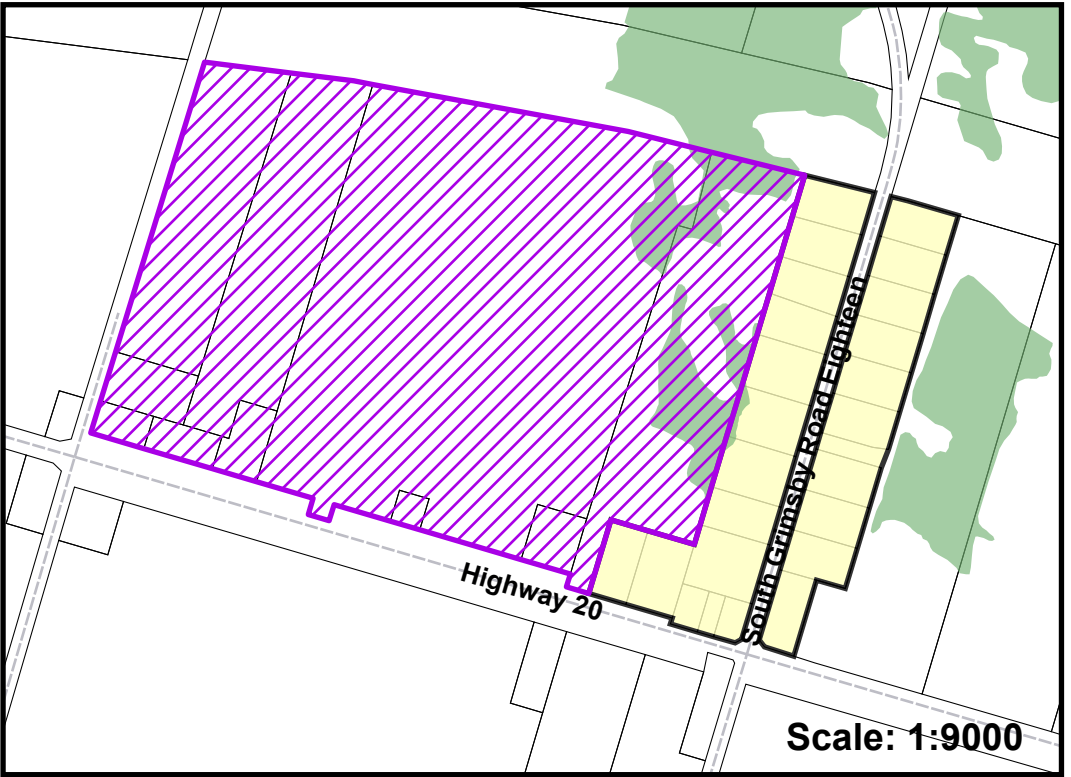
CAISTOR CENTRE



EAST BOYLE



FULTON



TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN

SCHEDULE 'D-2'  
HAMLET BOUNDARIES

Legend

- Hamlet Settlement Area
- Natural Heritage System
- Municipal Boundary

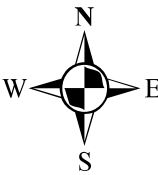
OPA NO. 62  
SCHEDULE M

- AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022



PLANNING DEPARTMENT



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




Date: March 2014




TOWNSHIP OF WEST LINCOLN  
OFFICIAL PLAN

SCHEDULE 'D-4'  
HAMLET BOUNDARIES

Legend

-  Hamlet Settlement Area
-  Natural Heritage System
-  Municipal Boundary

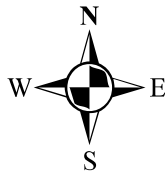
OPA NO. 62  
SCHEDULE N

 AREA TO BE ADDED TO HAMLET SETTLEMENT AREA

JULY 2022

West Lincoln  
Your Future Naturally

PLANNING DEPARTMENT

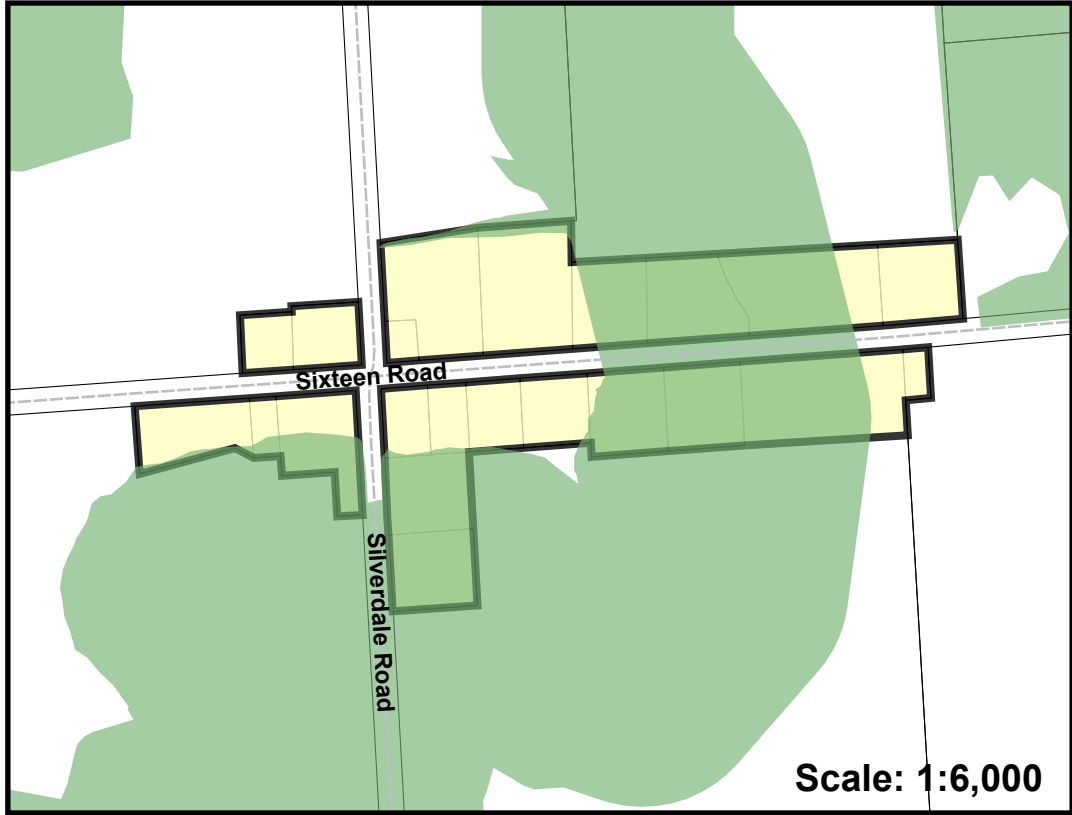


Note:  
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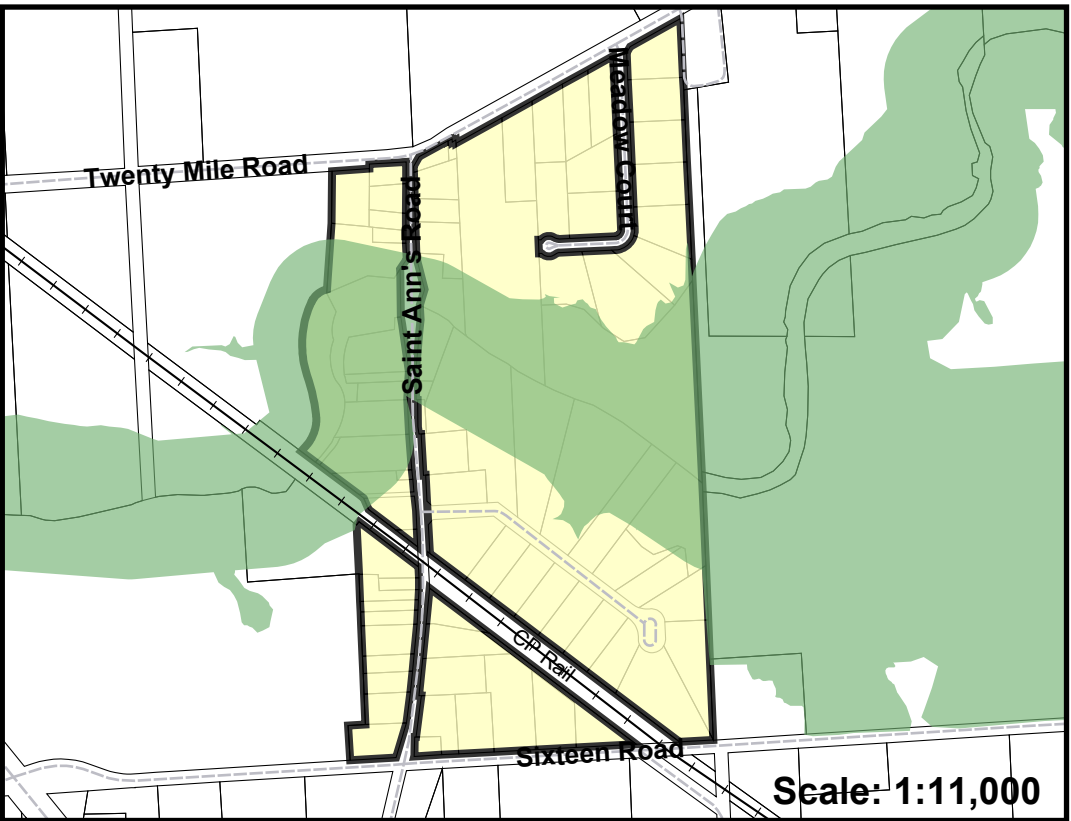
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Date: March 2014

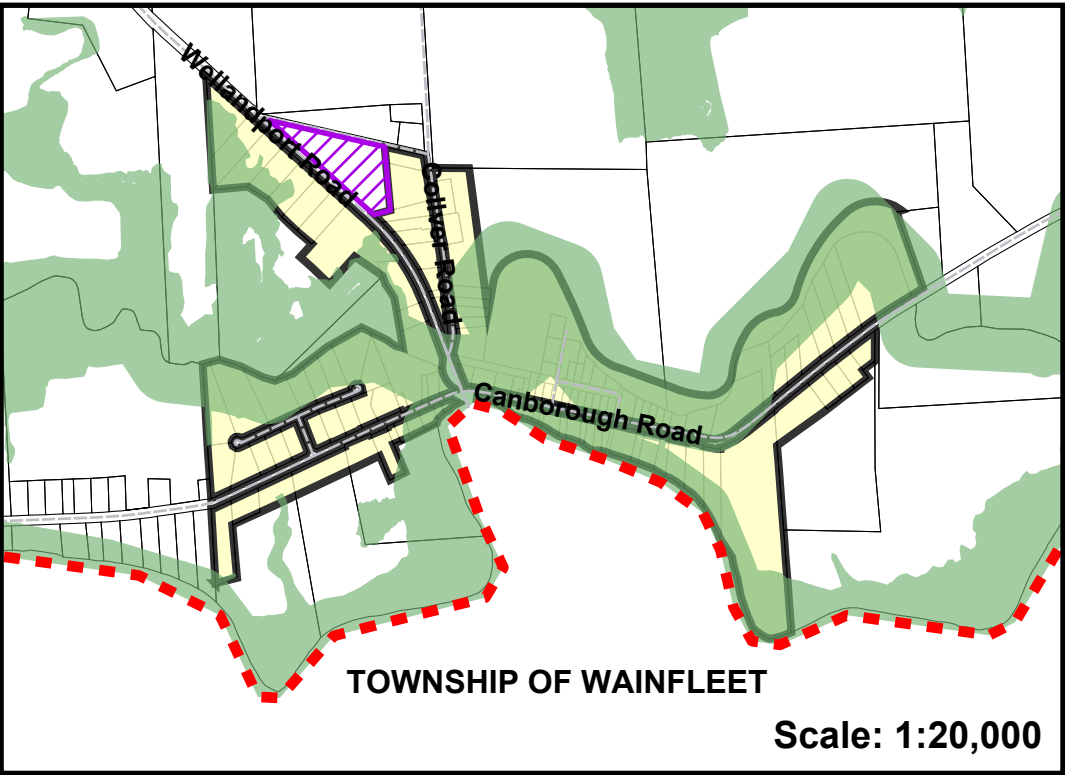
SILVERDALE



ST. ANN'S



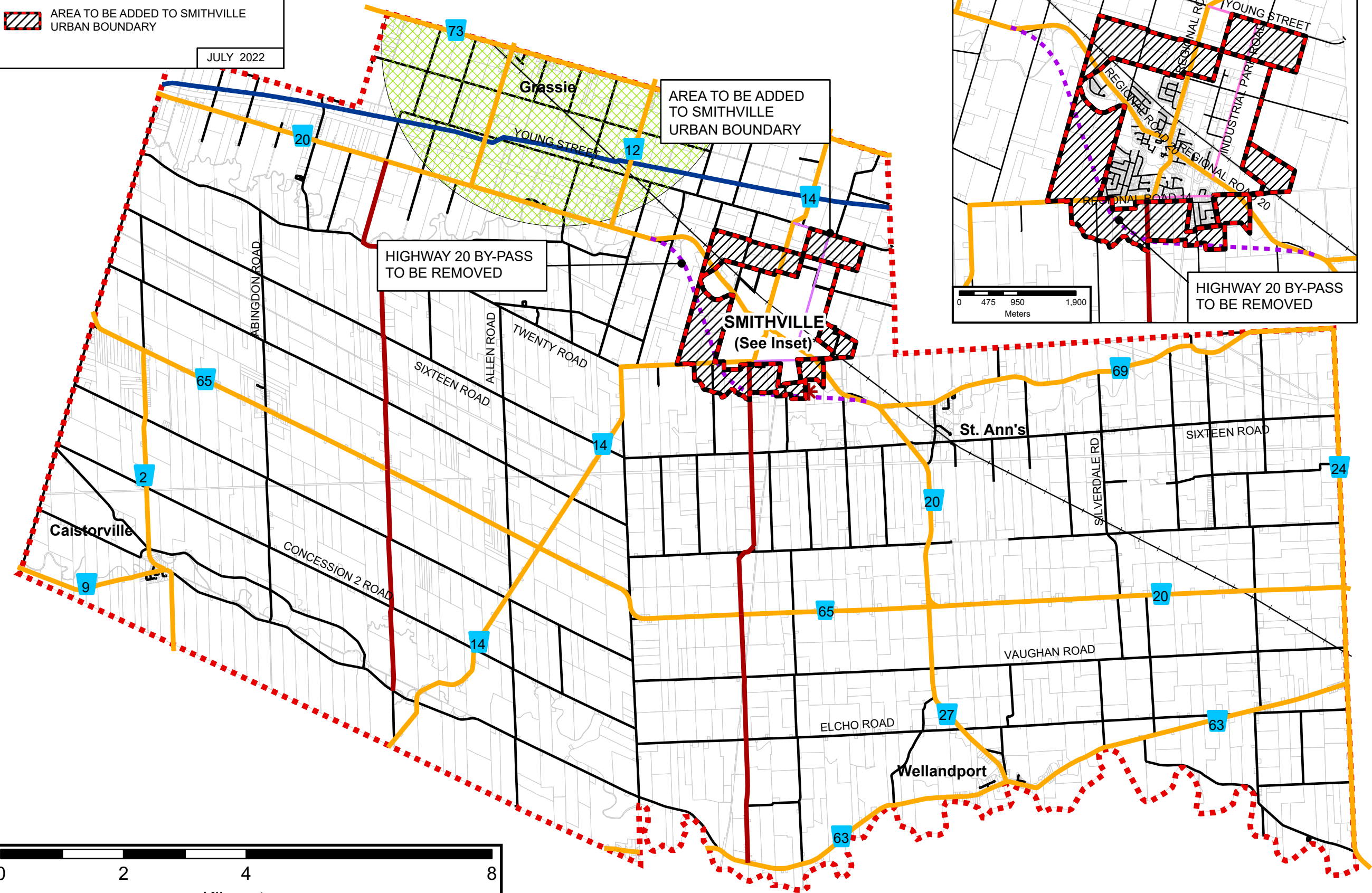
WELLANDPORT



**OPA NO. 62**  
**SCHEDULE O**

 AREA TO BE ADDED TO SMITHVILLE  
URBAN BOUNDARY

JULY 2022



# TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

**SCHEDULE 'F'**  
**INFRASTRUCTURE &**  
**TRANSPORTATION**

## Legend

-  Smithville Sewage Lagoons
-  Highway 20 By-pass
-  Arterial
-  Township Arterial
-  Collector
-  Smithville Urban Boundary
-  Trans Canada Pipeline
-  Municipal Boundary
-  Rail Corridor
-  Airfield Outer Surface
-  Local Road



West Lincoln  
Your Future Naturally

PLANNING DEPARTMENT



Note:  
This map is to be  
interpreted in conjunction  
with the text of the Official  
Plan.

Date: March 201

**AMENDMENT NUMBER 63  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN  
(SMITHVILLE MASTER COMMUNITY PLAN)  
2022**

WITH DRAFT MODIFICATIONS PROPOSED BY NIAGARA REGION  
AND TOWNSHIP OF WEST LINCOLN  
LAST UPDATED: FEBRUARY 24, 2023

**AMENDMENT NUMBER 63  
TO THE  
OFFICIAL PLAN  
OF THE  
TOWNSHIP OF WEST LINCOLN**

**PART 1 – THE PREAMBLE**

**1.1 TITLE**

This Amendment when adopted by Council shall be known as Amendment Number 63 (Smithville Master Community Plan) to the Official Plan of the Township of West Lincoln.

**1.2 COMPONENTS**

This Amendment consists of Part 1 – The Preamble and Part 2 – The Amendment. The preamble does not constitute part of the actual amendment but is included as background information.

**1.3 PURPOSE**

The purpose of this Amendment is to revise specific policies and schedules of the Official Plan to:

- Articulate and support the achievement of the Vision for the future growth and expansion of Smithville to accommodate growth over a period of approximately 30 years (to 2051) as a complete, resilient and sustainable community with enhanced small-town character, a robust natural heritage system, efficient and optimized infrastructure systems, well-defined community edges, transportation choice and convenience, and supportive of the agricultural sector;
- Designate the land added to the Smithville Urban Area via the Niagara Region Official Plan and Township Official Plan Amendment No. 62 (OPA 62) for specific urban land uses and for the protection, restoration and enhancement of the natural environment by implementing the Smithville Master Community Plan (MCP) as a new Secondary Plan area based on the preferred concept plan and the recommended natural heritage system identified in the related Subwatershed Study (SWS), and establish related goals and policies;
- Identify Block Plan Areas within the Smithville MCP Area and establish policies for the future preparation of Block Plans to undertake further planning and Master Environmental Servicing Plans (MESP's) to establish the details of future land use and required servicing, transportation and natural heritage systems;
- Designate and establish a special policy area for agricultural-related and farm supportive uses on land to the north-west of the MCP Area;



- Establish policies to recognize and protect existing farm operations within the MCP Area while providing for the future transition of the area to urban land uses and designate a special policy area for specific land within the MCP Area where land uses will be limited until such time as constraints related to the proximity of the land to an existing livestock operation are addressed or no longer exist;
- Identify and establish policies for the recommended Smithville Transportation Plan and to guide and direct future transportation system improvements as well as future streets and active transportation/trail routes and including the potential alignment of a future alternative truck route/Regional Road 20 by-pass conceptually identified in the Niagara Region Official Plan;
- Establish a Development Staging Plan for the Smithville MCP Area including overall stage areas and sub-phases to direct the coordinated and orderly development of the area for urban land uses aligned with the timing of required infrastructure and transportation systems in accordance with the Township's Master Servicing Plan (MSP) and Transportation Master Plan (TMP).

#### 1.4 **LOCATION**

The Amendment applies primarily to land surrounding the existing community of Smithville in the Township of West Lincoln within the area shown on the location map on the following page.

The total land area within Master Community Plan Study Area is approximately 685 hectares, and the total land area included within the MCP Secondary Plan by this amendment is approximately 540 hectares.

Certain aspects of this amendment relate to matters beyond the MCP Secondary Plan Area and apply to the Smithville Urban Area as a whole, including the Natural Heritage System mapping and policies. Special Policy Area 1 (agriculture-related uses) applies to land within the MCP Study Area between Young Street and the south limit of the Hydro One Corridor between the unopened portion of South Grimsby Road 6 on the west and the Smithville Urban Area boundary (as amended by Official Plan Amendment No. 62) on the east.

**Location Map****1.5 BASIS OF THE AMENDMENT**

This Amendment is based upon the Smithville Master Community Plan process undertaken by the Township of West Lincoln under the Planning Act integrated with related infrastructure planning in accordance with the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment (EA) for Water, Wastewater and Roads (as amended in 2015) Master Plan Approach #4. A Subwatershed Study has also been undertaken to address environmental and stormwater considerations associated with the Twenty Mile Creek watershed and support the Master Community Plan Study including the EA process.

The Master Community Plan process has been completed concurrently and coordinated with the Niagara Region Official Plan and this Amendment is intended to conform to and locally implement the policies of the Niagara Region Official Plan (2022) for West Lincoln and the Smithville Urban Area, as well as the Growth Plan for the Greater Golden Horseshoe (2020), and to be consistent with the Provincial Policy Statement (2020). This amendment is also based

on a phased implementation of the Smithville MCP building upon Township of West Lincoln Official Plan Amendment No. 62 which implements changes to the Smithville Urban Area boundary and 2051 growth forecasts for the Township of West Lincoln implementing the settlement area boundary and growth forecasts for West Lincoln in accordance with the Niagara Region Official Plan.



## **PART 2 – THE AMENDMENT**

### **2.1 PREAMBLE**

All of this part of the document entitled PART 2 - THE AMENDMENT, consisting of the text amendments and mapping amendments constitute Amendment No. 63 to the Official Plan of the Township of West Lincoln.

### **2.2 DETAILS OF THE AMENDMENT**

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by deleting the words “and future greenfield areas” from section 5.5 (a).

2.2.2 The text of the Township of West Lincoln Official Plan is hereby amended by deleting the following text from section 5.5 (d):

“Future Greenfield Areas are intended to be planned primarily for future residential neighbourhoods as complete communities with a range of housing, commercial and community facilities and services, parks and a linked natural heritage and open space system, to be developed on full municipal services and supported by a local, collector and arterial street network, including complete streets, providing for transportation options and the efficient movement of people and goods. Future Greenfield Areas will be designated for specific land uses, and related policies as well as the required infrastructure, transportation systems and natural heritage systems will be established for these areas, through Township-initiated Official Plan Amendment(s) to implement the Smithville Master Community Plan.”

2.2.3 The text of the Township of West Lincoln Official Plan is hereby amended by adding the following sentence to the end of subsection 4.2.1(a)(ii):

“These uses will be encouraged to be located within Special Policy Area 1 (see subsection 6.11.7.2.104).”

**Commented [SW1]:** Region proposed Modification #1.

2.2.4 The text of the Township of West Lincoln Official Plan is hereby amended by re-wording the second sentence of clause (a) of subsection 6.11.1 to read as follows:

“Six (6) Secondary Plans are included in this Official Plan.”

2.2.5 The text of the Township of West Lincoln Official Plan is hereby amended by deleting subsection 6.11.7 and replacing it with the following new subsection 6.11.7 as follows:

#### **6.11.7 Smithville Master Community Plan**

##### **6.11.7.1 Introduction**

##### **1. Area Context & Integrated Planning Approach**

The Smithville Master Community Plan ~~(MCP) Area (“MCP Area”)~~ is a Secondary Plan (“MCP” or “Secondary Plan”) for the area that surrounds the existing community and is shown on Schedule “B-4” (“MCP Area”). The outer boundary of the MCP Area coincides with

**Commented [SW2]:** Region proposed Modification #2.

Smithville's urban boundary while the inner boundary coincides with previous urban boundary limit prior to the approval of the Niagara Region Official Plan (2022) and Township of West Lincoln Official Plan Amendment No. 62, encompassing a total land area of approximately 540 hectares.

Smithville including the MCP Area falls within three watersheds: the Twenty Mile Creek Watershed, the North Creek Watershed, and the Spring Creek Watershed. Natural features within the MCP Area consist of woodlands, wetlands, and watercourses. Twenty Mile Creek and its associated valley and floodplain is a prominent feature on the landscape, and North Creek lies along a portion of the southerly boundary of the MCP Area. Several headwater drainage features are found throughout the MCP Area, and karst features are also present.

The existing pattern of land uses in the MCP Area is characterized primarily by land that has historically been used for agriculture. The Leisureplex Township Park, located along South Grimsby Road 6, is the primary public outdoor sports venue in West Lincoln. Existing land uses in the MCP Area are privately serviced on the basis of individual on-site sanitary systems and water supply wells as well as private water cisterns.

Existing hydro transmission corridors are located along the north limits of the MCP Area, and a natural gas pipeline corridor crosses through the area south of Townline Road.

The transportation system is characterized by existing rural-standard roadways, with Regional Roads 14 and 20 being the primary through-routes and local Township roads (including Townline Road, South Grimsby Roads 5 and 6, Industrial Park Road, Port Davidson Road, Shurie Road, and Tober Road) providing secondary access to the Smithville area. Some existing and planned local streets within Smithville provide for future connections to the MCP Area. The Canadian Pacific Railway (CPR) that runs through Smithville also runs through the MCP Area, with three existing at-grade road crossings.

The Smithville MCP Area is the primary greenfield area designated to accommodate future growth in the Township to the planning horizon of the Official Plan, and the MCP establishes the future land use plan for that area to provide for its transition to urban land uses.

The MCP has been developed through a coordinated, integrated, and comprehensive approach, informed by watershed planning. The MCP was completed concurrently with the preparation of the Niagara Region Official Plan and followed the integrated *Planning Act* and Municipal Engineers Association's Municipal Class Environmental Assessment (EA) process (Approach #4). Infrastructure and

transportation systems and improvements will be in accordance with the Master Servicing Plan (MSP) and Transportation Master Plan (TMP) completed as part of the MCP.

A Subwatershed Study (SWS) has been prepared for the MCP Area to characterize the area's existing environmental conditions and water resources. The findings and recommendations of the SWS have been integrated into the MCP and, in conjunction with the MSP and TMP, will be used to inform and guide more detailed planning for the sustainable development and environmental management of the area and for the provision of infrastructure and services.

The MCP will be implemented through the preparation of Block Plans supported by Master Environmental Servicing Plans (MESPs), which will be required to guide complete applications for development under the *Planning Act*. Development in the MCP Area will require amendments to the Township's Comprehensive Zoning By-law.

The above paragraphs are intended as preamble to provide background and context to assist with the interpretation and application of the Secondary Plan.

## 2. Vision

The MCP process involved a series of public and stakeholder consultation events and opportunities, which included public information centres, a virtual engagement site, public meetings, and online community surveys and presentations featuring live polls. Several themes that emerged from the input received have contributed to the Vision for the Smithville MCP and informed the development of the MCP's goals, land use concept, and policies.

As the MCP is intended to accommodate growth over a period of approximately 30 years (to 2051), it is anticipated that future updates and changes to the MCP may be required by way of amendments to the Township's Official Plan. The Vision presented below describes the overall outcomes and desired future state of the MCP Area and articulates the general intent of the MCP. Future decision-making, including decision-making about possible updates to the MCP, should have reference to this Vision statement, particularly in circumstances where conformity with the MCP is in question.

The above paragraphs are intended as preamble to assist with the interpretation and application of the following Vision for the Secondary Plan and the community of Smithville more broadly.



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

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

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

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

### 3. Goals

The following goals have been identified to build on the Vision for the Smithville MCP and to further establish the intent and direction of this Plan, and future decision-making related to planning matters affecting land within the MCP Area, including decision-making about possible updates to the MCP, shall be consistent with these goals:

- a) Designate urban land areas, and direct the establishment of municipal infrastructure and transportation systems, to support Smithville's growth and expansion as the primary location for accommodating the Township's forecast growth and development to the planning horizon of this Plan.
- b) Provide a framework for the development of a balanced mix of urban land uses in the MCP Area that will help Smithville become a complete community while respecting and enhancing the small-town character of Smithville.

- c) Promote the development of a compact, sustainable, and resilient built environment that supports the reduction of greenhouse gas emissions.
- d) Recognize the importance of agriculture in the Township and protect agricultural areas by establishing well-defined community edges and appropriate transitions to urban land uses in the MCP Area while mitigating and minimizing impacts on agricultural operations.
- e) Provide opportunities for the establishment of land uses, businesses, industries, and facilities in the MCP Area that will support the agricultural sector, and enhance Smithville's role as a service centre by providing regional transportation connectivity and efficient goods movement corridors.
- f) Identify and designate a linked Natural Heritage System and direct the manner in which it will be protected, restored, and enhanced while promoting environmental stewardship and watershed management.
- g) Identify the conceptual locations for future stormwater management facilities, as informed by subwatershed planning for the MCP Area, and provide direction for addressing and managing the impacts of development through green infrastructure and low-impact development approaches, ensuring that these facilities help the community adapt to the effects of climate change.
- h) Identify the conceptual locations for future community facilities, parks, open spaces, and a well-connected active transportation and recreational trails system that will meet community needs and support access to a range of built and natural settings for active and passive recreation, education, health care, and other public and community services.
- i) Promote diversification in the local economy, and protect, reinforce, and provide for the expansion of the North-East Smithville Industrial Park as the primary location for urban employment growth in the Township.
- j) Protect corridors for future transportation facilities and other linear infrastructure needs, including potential routes for the future alternative truck route / by-pass (identified conceptually in the Niagara Region Official Plan) to support the implementation of that future by-pass.
- k) Establish a multi-modal transportation system that supports choice and efficiency through a well-connected street network, including complete streets, and identify the conceptual location

and general pattern of future streets and active transportation routes.

- l) Provide for a range and mix of housing types that meet residents' full range of housing needs while achieving minimum density targets ~~for densities~~ and ~~for the planned~~ mix of unit types.
- m) Provide for the emergence of mixed-use nodes as village centres that will serve as pedestrian-oriented neighbourhood and community focal points in central locations offering local access to retail, commercial services, community facilities, and public spaces while achieving a high level of quality for urban design.
- n) Establish new community commercial "anchors" at the north-west and south-east community gateways along Regional Road 20 (West Street and St. Catharines Street) as retail and service nodes to meet the needs of the community and of visitors.
- o) Avoid conflicts between incompatible land uses by directing development to appropriate locations that allow for the separation of incompatible uses and the provision of appropriate buffering and other mitigative measures.
- p) Direct development away from areas where natural hazards pose a risk to public safety or a risk of damage to property, buildings, and structures, and provide a framework for the further assessment of hazards and constraints on development related to flooding, erosion, and karst features particularly as those hazards are amplified by the impacts of a changing climate.
- q) Provide for the preparation of more detailed Block Plans, to be supported by Master Environmental Servicing Plans, that will facilitate the implementation of the MCP Land Use Concept; the protection, restoration and enhancement of the Natural Heritage System; and the establishment of required infrastructure and transportation systems, and clarify what is required for a complete application proposing development in the MCP Area.
- r) Ensure the logical, timely and orderly development of the MCP Area in a staged and coordinated manner that is aligned with investments in, and the timing of the development of, infrastructure and transportation systems based on and informed by the Region's and Township's Master Plans for servicing and transportation.

Commented [SW3]: Region proposed Modification #3.



#### 6.11.7.2 Land Use Plan

##### 1. Land Use Concept

The land use designations for the Smithville MCP Area are shown on Schedules “E-8” (“North Community Area”), “E-9” (“Employment Area”), “E-10” (“South Community Area”), and “E-11” (“West Community Area”) to this Plan. This section of the MCP focuses on the designations listed under “Urban Place-Types” on the aforementioned Schedules, which consist of the following place-types:

- Residential;
- Medium Density;
- Commercial;
- Mixed Use Node;
- Open Space;
- Employment; and
- Restricted Employment.

All of the “place-types” are land use designations.

The “Mixed Use Node” and “Restricted Employment” place-types shall be interpreted as overlay designations (see Subsections 6.11.7.2.5 and 6.11.7.2.9).

Policies regarding the components of the Natural Heritage System shown on the Land Use Schedules and those identified as “Other Features” (Karst features and “Wetlands for Further Review”) can be found in Section 6.11.7.3 below. The identification of an area as a “Potential Restoration Area” indicates that the area is considered a possible alternative location for the “Recommended Restoration Area” designation (see Subsection 6.11.7.3.16). Potential Restoration Areas are subject to the policies in Subsection 6.11.7.3.16. Karst features are considered Natural Hazard features and as such are subject to the policies in Subsection 6.11.7.3.17.

Policies regarding “Infrastructure / Corridors” identified on the Land Use Schedules can be found in Section 6.11.7.4 below. The areas identified as “Proposed SWM Facilities” on the schedules are the recommended ~~and preferred~~ conceptual locations for stormwater management facilities associated with future development, which will be required to conform with the policies and permitted uses for the land use designations adjacent to the Proposed SWM Facility. The precise locations of SWM facilities will be confirmed through Block

**Commented [SW4]:** Township proposed Modification #1 (requested by SGL on behalf of landowners).

Plans and the development approval process, as informed by the SWS.

Applications proposing development adjacent to the rail corridor shown on the Land Use Schedules are strongly encouraged to consider the recommendations made in the Guidelines for New Development in Proximity to Railway Operations (prepared for the Railway Association of Canada and the Federation of Canadian Municipalities) regarding the mitigation of impacts from noise and vibration and regarding other safety and security measures.

It is the intent of this Plan that all development in the Smithville MCP Area will proceed through the preparation of Block Plans in accordance with Section 6.11.7.6.1 below. Block Plans will provide refined and more specific details regarding the location, dimensions, and types of land uses in conformity with the policies and permitted uses established in this section of the MCP.

The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with applying the following policies:

- a) For the purposes of this section:
  - i. "Land Use Schedules" shall refer collectively to Schedules "E-8", "E-9", "E-10", and "E-11";
  - ii. "Place-types" and "land use designations" are synonymous, and the "Urban Place-Types", "Natural Heritage System (NHS)" and "Recommended Restoration Area" shown on the Land Use Schedules are land use designations;
  - iii. The "Mixed Use Node" and "Restricted Employment" place-types shall be interpreted as overlay designations; and,
  - iv. "the Official Plan" shall refer to the Official Plan of the Township of West Lincoln.
- b) Any area shown on one of the Land Use Schedules as being located in a Conceptual Buffer shall be considered part of the Smithville Natural Heritage System and shall be subject to the policies in Section 6.11.7.3.14 below, notwithstanding any underlying land use designation shown on the Land Use Schedules.
- c) The Smithville MCP Area will be planned to achieve an overall minimum density of 50 combined people and jobs per hectare, and the Smithville Industrial District as a designated Employment Area in the Niagara Region Official Plan shall be

planned to achieve a minimum density target of 20 jobs per hectare.

- d) The minimum density targets established in Policy No. 6.11.7.2.1.c) above should be interpreted as applying to the Smithville MCP Area or the Smithville Industrial District as a whole. Complete applications for development will be required to demonstrate that the development will achieve the target or, if the target will not be achieved by the development, that the development will not negatively affect the achievement of the target when considered in conjunction with other developments and the overall development of the MCP Area.
- e) Where a policy in this section of the Plan makes reference to building height in terms of storeys, a single "storey" should be understood as being the height defined through more specific regulations to be established in the implementing Zoning By-law.
- f) All development adjacent to the rail corridor shown on the Land Use Schedules shall comply with all applicable standards and requirements of CP Rail, Transport Canada, and any other relevant agency.
- g) Development in all land use designations shall be subject to the policies in Section 6.11.7.5 regarding community design and sustainability.
- h) Nothing in this Plan is intended to limit the ability of existing agricultural uses in the Smithville MCP Area to continue.

**Commented [SW5]:** Region proposed Modification #4. (revised "designated employment areas" to "a designated Employment Area".

**Commented [SW6]:** Region proposed Modification #5.

## 2. Residential

The "Residential" place-type is intended to provide opportunities for the development of low-rise, ground-related residential land uses at lower densities.

The following policies shall apply to those areas designated "Residential" on the Land Use Schedules:

- a) The following residential uses shall be permitted in the "Residential" designation:
  - i. single detached dwellings;
  - ii. semi-detached dwellings;
  - iii. duplex dwellings; and
  - iv. townhouse dwellings.



- b) The following shall be permitted in the “Residential” designation in conjunction with the uses permitted in Policy No. 6.11.7.2.1.a):
  - i. accessory apartments (either in the same building as the primary dwelling or in a detached building), subject to the policies in Section 17.1 of the Official Plan;
  - ii. converted dwellings, subject to the policies in Section 17.1 of the Official Plan; and
  - iii. garden suites, subject to the policies in Section 18.4 of the Official Plan.
- c) The following non-residential uses may be permitted in the “Residential” designation in conjunction with the uses permitted in Policy No. 6.11.7.2.1.a):
  - i. home occupations, provided that:
    - A) the use is clearly secondary to the primary residential use of the property;
    - B) the overall residential character of the property is maintained; and
    - C) the use complies with all relevant provisions of the Zoning By-law;
  - ii. bed-and-breakfast establishments, provided that:
    - A) the use is clearly secondary to the primary residential use of the property;
    - B) all guest rooms are contained within the same building as the principal dwelling unit;
    - C) the establishment is operated by someone who resides in the principal dwelling unit and who is present when the establishment is operating;
    - D) any additions or modifications to the property to accommodate the establishment are compatible with the residential character of the neighbourhood; and
    - E) the establishment will not have any negative impacts on the privacy of residents of adjacent properties or on their ability to enjoy their property; and
  - iii. public and private utilities, provided that:

- A) the proposed location is supported by technical reports prepared by qualified professionals;
  - B) the scale of any buildings and structures associated with the utility is compatible with the residential character of the area; and
  - C) the use will not interfere with the ability of nearby residents to enjoy their properties.
- d) The following uses may be permitted in the "Residential" designation but shall require an amendment to the Zoning By-law:
  - i. local convenience or service retail uses, provided that:
    - A) the use is small in scale and does not exceed a gross floor area of 200 m<sup>2</sup>;
    - B) the use serves the needs of the immediate neighbourhood;
    - C) the use is compatible with adjacent uses and will not detract from the overall residential character of the area; and
    - D) adequate buffering and screening will be provided between the use and adjacent residential properties;
  - ii. day-care facilities, provided that:
    - A) the property has access to a Collector Road;
    - B) the use is compatible with adjacent uses and will not detract from the overall residential character of the area;
    - C) adequate buffering and screening will be provided between the use and adjacent residential properties; and
    - D) the use is able to safely accommodate on-site drop-off and pick-up points and will be provided with sufficient parking;
  - iii. places of worship, provided that:
    - A) the property has an area no greater than 0.75 ha;
    - B) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;

- C) the use is compatible with adjacent uses and will not detract from the overall residential character;
  - D) the building in which the use is located is designed to a high standard of quality; and
  - E) extensive buffering and screening will be provided between the use and adjacent residential properties; and
- iv. educational facilities, provided that:
- A) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
  - B) the use and the scale of any buildings associated with the use is compatible with adjacent uses and will not detract from the overall residential character of the area;
  - C) Council is satisfied that the proposed use will not have any negative impacts on surrounding uses; and
  - D) adequate buffering and screening will be provided between the use and adjacent residential properties.
- e) Any land use in the "Residential" designation, other than those listed in Policy No. 6.11.7.2.2.a) above, may be subject to site plan control.
- f) Areas designated "Residential" shall be planned to achieve an overall gross density of between 15 and 20 dwelling units per hectare, which shall be implemented through the Block Plan process and shall be measured across the designated area in each Block Plan.
- g) Residential areas shall provide an appropriate mix of dwelling types in a variety of compatible sizes and styles, as determined through the Block Plan process.
- h) No building or structure in the "Residential" designation shall exceed a height of 2.5 storeys, except that this policy shall not apply to structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein.
- i) Residential uses should be designed to accommodate or facilitate the addition of an accessory dwelling unit.



- j) Development in the “Residential” designation shall be designed in accordance with the principles and policies for the “Residential Neighbourhood” character area set out in Subsection 6.11.7.5.2 below.

### 3. Medium Density

The “Medium Density” place-type is intended to provide opportunities for the development of low-rise, multi-unit residential land uses at medium densities, such as triplex, four-plex, and townhouse dwellings.

The following policies shall apply to those areas designated “Medium Density” on the Land Use Schedules:

- a) The following residential uses shall be permitted in the “Medium Density” designation:
  - i. townhouse dwellings in a variety of forms (including street, cluster, back-to-back, and stacked);
  - ii. triplex dwellings;
  - iii. four-plex dwellings;
  - iv. other forms of multi-residential development, up to six units unless otherwise approved by the Township through the implementing Zoning By-law; and
  - v. apartment buildings, subject to Policy No. 6.11.7.2.3.c) below.
- b) Single detached dwellings, semi-detached dwellings, and duplex dwellings may be permitted in the Medium Density designation, subject to Policy No. 6.11.7.2.3.c) below and provided that the overall density target established in Policy No. 6.11.7.2.3.g) is achieved.
- c) The Block Plan process will be used to determine the specific mix of housing types provided in any given development, which shall generally adhere to the following proportions:
  - i. those residential uses listed in Policy No. 6.11.7.2.3.a) above except for apartment buildings should comprise no less than 80% of all units;
  - ii. apartment buildings should comprise no more than 10% of all units; and
  - iii. the low-density residential uses referred to in Policy No. 6.11.7.2.3.b) should comprise no more than 10% of all units.

- d) The following may be permitted in the “Medium Density” designation where permitted in conjunction with the uses permitted in Policy No. 6.11.7.2.3.a) or 6.11.7.2.3.b):
  - i. accessory apartments (either in the same building as the primary dwelling or in a detached building), subject to the policies in Section 17.1 of the Official Plan;
  - ii. converted dwellings, subject to the policies in Section 17.1 of the Official Plan; and
  - iii. garden suites, subject to the policies in Section 18.4 of the Official Plan.
- e) The following uses may be permitted in the “Medium Density” designation where permitted in conjunction with the uses permitted in Policy No. 6.11.7.2.3.a) or 6.11.7.2.3.b):
  - i. communal housing, provided that:
    - A) the nature and scale of the use are compatible with adjacent uses and with the overall residential character of the area;
    - B) the development provides adequate amenity areas for residents and sufficient parking facilities for employees, residents, and visitors, as necessary; and
    - C) adequate buffering and screening is provided between the use and adjacent residential uses;
  - ii. home occupations, provided that:
    - A) the use is secondary to the primary residential use of the property;
    - B) the use maintains the overall residential character of the property and is compatible with adjacent uses; and
    - C) the use complies with all relevant provisions of the Zoning By-law;
  - iii. bed-and-breakfast establishments, provided that:
    - A) the use is secondary to the primary residential use of the property;
    - B) all guest rooms are contained within the same building as the principal dwelling unit;

- C) the establishment is operated by someone who resides in the principal dwelling unit and who is present when the establishment is operating;
    - D) any additions or modifications to the property to accommodate the establishment are compatible with the overall character of the area; and
    - E) the establishment will not have any negative impacts on adjacent properties; and
  - iv. public and private utilities, provided that:
    - A) the proposed location is supported by technical reports prepared by qualified professionals;
    - B) the scale of any buildings and structures associated with the utility is compatible with the character of the area; and
    - C) the use will not have any negative impacts on adjacent properties.
- f) The following uses may be permitted in the "Medium Density" designation but shall require an amendment to the Zoning By-law:
  - i. local convenience or service retail uses, provided that:
    - A) the use is small in scale and does not exceed a gross floor area of 200 m<sup>2</sup>;
    - B) the use serves the needs of the immediate area;
    - C) the use is compatible with adjacent uses and will not detract from the overall character of the area; and
    - D) adequate buffering and screening will be provided between the use and adjacent residential properties;
  - ii. day-care facilities, provided that:
    - A) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
    - B) the use is compatible with adjacent uses and will not detract from the overall character of the area;
    - C) adequate buffering and screening will be provided between the use and adjacent residential properties; and



- D) the use is able to safely accommodate on-site drop-off and pick-up points and will be provided with sufficient parking;
  - iii. places of worship, provided that:
    - A) the property has an area no greater than 0.75 ha;
    - B) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
    - C) the use is compatible with adjacent uses and will not detract from the overall character of the area;
    - D) the building in which the use is located is designed to a high standard of quality; and
    - E) adequate buffering and screening will be provided between the use and adjacent residential properties; and
  - iv. educational facilities, provided that:
    - A) the property has access to a Collector Road, an Arterial "B" Road, or a Rural Road;
    - B) the use is compatible with adjacent uses and will not detract from the overall character of the area;
    - C) Council is satisfied that the proposed use will not have any negative impacts on surrounding uses; and
    - D) adequate buffering and screening will be provided between the use and adjacent residential properties.
- g) Areas designated "Medium Density" shall be planned to achieve an overall gross density of between 20 and 40 dwelling units per hectare, which shall be implemented through the Block Plan process and shall be measured across the designated area in each Block Plan.
- h) No building or structure in the "Medium Density" designation shall exceed a height of 3 storeys, except that this policy shall not apply to the following:
  - i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater

height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include information to justify the additional height based on the applicable policies of this Plan.

- i) All development in the “Medium Density” designation, except for the development of a use identified in Policy No. 6.11.7.2.3.b) above, shall be subject to site plan control.
- j) Development in the “Medium Density” designation outside of the “Mixed Use Node” overlay designation shall be designed in accordance with the principles and policies for the “Residential Neighbourhood” character area set out in Subsection 6.11.7.5.2 below.

#### 4. Commercial

The “Commercial” place-type is meant to accommodate a wide range of commercial uses to meet the needs of Smithville residents, located within reasonable walking distance and developed in a manner that will contribute to the achievement of complete communities. This designation is also meant to accommodate some residential uses in dwelling units above the first floors of buildings.

The following policies shall apply to those areas designated “Commercial” on the Land Use Schedules:

- a) The following non-residential uses shall be permitted in the “Commercial” designation:
  - i. a full range of retail commercial uses;
  - ii. personal service uses and commercial service uses;
  - iii. office commercial uses;
  - iv. medical clinics, dental clinics, and other health care-related uses;
  - v. restaurants;
  - vi. hotels;
  - vii. cultural, recreational, and entertainment uses;
  - viii. community uses and institutional uses; and
  - ix. public and private utilities.
- b) The following uses may be permitted in the “Commercial” designation:
  - i. day-care facilities, provided that:

- A) the use is compatible with adjacent uses and will not detract from the overall commercial character of the area;
    - B) adequate buffering and screening will be provided between the use and adjacent commercial properties; and
    - C) the use is able to safely accommodate on-site drop-off and pick-up points and will be provided with sufficient parking; and
  - ii. public and private utilities, provided that:
    - A) the proposed location is supported by technical reports prepared by qualified professionals;
    - B) any buildings or structures associated with the utility will be compatible with the commercial character of the area; and
    - C) the use will not have any negative impacts on adjacent commercial properties.
- c) The following uses may be permitted in the "Commercial" designation but shall require an amendment to the Zoning By-law:
  - i. automotive-oriented uses, such as gas stations, automotive sales establishments, and automotive service and repair establishments, provided that:
    - A) these uses shall not be permitted in Mixed Use Nodes;
    - B) through the implementing Zoning By-law, the land area zoned for such uses does not exceed 25% of the total land area zoned for commercial land uses within the Commercial designation (excluding Mixed Use Nodes) in the MCP Area;
    - C) the use is compatible with adjacent uses and will not detract from the overall commercial character of the area; and
    - D) adequate buffering and screening will be provided between the use and adjacent commercial properties.
  - ii. places of worship, provided that:
    - A) the property has an area no greater than 0.75 ha;

- B) the use is compatible with adjacent uses and will not detract from the overall commercial character of the area; and
  - C) adequate buffering and screening will be provided between the use and adjacent commercial properties.
- d) Parking for a place of worship permitted under Policy No. 6.11.7.2.4.c).ii above may be provided through a shared parking arrangement with an adjacent commercial use through the implementing Zoning By-law and appropriate development agreements.
- e) The following uses shall not be permitted in the “Commercial” designation:
  - i. adult entertainment establishments; and
  - ii. residential uses, except within Mixed Use Nodes in accordance with Subsection 6.11.7.25.
- f) Permitted commercial uses may be located in free-standing buildings or in multi-unit commercial buildings. In Mixed Use Nodes, permitted commercial uses may be located in mixed commercial–residential buildings.
- g) All development in the “Commercial” designation shall be subject to site plan control.
- h) No building or structure in the “Commercial” designation shall exceed a height of 3 storeys except that this policy shall not apply to the following:
  - i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include information to justify the additional height based on the applicable policies of this Plan.
- i) Development in the “Commercial” designation outside of the “Mixed Use Node” overlay designation shall be designed in accordance with the principles and policies for the “Commercial” character area set out in Subsection 6.11.7.5.3 below.



## 5. Mixed Use Node

The “Mixed Use Node” place-type identifies areas meant to serve as neighbourhood focal points, accommodating a mix of compatible residential, commercial, and community uses. Most of the Mixed Use Nodes in the Smithville MCP Area are centrally located to serve as walkable destinations. There are also some Mixed Use Nodes located along key corridors or at community gateways.

The “Mixed Use Node” designation is an overlay designation, with areas classified as either “Commercial Mixed Use Nodes” or “Medium-Density Mixed Use Nodes,” as determined by the underlying place-type designation.

The following policies shall apply to those areas designated “Mixed Use Node” on the Land Use Schedules:

- a) For the purposes of this section of the Plan:
  - i. “Commercial Mixed Use Node” shall refer to any area shown on the Land Use Schedules that is designated “Commercial” and is located within an area designated “Mixed Use Node”; and
  - ii. “Medium-Density Mixed Use Node” shall refer to any area shown on the Land Use Schedules that is designated “Medium Density” and located within an area designated “Mixed Use Node”.
- b) The policies that apply to the underlying land use designation shall also apply to the “Mixed Use Node” designation, except that where a policy that applies to the underlying land use designation conflicts with a policy contained in this section (Section 6.11.7.2.5) of the Plan, the policy in this section shall prevail.
- c) The uses permitted in the “Mixed Use Node” designation shall be those permitted in the underlying designation.
- d) Notwithstanding Policy No. 6.11.7.2.5.c), the implementing Zoning By-law may permit the following non-residential uses in a Medium-Density Mixed Use Node:
  - i. small-scale retail commercial uses;
  - ii. personal service commercial uses;
  - iii. small-scale office commercial uses;
  - iv. live-work units; and
  - v. community uses.

- e) For the purposes of Policy No. 6.11.7.2.5.d), the meaning of "small-scale" shall be determined as part of the implementing Zoning By-law which shall establish provisions to regulate the size of retail commercial and office commercial uses so that they are secondary to the primary residential uses and based on information demonstrating that they will support the planned function, viability and successful integration of compatible uses in the Medium-Density Mixed Use Node.
- f) Notwithstanding Policy No. 6.11.7.2.5.c), the implementing Zoning By-law may permit residential uses in a Commercial Mixed Use Node, except that:
  - i. single detached dwellings, semi-detached dwellings, and duplex dwellings shall not be permitted in any Commercial Mixed Use Node; and
  - ii. no residential use shall be permitted on the ground floor of a building in a Commercial Mixed Use Node, unless the residential use in question is:
    - A) a communal housing use; or
    - B) an apartment building.
- g) Commercial Mixed Use Nodes should feature a mix of uses that generally adheres to the following proportions:
  - i. commercial uses should comprise between 75% and 85% of the gross floor area of development; and
  - ii. residential uses should comprise between 15% and 25% of the gross floor area of development.
- h) Residential uses in the Commercial Mixed Use Nodes may consist of buildings with dwelling units such as apartments and live-work units that are located on floors above the ground floor and/or separate commercial and residential buildings on the same site provided that
  - i. if separate commercial and residential buildings are proposed, the ground floor area of residential building(s) shall not exceed the lesser of the commercial ground floor area or 15% of the total net developable land area of the site;
  - ii. if separate commercial and residential buildings are proposed, the residential building(s) shall be for one or more uses permitted by Policy No. 6.11.7.2.5.f); and,

- iii. if shared parking provisions are proposed these requirements shall be established in the implementing Zoning By-law.
- i) Medium-Density Mixed Use Nodes should feature a mix of uses that generally adheres to the following proportions:
  - i. residential uses should comprise between 75% and 85% of the gross floor area of development, with a mix of unit types similar to that described in Policy No. 6.11.7.2.3.c) above; and
  - ii. commercial uses should comprise between 15% and 25% of the gross floor area of development, provided that stand alone commercial uses shall not exceed 15% of the net developable land area of the site.
- j) The proportions set out in Policy No. 6.11.7.2.5.g) and Policy No. 6.11.7.2.5.i) above are intended as general targets, shall not be used as the sole basis for refusing a development application, and shall be more specifically set out in the implementing Zoning By-law. The provisions of the Zoning By-law may vary from the proportions set out in Policy No. 6.11.7.2.5.g) and Policy No. 6.11.7.2.5.i) above and may differ by location if alternative proportions are justified based on information demonstrating that:
  - i. the proposed alternative to the development proportions set out in Policy No. 6.11.7.2.5.g) will support the planned function, viability and successful integration of compatible uses in the Commercial Mixed Use Node primarily for permitted commercial uses and secondarily for permitted residential uses;
  - ii. the proposed alternative to the development proportions set out in Policy No. 6.11.7.2.5.i) above will support the planned function, viability and successful integration of compatible uses in the Medium-Density Mixed Use Node primarily for permitted residential uses and secondarily for permitted commercial uses; and,
  - iii. the development is in keeping with the other applicable policies of this Plan.
- k) Medium-Density Mixed Use Nodes shall be planned to achieve an overall gross density of between 20 and 40 dwelling units per hectare, which shall be implemented through the Block Plan process and shall be measured across the designated area in each Block Plan.

- l) No building or structure in the “Mixed Use Node” designation shall exceed a height of 3 storeys except that this policy shall not apply to the following:
  - i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include information to justify the additional height based on the applicable policies of this Plan.
- m) Development in the “Mixed Use Node” designation shall be designed according to the principles and policies for the “Mixed Use Neighbourhood Node” character area set out in Subsection 6.11.7.5.4 below.
- n) Parking for developments within Mixed Use Nodes may be provided through shared parking arrangements through the implementing Zoning By-law and appropriate development agreements.

#### 6. Open Space

The “Open Space” place-type is intended to accommodate a range of outdoor recreation facilities and amenities to support both active and passive recreation uses. These areas will help establish a connected public open space system, and are further intended to provide opportunities for community greening, green infrastructure, and enhanced tree canopy coverage.

The following policies shall apply to those areas designated “Open Space” on the Land Use Schedules:

- a) The following uses shall be permitted in the “Open Space” designation:
  - i. public parks, trails, and associated buildings and structures;
  - ii. a range of active and passive recreation uses; and
  - iii. conservation uses and natural areas, including those intended to protect, restore, or enhance features of the Natural Heritage System.
- b) Public and private utilities may be permitted in the “Open Space” designation, provided that:



- i. the proposed location is supported by technical reports prepared by qualified professionals; and
  - ii. the use will not interfere with public enjoyment of the area or have any negative impacts on natural heritage features.
- c) Development and land uses in the “Open Space” designation shall be designed in accordance with the principles and policies for the “Residential Neighbourhood” character area set out in Subsection 6.11.7.5.2 below.
- d) As shown on the Land Use Plan, the conceptual locations for a total of eight (8) future Neighbourhood Parks (NP1 to NP8) are shown within the “Open Space” designation with an associated 400-metre (approximately 5-minute walking distance) to illustrate the approximate number, location, size and distribution of Neighbourhood Parks intended to service the planned population growth within the Secondary Plan Area. The final number, location, size and distribution of new Neighbourhood Parks and other parks within the Secondary Plan Area shall be determined through the Block Plan process which may refine the Neighbourhood Parks shown on the Land Use Plan, subject to the following:
  - i. The minimum number of new Neighbourhood Parks provided shall be no less than eight (8) as shown on the Land Use Plan, with an overall target provision level of 1.0 hectare of parkland per 1,000 residents;
  - ii. Neighbourhood Parks shall be centrally located within the surrounding neighbourhood to support convenient access and based on the following criteria:
    - A) highly visible street frontage on at least one adjoining street shall be provided along at least one quarter of the park perimeter;
    - B) adjacent to schools and/or other community facilities where possible;
    - C) with a target service area radius of 400 metres or a 5-minute walking distance from surrounding residential areas; and,
    - D) where the adjoining street layout and walkways support direct walking and cycling routes to the park;
  - iii. Neighbourhood Parks should have a minimum park area of approximately 1 hectare and may be up to 3 hectares

in size to support a range of local park facilities and amenities, and the Township may accept smaller parkettes that are provided in addition and supplementary to the required Neighbourhood Parks to enhance geographic access to parkland and connectivity of the overall parks and open space system and to support the achievement of the overall target parkland provision level.

- e) The location of the existing Leisureplex Township Park is depicted within the “Open Space” designation on the Land Use Plan and is intended to continue to function as the primary location for major outdoor recreational facilities for the entire Township. To contribute to addressing the needs of the growing community and as the adjoining neighbourhoods develop, the Township may improve, expand or otherwise change the range and type of public recreational facilities and complementary uses, buildings and structures within the Leisureplex site based on a Parks Master Plan or similar initiative. Adjoining lands shall be developed in a manner that maintains and contributes to convenient access to the Leisureplex via walking and cycling and by providing an additional street access via Street D.

#### 7. Community Facility

The “Community Facility” place-type is intended to accommodate a range of community facilities that play an important role in civic life. These places are often at the heart of community activities and host social events for people of all ages, abilities, and cultural backgrounds.

The following policies shall apply to those areas designated “Community Facility” on the Land Use Schedules:

- a) The following uses shall be permitted in the “Community Facility” designation:
  - i. schools and other educational facilities;
  - ii. libraries;
  - iii. community centres;
  - iv. cultural and recreational facilities;
  - v. places of worship;
  - vi. parks; and
  - vii. other similar uses and facilities as may be defined in the implementing Zoning By-law.

- j) No building or structure in the “Community Facility” designation shall exceed a height of 3 storeys except that this policy shall not apply to the following:
  - i. structures that have specific relief or exemption from the maximum height regulations of the Zoning By-law as set out therein;
  - ii. buildings and structures for which a site-specific amendment to the Zoning By-law permits a greater height, but such an amendment shall not permit a height greater than 4 storeys, and the application shall include information to justify the additional height based on the applicable policies of this Plan.
- b) Development in the “Community Facility” designation shall be designed according to the principles and policies for the “Mixed Use Neighbourhood Node” character area set out in Subsection 6.11.7.5.4 below.
- c) The Township will work with the School Boards to determine the need for new schools and the number and final location, size, distribution and other aspects of new school sites and school facilities based on planned growth and development in the Secondary Plan Area. Where the need for additional school facilities is identified through consultation with the Boards of Education, the Township will encourage the Board(s) to locate the school site(s) within the “Community Facility” designation.

#### 8. Employment

The “Employment” place-type is intended to serve as an extension of Smithville’s existing North-East Industrial Park, which is a designated Employment Area in the Niagara Region Official Plan, and to provide a land base for a range of industrial, office, and other ancillary and supportive uses.

The following policies shall apply to those areas designated “Employment” on the Land Use Schedules:

- a) The following uses shall be permitted in the “Employment” designation:
  - i. industrial uses, including manufacturing, processing, servicing, warehousing, and the storage of goods and raw materials;
  - ii. data processing, laboratories, and research and development facilities;
  - iii. agricultural services;

Commented [SW7]: Region proposed Modification #6.

- iv. offices associated with and ancillary to a permitted use in Policy No. 6.11.7.2.8.a)i, 8.a)ii. and 8.a)iii;
  - v. ~~business parks, including professional and administrative offices, but excluding major offices.~~ provided that these offices are secondary to the primary core employment uses planned for the employment area; and,
  - vi. such other uses as may be permitted by the implementing Zoning By-law.
- b) Ancillary uses and facilities that are supportive of the overall employment area may be permitted in the "Employment" designation, provided that such uses and facilities:
- i. are compatible with permitted employment uses;
  - ii. will not hinder the establishment, ~~or continuation or expansion~~ of any permitted employment use by virtue of sensitivity or other factors; and
  - iii. will support, or will not detract from, the overall functioning and viability of the area as an employment area.
- c) Retail sales that are ancillary to a permitted employment use may be permitted in the "Employment" designation, provided that the goods for sale are manufactured or processed on-site. Stand-alone and major retail and major commercial uses shall not be permitted.
- d) All development on lands designated "Employment" shall be subject to site plan control.
- e) Development in the "Employment" designation shall be designed according to the principles and policies for the "Urban Employment" character area set out in Subsection 6.11.7.5.5 below.

Commented [SW8]: Region proposed Modification #7.

Commented [SW9]: Region proposed Modification #8.

#### 9. Restricted Employment

The "Restricted Employment" place-type is an overlay designation that has been applied to a small area at the southeasterly corner of the North Community Area, as shown on Schedule "E-8". The purpose of this designation is to limit the types of employment uses permitted to those that will be compatible with adjacent residential areas. This designation is also intended to provide for an appropriate transition between the residential areas to the west and the larger employment area to the east.



The following policies shall apply to those areas designated "Restricted Employment" on the Land Use Schedules:

- a) The following uses shall be permitted in the "Restricted Employment" designation:
  - i. automotive-related uses, including car wash facilities;
  - ii. automobile sales establishments;
  - iii. business parks;
  - iv. commercial recreational facilities;
  - v. financial institutions;
  - vi. health clubs;
  - vii. light industrial and prestige industrial uses, including light manufacturing, processing, servicing, warehousing, and the storage of goods and raw materials;
  - viii. local convenience/retail uses;
  - ix. nurseries and garden centres;
  - x. data processing, laboratories, and research and development facilities;
  - xi. professional and administrative offices;
  - xii. agricultural services; and
  - xiii. such other uses as may be permitted by the implementing Zoning By-law.
- b) All development on lands designated "Restricted Employment" shall be subject to site plan control.
- c) Loading and outdoor storage areas shall be screened and generally directed towards the rear of buildings away from street frontages.
- d) The Township will encourage buildings with continuous street frontage to promote a consistent urban character, and enhanced building and landscape design of visible gateway and prestige sites.
- e) Development in the "Restricted Employment" designation shall be designed according to the principles and policies for the "Urban Employment" character area set out in Subsection 6.11.7.5.5 below.

10. Special Policy Area 1 (Agriculture-Related Uses)

Special Policy Area 1 consists of approximately 132 hectares of land on the south side of Young Street, from South Grimsby Road 6 to about 420 metres east of Thirty Road. This area is located just to the north of the North Community Area and includes the lands within the hydro right-of-way. These lands are designated "Good General Agricultural" with portions being located with the Natural Heritage System.

Special Policy Area 1 is intended to support rural economic development and to provide employment opportunities in the agricultural sector. Land uses in this area will support to continued viability and vitality of farming in the Township of West Lincoln and in Niagara Region. In particular, these lands are envisioned as accommodating uses that will benefit from a central location at the edge of Smithville that has access to primary goods movement corridors.

- a) The following land uses shall be permitted in "Special Policy Area 1":
  - i. agriculture-related uses, including the sales and servicing of farm equipment and the processing of food and agricultural products;
  - ii. agricultural uses; and
  - iii. on-farm diversified uses.
- b) Passive recreation uses, including multi-modal trails and other facilities and infrastructure for active transportation, may be permitted in Special Policy Area 1, in accordance with the conceptual alignment for such facilities shown on Schedule "E-13" to this Plan.
- c) Development permitted in Special Policy Area 1 shall be limited to that which can be supported by rural services.
- d) All development and land uses in Special Policy Area 1 shall be designed:
  - i. to ensure compatibility with nearby sensitive land uses;
  - ii. to maintain the area's rural character;
  - iii. to avoid negative impacts on natural heritage features and to mitigate any such impacts to the fullest possible extent; and

- iv. to minimize the potential of any adverse impacts on farm operations in the area and to mitigate any such impacts to the fullest possible extent.

11. Special Policy Area 2 (Limited Permitted Uses/Urban Infrastructure)

Special Policy Area 2 is located at the westerly edge of the North Community Area, as shown on Schedule “E-8” to this Plan. The purpose of Special Policy Area 2 is to limit permitted uses within the designated area until such time as the livestock operation at 6817 Highway 20 ceases to operate or it is demonstrated through future MDS analysis that a reduced MDS setback is justified based on changes to the livestock operation and/or intervening land uses provided that no urban community uses shall be permitted within the new MDS setback, while providing for the establishment of urban infrastructure to support the development of Blocks 1 and 2 for their intended urban uses.

- a) The uses permitted in “Special Policy Area 2” shall be limited to the following:
  - i. public roads, trails, and multi-use pathways;
  - ii. public utilities and other forms of linear infrastructure;
  - iii. stormwater management facilities; and
  - iv. public open space uses that do not involve a sensitive land uses.
- b) Nothing in Policy No. 6.11.7.2.11.a) is intended to hinder the ability of existing agricultural uses to continue.

6.11.7.3 **Natural Heritage System**

1. Natural Heritage System Context & Subwatershed Study

The Natural Heritage System (NHS) for Smithville including the MCP Area was identified primarily through the Subwatershed Study (SWS) undertaken as part of the MCP and in fulfillment of the requirements set out in Section 3.2.3 of the Niagara Region Official Plan. The SWS process involved a review of the existing policies in the Township of West Lincoln’s Official Plan alongside regional and provincial policies, as well as field surveys to identify significant and sensitive features in the Smithville MCP Area.

The Township’s overall NHS is considered part of Niagara Region’s Natural Environment System, as defined in the Niagara Region Official Plan and as represented by the “Natural Environment System Overlay” designation shown on Schedule “C1” to the Niagara Region Official Plan. Those portions of the Region’s Natural Environment

System that are located within settlement areas, which includes the Smithville MCP Area, are subject to the policies in Section 3.1.9 of the Niagara Region Official Plan. The NHS identified through the SWS has refined the limits and boundaries of the areas designated by the Region, in accordance with Section 3.1.4 of the Niagara Region Official Plan.

According to Section 3.1.1.2 of the Niagara Region Official Plan, the components of the Region's Natural Environment System also include groundwater features (such as recharge areas and aquifers), surface water features, and other features that serve hydrologic functions. The SWS has identified the locations of such features within the Smithville MCP Area.

The NHS for Smithville including the MCP Area is shown on Schedule "E-12" to this Plan. The NHS consists of the following components:

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

The policies presented below shall apply to all lands in the NHS for the settlement area of Smithville including the MCP Area. These policies are meant to work in harmony with those set out in other sections of the Official Plan, in particular those contained in Section 10 ("Natural Environment") and Section 11 ("Watershed Planning"). Specifically, the SWS and the NHS for Smithville including the policies of this Section are intended to:

- Support the achievement of the following objectives of this Plan within the Smithville Urban Area:
  - Section 10.2.1 ("Objectives for a Healthy Landscape");
  - Section 10.3.1 ("Objectives" for Natural Vegetation and Wildlife)
  - Section 10.4.1 ("Objectives" for Water Resources)



- Section 10.6.1 (“Objectives” for Natural Hazards)
- Section 10.7.1 (“Objectives” for the Core Natural Heritage System); and,
- Section 11.2 (“Objectives for Watershed Planning”);
- Further detail and support the appropriate application and implementation of the following policies of this Plan within the Smithville Urban Area:
  - Section 10.2.2 (“Policies for a Healthy Landscape”);
  - Section 10.3.2 (“Policies” for Natural Vegetation and Wildlife) including but not limited to the achievement of the coverage target identified in Section 10.3.2 (a) and the naturally vegetated buffers identified in Section 10.3.2 (b) through the implementation of the SWS and also through voluntary landowner stewardship and restoration;
  - Section 10.4.2 (“Policies” for Water Resources);
  - Section 10.6.2 (“Policies for Natural Hazards”);
  - Section 10.7.2 (“Policies” for the Core Natural Heritage System); and,
  - Section 11.3 (“Policies for Watershed Planning”).

To support the achievement of the Township-wide coverage target in Section 10.3.2 (a) of this Plan, within the Smithville MCP Secondary Plan Area the area included as natural cover is not limited to woodlands and wetlands. The SWS and the NHS policies recognize and support the protection, restoration, enhancement and integration of additional features and areas and their contributions to achieving natural cover, and includes all components of the NHS as well as complementary public open spaces including parks, trails, green infrastructure corridors and stormwater management facilities where these additional areas overlap or are located adjacent to the NHS. The intent is to allow for refinement of the limits of the NHS in specific areas based on more detailed studies while supporting the achievement of the overall natural cover target across the Smithville MCP Secondary Plan Area, based upon the SWS and in keeping with the policies of this Plan. The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with the following principles/objectives and applying the following policies:

## 2. Principles / Objectives

This objectives for the NHS for the Smithville settlement area including the MCP Area are as follows:

- a) Identify, plan for, and protect a robust NHS, including Core Areas, Buffers, Linkages and Restoration Areas, that will contribute to the creation of a complete and resilient community and achieving the natural cover target, while helping mitigate climate change.
- b) Protect, and where possible enhance and restore, high-quality habitats that accommodate a diverse range of flora and fauna, including rare and significant species.
- c) Ensure that the water budget of important natural heritage and water resource features is maintained to support those features post-development.
- d) Provide buffers that will protect key natural heritage features and their functions.
- e) Ensure that connectivity between key natural heritage features is maintained.
- f) Identify and plan for suitable areas to be restored to a natural state, including Recommended Restoration Areas, while providing for some flexibility in their location and extent, to enhance the functions and connectivity of the overall NHS, provide a range of ecological benefits. These areas will contribute towards achieving the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).

### 3. Interpretation

For the purposes of Section 6.11.7.3:

- a) "adjacent to a wetland" shall refer to lands that are located:
  - i. within 120 metres of:
    - A) a significant wetland;
    - B) a wetland that is not considered significant that has an area of more than 2 hectares; or
    - C) an unevaluated wetland that has an area of more than 2 hectares; or
  - ii. within 30 metres of:
    - A) a wetland that is not considered significant that has an area of 2 hectares or less; or
    - B) an unevaluated wetland that has an area of 2 hectares or less.

- b) "key natural heritage feature" shall have the same meaning as it does in the Region of Niagara's Official Plan, as amended;
- c) "Ministry of the Environment" shall refer to the Ministry presided over by the Minister responsible for the administration of the *Ministry of the Environment Act* (R.S.O. 1990, c. M.24);
- d) "Ministry of Natural Resources" shall refer to the Ministry presided over by the Minister responsible for the administration of the *Ministry of Natural Resources Act* (R.S.O. 1990, c. M.31).
- e) "natural cover target" shall mean the percentage of the total land area within the Smithville MCP Secondary Plan Area that is intended to be maintained in or restored to a natural state inclusive of the NHS and which may also include parks, trail corridors, green infrastructure-utility/servicing corridors and stormwater management facilities where these additional areas overlap or are located adjacent to the NHS, being the target identified in the SWS pursuant to support the achievement of the Township-wide coverage target in Section 10.3.2 (a) of this Plan.
- f) "significant wetland" shall mean a provincially significant wetland (PSW);
- g) "unevaluated wetland" shall mean a wetland that has been assessed as meeting the definition of "wetland" set out in the Conservation Authorities Act but that has not yet been evaluated in accordance with Provincial standards;
- h) "wetland" shall mean a wetland as that term is defined in the *Conservation Authorities Act*;
- i) "Wetland for Further Review" shall mean an area that might be a wetland but that has not been assessed or evaluated; and
- j) "wetland that is not considered significant" shall mean a wetland that has been evaluated in accordance with Provincial standards but is not a PSW.

**Commented [SW10]:** Township proposed Modification #2 (to assist with addressing/responding to SGL comments on behalf of landowners). This definition allows for refinement based on including parks, trails, green utility/servicing corridors and SWM facilities in the natural cover calculation.

#### 4. General Policies

- a) Notwithstanding the boundaries of the Smithville MCP Area, the NHS shown on Schedule "E-12" is intended as the NHS for the entire Smithville Urban Area, including the Smithville MCP. As such, the policies of this subsection apply to all land within the Smithville Urban Area, including the Smithville MCP Area, except where otherwise indicated, and shall be read and applied in conjunction with those contained in Section 10

("Natural Environment") and those of the other Secondary Plans, as applicable.

- b) Where the policies of this subsection conflict with those in Section 10, the policies of this subsection shall prevail.
- c) Where Schedule "E-12" and/or the NHS policies of this subsection conflict with the policies and/or mapping of any other approved Secondary Plans for land within the Smithville Urban Area, the policies and mapping of the other approved Secondary Plan shall prevail. If any future Secondary Plans are adopted for land within the Smithville Urban Area, those Secondary Plans shall conform with the NHS shown on Schedule "E-12" unless otherwise approved by the Township as part of the Secondary Plan process and implementing Official Plan Amendment.
- d) Within the MCP Area, the boundaries of the NHS shown on Schedule "E-12" will be confirmed and may be refined through the Block Plan process as determined through the preparation of the required Master Environmental Servicing Plan (MESP) and Environmental Impact Study (EIS). The extent of refinement that may be permitted shall be determined based upon the EIS and in a manner that contributes to the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e).-  
Where refinements to the boundaries of the NHS or Natural Hazards are approved by the Township, the refinement shall be deemed to be a refinement of the boundary between the NHS or Natural Hazards, as applicable, and the adjoining land use designation shown on the Land Use Plan (Schedules "E-8" to "E-11"). The adjoining land use designation shall apply to any areas removed from the NHS or Natural Hazard shown on the Land Use Plan as a result of approved boundary refinements.
- e) Any EIS required under the policies of this Plan shall be prepared in accordance with the policies in Section 10.8 of the Official Plan and based upon the SWS.
- f) No work required as part of an EIS shall proceed until a terms of reference for such work has been approved by the Township, the Region, and the NPCA.
- g) Future studies that refine the NHS shown on Schedule "E-12" shall identify any additional natural heritage features, appropriate buffers, linkages, or restoration areas that should be considered. Where an EIS or other site-specific study has identified a natural feature that meets the appropriate criteria, and such feature is not shown as a component of the NHS on

**Commented [SW11]:** Township proposed Modification #3 (to improve clarity and consistency of policies with respect to future refinements of the mapping of the NHS).



Schedule “E-12”, the natural feature shall be subject to the applicable policies of this Plan.

- h) Any refinements to the boundaries of Linkage Areas or Recommended Restoration Areas resulting from future studies as described in Policy No. 6.11.7.3.4.g) should be made in a manner that ~~ensures the overall land area occupied by such Areas in the NHS is maintained or increased~~ maintains or enhances their ecological functions and contributes to the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e).
- i) No refinements or adjustments to the boundaries of the NHS shown on Schedule “E-12” shall be approved unless the Township and Region have each been provided with a georeferenced shape-file in a standard format that is acceptable to the Township and the Region.
- j) The NHS shall be retained within appropriately sized property boundaries and shall not be further fragmented in ownership. Where possible, the consolidation of ownership of features into larger land holdings will be encouraged, and lot creation will not be permitted within the NHS except to facilitate the conveyance of a feature to public ownership and/or to accommodate required roads and infrastructure.
- k) Crossings of roads and infrastructure, where necessary, should be aligned at the narrowest part of NHS, perpendicular to watercourses, and located and designed to:
  - i. minimize the width of crossings;
  - ii. maximize the span of crossings over watercourses where appropriate and financially feasible;
  - iii. consider fluvial geomorphological design requirements;
  - iv. consider the impacts of crossings and properties upstream on flood hazards;
  - v. consider wildlife movement underneath crossings;
  - vi. consider wildlife road mortality;
  - vii. consider the naturalization of areas used for infrastructure crossings to the greatest extent possible; and
  - viii. minimize maintenance requirements.
- l) Residential development, where permitted on land adjacent to the NHS, will be subject to requirements for the provision of

**Commented [SW12]:** Township proposed Modification #4 (to assist with addressing/responding to SGL comments on behalf of landowners). Added reference to natural cover target with the intent that Linkage Areas or Recommended Restoration Areas may be refined (i.e. adjustments to locations, boundaries, shape) but not reduced in overall land area unless the natural cover target is maintained.

fencing or other appropriate delineation and separation between the residential use and the NHS, especially where the rear yards of residential dwellings abut the NHS. Such requirements are to be set out through conditions of development approval and in development agreements.

#### 5. Core Areas

The Core Areas of the Smithville NHS consist of significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, and habitat of endangered species and threatened species. These features are identified by the "Core Area" designation on Schedule "E-12" to this Official Plan. Provincially Significant Wetlands, although shown separately on Schedule "E-12", are within the Core Area designation and are part of the NHS.

- a) No development or site alteration shall be permitted in any area designated as a "Core Area" on Schedule "E-12" to this Official Plan, except in accordance with the policies in this section of the Plan.
- b) No development or site alteration shall be permitted in the following features in the Core Area:
  - i. significant wetlands; or
  - ii. significant woodlands.
- c) No development or site alteration shall be permitted in any of the following features unless an Environmental Impact Study has demonstrated, to the satisfaction of the Township, Niagara Region, and any other approval authority, that there will be no negative impacts on the feature or its ecological functions:
  - i. significant valleylands;
  - ii. significant wildlife habitat;
  - iii. wetlands that are not considered significant;
  - iv. woodlands that are not considered significant; or
  - v. significant areas of natural or scientific interest (ANSIs), should any be identified or designated.
- d) No development or site alteration shall be permitted in any of the following features, except in accordance with provincial and federal requirements:
  - i. fish habitat; or
  - ii. habitat of endangered species and threatened species.

- e) Notwithstanding Policy Nos. 6.11.7.3.5.b), c) and d) above, the following uses are not considered as development and may be permitted as follows:
  - i. forest management, fisheries management, and wildlife management, subject to the approval of the Township in consultation with Niagara Region and the NPCA;
  - ii. conservation projects, flood control projects, and erosion control projects, as approved by the Township in consultation with the Region and the NPCA, provided that it has been demonstrated that the project is necessary to maintain the public interest and all alternatives have been considered;
  - iii. activities that create or maintain infrastructure authorized under an environmental assessment, including a Class Environmental Assessment, completed in accordance with the *Environmental Assessment Act*; and
  - iv. small-scale structures for passive recreational uses, such as boardwalks, footbridges, and picnic facilities, provided that the Township, in consultation with the Region and the NPCA, is satisfied that the number of such structures will be minimized and that there will be no negative impacts on Core Area features or their functions.
- f) Where development or site alteration is permitted in accordance with Policy No. 6.11.7.3.5.c) or No. 6.11.7.3.5.d), then the permitted uses shall be those permitted by the land use designation (or designations) adjoining the feature.
- g) The determination of the applicable land use designation(s) under Policy No. 6.11.7.3.5.f) will be made at the Block Plan stage, where applicable, and the specific uses permitted will be established in the implementing Zoning By-law.
- h) The expansion of an existing building or structure, or the conversion of a legally existing use to a use that has less of an impact on Core Area features, may be permitted, provided that the building, structure, or use does not expand into a Core Area feature.
- i) The expansion of, or the making of alterations to, an existing building or structure for an existing agricultural use, agriculture-related use, or on-farm diversified use, or the expansion of an existing residential dwelling, may be permitted in the Core Area, provided that:
  - i. there is no alternative to the proposed expansion or alteration;

- ii. the extent to which the expansion or alteration occurs in Core Area features is minimized, notwithstanding Policy No. 6.11.7.3.5.f) above; and
    - iii. the impact of the proposed expansion or alteration on Core Area features and their ecological functions is minimized and mitigated to the fullest possible extent.
  - j) Block Plans proposing development adjacent to a Core Area feature shall include an EIS as part of the required MESP in accordance with the policies of this Plan.
  - k) Applications proposing development adjacent to a Core Area feature shall be required to include a scoped EIS as part of a complete application, in keeping with the EIS prepared for the Block Plan area and to further demonstrate that the requirements of this Plan are met based on the details of the proposed development and its potential impacts.
  - l) For the purposes of this section of the Plan, “adjacent” shall be defined as referring to all lands that are located:
    - i. within 120 metres of a significant wetland or a significant woodland;
    - ii. within 50 metres of significant valleylands, significant wildlife habitat, habitat of endangered species or threatened species, an ANSI (should any be designated), or a woodland that is not considered significant; or
    - iii. within 30 metres of fish habitat (top of bank) or a wetland that has been evaluated and is not considered significant.
  - m) Notwithstanding Policy No. 6.11.7.3.5.k) above, applications proposing a new building or structure for an existing agricultural use, agriculture-related use, or on-farm diversified use shall not be required to complete an EIS if the proposed building or structure will be provided with a buffer that is at least 30 metres wide from the adjacent feature.
6. Wetlands
- a) All development or site alteration in or adjacent to a wetland shall be subject to the regulations and policies of the Niagara Peninsula Conservation Authority (NPCA) and shall require the approval of the NPCA.
  - b) Applications proposing development or site alteration adjacent to a wetland shall be required to undertake a wetland water balance assessment to ensure that the water balance for each wetland unit is maintained to pre-development conditions.



Where possible, wetland water balance assessments should be completed at the Block Plan stage through the MESP.

- c) Any Environmental Impact Study required for development proposed adjacent to a significant wetland shall be undertaken in consultation with the Township, Niagara Region, the NPCA and other review agencies.
- d) Information on wetlands and surveyed wetland boundaries obtained through an EIS or other site-specific study should be provided to the Ministry of Natural Resources (MNR) to allow for updates to the Lower Twenty Mile Creek wetland evaluation.

#### 7. Wetlands for Further Review

- a) Certain areas are identified on Schedule "E-12" as "Wetlands for Further Review". While these features are not necessarily considered to be part of the Core Area, they are nonetheless subject to the applicable policies of this subsection of the Plan.
- b) Any area that possesses characteristics suggesting it could potentially be identified as a wetland shall be considered a "Wetland for Further Review", regardless of whether the area is identified as such on Schedule "E-12".
- c) Where a "Wetland for Further Review" is also identified in the Niagara Region Official Plan as an "other wetland", the feature shall be deemed to have been assessed as meeting the definition of a "wetland" under Policy No. 6.11.7.3.7.d) below and shall be subject to Policies Nos. 6.11.7.3.7.e)–6.11.7.3.7.h).
- d) Proponents of development on lands that contain all or part of a "Wetland for Further Review" shall be required to complete a wetland assessment for the purpose of determining whether that feature meets the definition of "wetland" (as defined in the *Conservation Authorities Act*) and/or the criteria of Other Wetland as defined by the Niagara Region Official Plan. The making of this determination will be required at the Block Plan stage, where applicable.
- e) Where a wetland assessment has determined that a "Wetland for Further Review" meets the definition of "wetland," no further development shall be approved on the lands containing all or part of that feature until the wetland has been evaluated in accordance with Provincial standards.
- f) Where it has been determined that a "Wetland for Further Review" is a significant wetland, the proponent may be required

to incorporate linkages connecting the feature to the larger NHS as part of the Block Plan and to implement such linkages as a condition of development approval. The determination of whether linkages are required shall be based upon an EIS which evaluates the need for linkages to provide physical and functional connections between the significant wetland and the larger NHS to maintain or enhance the ability of various species to move between habitats.

- g) Where a "Wetland for Further Review" has been evaluated and is determined to be a wetland that is not considered significant, development and site alteration may be permitted in or adjacent to the feature, subject to the applicable policies of this Plan and to the approval of the Township in consultation with the Region and the NPCA and which may include the requirement for wetland compensation as determined in accordance with NPCA policies. Such wetlands may be regulated by the NPCA.
- h) Where development or site alteration is permitted under Policy No. 6.11.7.3.7.g), the permitted uses shall be those permitted by the adjoining land use designation (or designations).

#### 8. Woodlands

- a) Significant woodlands have been identified as Core Area features of the Smithville NHS and shall be preserved.
- b) All development shall comply with the Regional Municipality of Niagara's Woodland Conservation By-law No. 2020-79 or any successor thereto and with the Region's policies for "other woodlands," as set out in the Region of Niagara Official Plan.
- c) Block Plans proposing development adjacent to a significant woodland shall include an EIS as part of the required MESP in accordance with the policies of this Plan and in consultation with the Township, Niagara Region, and other review agencies.
- d) Applications proposing development adjacent to a significant woodland shall be required to include a scoped EIS as part of a complete application, in keeping with the EIS prepared for the Block Plan area and to further demonstrate that the requirements of this Plan are met based on the details of the proposed development and its potential impacts.
- e) Any development that proposes the removal of trees shall be required to prepare a Tree Preservation Plan in accordance with the Region's Woodland Conservation By-law and to the satisfaction of the Township, as a condition of approval.

- f) In determining the extent of tree removal that may be permitted, Tree Preservation Plans shall be used in conjunction with an EIS and other supporting information to demonstrate that the development will contribute to, or will not conflict with, the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).
  - g) Proponents of development adjacent to a woodland that is not considered a significant woodland shall be required to undertake an EIS for the purpose of assessing the feature's ecological functions.
  - h) Development proposals that involve the removal of a woodland that is not considered significant shall not be approved unless supported by an EIS that assesses Species at Risk, Significant Wildlife Habitat (which shall include an assessment of the presence of Bat Maternity Colony SWH), and the potential for woodland retention.
9. Significant Valleylands
- a) Any development or site alteration that occurs adjacent to a significant valleyland shall take place in a manner that preserves and protects, or where possible enhances, the linkage functions of that feature.
10. Significant Wildlife Habitat
- a) Proponents of development adjacent to any watercourse or water body that provides suitable habitat for turtles may be required to undertake an EIS for the purpose of assessing the area for the presence of Turtle Nesting Area Significant Wildlife Habitat.
  - b) Proponents of development on any lands in the Smithville Urban Area located east of Industrial Park Road and north of the railway line that bisects the Urban Area may be required to undertake an EIS for the purpose of assessing the subject lands for the presence of Raptor Wintering Area Significant Wildlife Habitat.
  - c) Where an EIS has identified the presence of significant wildlife habitat that is not already protected as a Core Area feature:
    - i. the significant wildlife habitat and any additional lands required to protect that habitat may be incorporated into the Smithville NHS as Core Areas by way of an amendment to this Official Plan; and

- ii. until such time as this Official Plan has been amended to designate the significant wildlife habitat and any additional lands as Core Areas, the Township may ensure the protection of the habitat through development agreements, holding provisions, or any other methods at the Township's disposal that are considered appropriate.
- d) For greater clarity, Policy No. 6.11.7.3.10.c) above may apply with respect to any significant wildlife habitat, including but not limited to those identified in Policies No. 6.11.7.3.10.a) and 6.11.7.3.10.b).

#### 11. Habitat of Endangered Species and Threatened Species

- a) The proponent of any work or undertaking shall be responsible for consulting with the appropriate agencies and authorities regarding compliance with the *Endangered Species Act, 2007* and with the regulations under that Act.
- b) No development that proposes the demolition or removal of a barn, garage, outbuilding, culvert, or any other structure that might provide nesting for barn swallows shall be approved unless an appropriate study has been undertaken to assess the presence of barn swallows and barn swallow nests.
- c) Proponents of development in or adjacent to any area that might provide suitable habitat for bobolinks or eastern meadowlarks may be required to undertake an appropriate study to assess the impacts of the proposed development with respect to the requirements of the *Endangered Species Act, 2007* and the regulations under that Act.
- d) Proponents of development involving the removal of trees or buildings may be required to undertake a bat survey, in consultation with the Ministry of the Environment, to assess the impacts of the proposed development with respect to the requirements of the *Endangered Species Act, 2007* and the regulations under that Act.
- e) The need for an EIS or other appropriate study to assess the impacts of proposed development on the habitat of endangered species and threatened species will be determined in consultation with the NPCA, the Ministry of the Environment, the Region, and any other appropriate review agency.

#### 12. Fish Habitat

- a) Block Plans proposing development adjacent to a watercourse, water body, or headwater drainage feature may, as part of the



required EIS, be required to determine whether fish habitat is present, to the satisfaction of the Township and the Region.

- b) If fish habitat is present as determined in accordance with Policy No. 6.11.7.3.12.a), the applicable policies of this section shall apply to proposed development on adjacent land.

13. Areas of Natural and Scientific Interest

- a) Should the Province or the Region identify an area of natural and scientific interest (ANSI) in the Smithville Urban Area, this Plan shall be amended to designate that area as a Core Area.

14. Conceptual Buffers

Conceptual Buffers are meant to protect Core Area features from interference and from the impacts of nearby development. (Such areas may sometimes be referred to as "Vegetation Protection Zones" in the Niagara Region Official Plan.) The designated "Conceptual Buffers" shown on Schedule "E-12" to this Plan should be interpreted as conceptual, in that they generally represent the buffer that will be required. The actual width required for any given Buffer will be specified at the Block Plan stage or, where a Block Plan is not required, through the review of information required in support of a complete application for development (such as an EIS).

- a) All development lands adjacent to a Core Area shall be required to provide a Buffer, within which no development or site alteration shall be permitted except in accordance with Policy No. 6.11.7.3.14.f) below.
- b) ~~The ecologically and hydrologically appropriate~~ width for each Buffer associated with a proposed development shall be a minimum of 30 metres as conceptually shown on Schedule "E-12" unless an ecologically and hydrologically appropriate alternative Buffer width is established through the completion of an Environmental Impact Study and shall generally be 30 metres(EIS) approved by the Township in consultation with the Region and the NPCA.
- c) The determination of the appropriate width for each Buffer shall take into consideration and support the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).-
- d) Notwithstanding anything else in this section of the Plan, the width of any Buffer adjacent to a watercourse shall be determined in accordance with the regulations and requirements of the Niagara Peninsula Conservation Authority.

**Commented [SW13]:** Township proposed Modification #5 (to assist with addressing/responding to SGL comments on behalf of landowners).

- e) ~~Where the width established for a Buffer through the completion of an EIS differs from the conceptual width shown on Schedule "E-12" Where necessary to accommodate the details of a development layout, minor alterations may be made to the justified revised delineation of the boundaries of the feature Buffer on that Schedule if appropriate as determined by the Township in consultation with the Region and the NPCA based on an approved EIS and in keeping with Policy Nos. 6.11.7.3.14 b) and c) above, without requiring Where the final Buffer established through an approved EIS differs from the conceptual Buffer shown on Schedule "E-12" an amendment to this Official Plan is not required to reflect the final Buffer.~~
- f) The uses permitted within a Buffer shall be limited to:
- i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e); and
  - ii. passive recreation uses, provided that appropriate separation from the feature protected by the Buffer is maintained.
- g) Proposals to establish a passive recreation use and for any development or site alteration for a permitted use within a Buffer may be required to complete an EIS to assess the potential impacts of the use on the Buffer and its ecological function.
- h) Buffers shall be maintained as self-sustaining, natural vegetation, primarily comprised of native species.
- i) Where proposed development involves the creation of one or more lots, any Buffers required in association with that development shall be maintained as single blocks along with the Core Area feature for which the Buffer is required.
- j) Where a Buffer is required in association with proposed development, the Township shall require the preparation of a detailed Buffer Management Plan as a condition of approval.
- k) The Township may require that a Buffer Management Plan include measures for the active naturalization of Buffers, such as the planting of native species and the creation of habitat.

**Commented [SW14]:** Township proposed Modification #6 (to assist with addressing/responding to SGL comments on behalf of landowners / to improve clarity and consistency of policies for future refinements to Conceptual Buffers).

#### 15. Linkages

Linkages have been identified as part of the Smithville NHS for the purpose of connecting Core Areas into a single integrated system. Linkages help to protect Core Areas and maintain their ecological functions by providing movement corridors for different species, which helps support healthy population levels. Where possible,

Linkages have been aligned with watercourses and headwater drainage features.

Linkages are identified separately on Schedule “E-12” to this Plan but are considered integral components of the Smithville NHS. Linkages have generally been mapped as either Primary Linkages (200 metres wide) or Secondary Linkages (50 metres wide). High-constraint watercourses — i.e., those that are most environmentally sensitive and thus warrant the greatest protection — generally require buffers of at least 30 metres on each side, resulting in a 60-metre-wide Linkage. The identification of the type, classification and width of Linkages shall be determined based on the guidance within the SWS and may be refined based upon an EIS approved by the Township in consultation with the Region and the Niagara Peninsula Conservation Authority.

In some places, Linkages incorporate elements of the recommended trail network (shown on Schedule “E-13”).

- a) Wherever possible, Linkages shall be maintained as areas of self-sustaining natural vegetation, primarily comprised of native species, to provide high-quality habitat that is suitable for the species intended to use the linkage. Linkages may be refined where appropriate as determined through an EIS based upon the SWS and provided the ecological and hydrologic role and functions of the identified linkages are identified and maintained and taking into consideration and supporting the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).
- b) No development or site alteration shall be permitted in, or within 30 metres of, a Linkage unless an Environmental Impact Study has demonstrated, to the satisfaction of the Township, Niagara Region, and any other approval authority, that there will be no negative impacts on the Linkage or its ecological and hydrologic functions. This requirement will be addressed through both the EIS required at the Block Plan stage and where a scoped EIS is required as part of a complete application for development.
- c) The uses permitted within a Linkage shall be limited to the following:
  - i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e);
  - ii. passive recreation uses and infrastructure to support such uses, such as trails and rest areas, provided that the overall ecological function of the Linkage is maintained; and,

**Commented [SW15]:** Township proposed Modification #7 (to assist with addressing/responding to SGL comments on behalf of landowners). This paragraph notes how the linkages are mapped but does not prescribe the final minimum widths of individual linkages which will be determined based on the guidance within the SWS and may be refined based upon an EIS approved by the Township in consultation with the Region and NPCA.

**Commented [SW16]:** Township proposed Modification #8 (based on further policy review and coordination with the SWS).

**Commented [SW17]:** Township proposed Modification #9 (as per Township Modification #8 above).

- iii. Stormwater management facilities, based upon the SWS.
- d) Notwithstanding Policies Nos. 6.11.7.3.15.a), b), and c) above of this subsection, nothing in this Plan is intended to limit the ability of an existing agricultural use to continue within a Linkage.
- e) Notwithstanding Policy No. 6.11.7.3.15.b), the following forms of minor construction may be permitted within a Linkage without requiring the completion of an EIS:
  - i. the erection of a new building or structure for an existing agricultural use, an existing agriculture-related use, or an existing on-farm diversified use, provided that the building or structure has a ground floor area less than 200 m<sup>2</sup>;
  - ii. expansions to an existing building or structure for an existing agricultural use, an existing agriculture-related use, or an existing on-farm diversified use, provided that such expansions occupy an area that is less than 50% of the size of the original building and that is less than 200 m<sup>2</sup>;
  - iii. the erection of a new accessory building to an existing residential use, provided that the accessory building has a ground floor area less than 50 m<sup>2</sup>;
  - iv. expansions to an existing residential building or an existing accessory building to a residential use, provided that such expansions occupy an area that is less than 50% of the size of the original building; and
  - v. the reconstruction of an existing residential dwelling of the same size in the same location.
- f) Where development is proposed on lands that contain all or part of a Linkage, the Township may require that active restoration measures, such as the planting of native species, be undertaken as a condition of development approval.
- g) Where the proposed development of lands that contain all or part of a Linkage involves the creation of one or more lots:
  - i. the Linkage shall be maintained as a single block; or
  - ii. where it is not possible to maintain a Linkage as a single block, any fragmentation of the Linkage into multiple blocks shall be minimized.
- h) It is the intent of this Plan that the hydro corridor lands running east-west across the northern portion of the Smithville Urban Area, which lands are identified as a Linkage on Schedule "E-



12", be incorporated into the active transportation network as a naturalized multi-modal trail in a manner that maintains the ecological functions of the corridor as a Linkage.

- i) The Township will encourage proposed development to incorporate linkages that are not shown on Schedule "E-12" where the provision of such linkages is ecologically appropriate, and particularly where such linkages would serve to connect otherwise isolated features (such as those identified as "Wetlands for Further Review") to the larger NHS.
- j) Further to Policy No. 6.11.7.3.15.i) above, the Township may seek to establish a linkage ~~of any width~~ between the unnamed tributary of Twenty Mile Creek that runs south of Forestview Court and the U-shaped woodland located approximately 500 metres to the south, notwithstanding that this corridor is not identified as a Linkage on Schedule "E-12". The appropriate width of this linkage will be determined by the Township in consultation with the Region and the NPCA and based on the recommendations made in the approved EIS.

#### 16. Recommended Restoration Areas and Potential Restoration Areas

The areas designated as "Recommended Restoration Areas" on Schedule "E-12" to this Plan were identified by the SWS as lands that have the potential to be restored to a natural state and therefore warrant inclusion in the Smithville NHS (in accordance with the definition of "natural heritage system" in the Provincial Policy Statement, 2020). These are areas whose restoration or rehabilitation to a naturalized state would provide a range of ecological benefits to, and would enhance the overall health and resilience of, the Smithville NHS. (The Niagara Official Plan contains policies regarding "Supporting Features and Areas" and as "Enhancement Areas," both of which serve a similar purpose as the Restoration Areas discussed here.)

Schedule "E-12" also identifies "Potential Restoration Areas", which should be interpreted as possible alternative locations for, or in addition to, certain Recommended Restoration Areas, to be determined through the completion of one or more Environmental Impact Studies.

Recommended Restoration Areas are identified separately on Schedule "E-12" but are considered component features of the Smithville NHS. Potential Restoration Areas that are recommended to be incorporated as Restoration Areas through an EIS may also be considered to be part of the Smithville NHS as determined by the Township based on the findings and recommendations of the EIS. The term "Restoration Area" refers collectively to all Recommended

**Commented [SW18]:** Township proposed Modification #10 (to assist with addressing/responding to SGL comments on behalf of landowners). Added new sentence to clarify that the width of this linkage will be based upon an EIS approved by the Township in consultation with the Region and NPCA.

Restoration Areas and Potential Restoration Areas that are confirmed through an EIS to be restored to a natural state.

- a) The "Recommended Restoration Areas" shown on Schedule "E-12" to this Plan shall be interpreted as representing the preferred boundaries of lands that have the potential to be restored to a natural state.
- b) The proposed development of lands that contain all or part of a Recommended Restoration Area, or on lands that are within 30 metres of a Recommended Restoration Area, shall be subject to the requirement to undertake an Environmental Impact Study, to the satisfaction of the Township and any other appropriate agency or public body. This requirement will be addressed through both the EIS required at the Block Plan stage and where a scoped EIS is required as part of a complete application for development.
- c) An EIS undertaken under Policy No. 6.11.7.3.16.b) with respect to a Recommended Restoration Area:
  - i. shall delineate the boundaries of the Restoration Area to be incorporated into the proposed development;
  - ii. shall make recommendations regarding the specific types of restoration that are to be undertaken;
  - iii. may refine the boundaries of Recommended Restoration Areas as they are shown on Schedule "E-12", provided that the overall area designated as "Recommended Restoration Area" ~~is shall not be~~ reduced by such refinements unless it is demonstrated to the satisfaction of the Township that the refinement has taken into consideration and supports the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3.e); and,
  - iv. may recommend the designation of an alternative Restoration Area, with priority given to those identified as Potential Restoration Areas on Schedule "E-12", provided that such an alternative Restoration Area will achieve the same, or very similar, ecological goals and outcomes as the original Recommended Restoration Area; ~~and,~~ shall take into consideration and support the achievement of the natural cover target in combination with the other features and areas identified in Policy No. 6.11.7.3.3.e).
- d) Once the boundaries of a Restoration Area have been confirmed through the completion of an EIS:

**Commented [SW19]:** Township proposed Modification #11 (to assist with addressing/responding to SGL comments on behalf of landowners).

- i. the Block Plan shall reflect the Restoration Area boundaries recommended by the completed EIS;
  - ii. applicable plans and drawings submitted as part of a complete application for development shall reflect the final Restoration Area boundaries recommend by the completed EIS; and,
  - iii. the proponent of development of the lands that contain that Restoration Area shall be required to prepare and implement an Active Restoration Plan as a condition of development approval.
- e) An Active Restoration Plan should, among other things, include:
  - i. a detailed planting plan for the planting and seeding of native species;
  - ii. measures for restoring the habitat of significant species; and
  - iii. a plan for the amendment of soils, where necessary.
- f) As an alternative to requiring the preparation and implementation of an Active Restoration Plan, the Township may enter into one or more agreements with a proponent of development regarding the costs associated with restoration work or regarding the conveyance of Restoration Area lands as part of a land exchange.
- g) Proponents of development on lands that are within 30 metres of a Recommended Restoration Area shall be required to undertake an EIS to ensure that the proposed development will not interfere with the potential restoration of the adjacent area.
- h) The uses permitted within a Restoration Area shall be limited to the following:
  - i. those uses identified as permitted uses in Core Areas in Policy No. 6.11.7.3.5.e); and
  - ii. passive recreation uses and infrastructure to support such uses, such as trails and rest areas.
- i) ~~Where proposed development includes a Restoration Area as recommended by a completed EIS, an appropriate Buffer may be designated surrounding that Restoration Area, which Buffer shall be subject to the policies set out in Subsection 6.11.7.3.14.~~

**Commented [SW20]:** Township proposed Modification #12 (to assist with addressing/responding to SGL comments on behalf of landowners).

j)i) Where proposed development on lands that contain all or part of a Restoration Area involves the creation of one or more lot:

- i. any Restoration Area shall be maintained as a single block; and
- ii. Restoration Areas shall be consolidated with adjacent Core Areas in order to maintain the overall integrity of the NHS.

k)i) The Township may consider accepting all or a portion of a Restoration Area as part of the required conveyance of land for park or other public recreation purposes, provided that the Township is satisfied that:

- i. the active recreation needs of the surrounding area are adequately addressed by existing or planned parks and facilities; and
- ii. the Restoration Area or part thereof in question:
  - A) can support an appropriate range of passive recreation uses without hindering the restoration of the area's ecological functions; or
  - B) is located in a way that would enhance connections to other parks, open spaces, or recreational facilities; and,
- iii. the amount of land accepted as part of the required conveyance of land for park or other public recreational purposes is limited to the area which is suitable for and can sustain appropriate public recreational use(s).

j)k) Where development is proposed on lands that include one of the Potential Restoration Areas identified on the Land Use Schedules, the Township may require the proponent to undertake an EIS for the purpose of determining whether a Restoration Area to be incorporated into the development should be identified.

m)l) Where an EIS undertaken under Policy No. 6.11.7.3.16.lk) recommends that proposed development incorporate a Restoration Area, the appropriate policies in Section 6.11.7.3.16 a) to kl) shall apply.

#### 17. Natural Hazards

Lands within the Smithville MCP Area that are subject to flood and erosion hazards are generally included in the Natural Heritage System, either as part of a Core Area or as part of a Conceptual



Buffer. Development within the Conservation Authority Regulation Limit will be subject to the approval of the NPCA.

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

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

- a) The Natural Hazard policies set out in Section 10.6 of the Township of West Lincoln’s Official Plan shall apply to all lands in the Smithville MCP Area.
- b) Where an EIS has identified a flood or erosion hazard corridor that is not included as part of the NHS on Schedule “E-12”, the corridor may be designated as a Buffer, Linkage Area, or Recommended Restoration Area, as determined by the Township in consultation with the Region and the NPCA and based on the recommendations made in the EIS.
- c) Although karst features have not been included as components of the NHS, they may be added using an appropriate designation if an EIS has determined that the karst feature forms part of a key natural heritage feature or water resource feature, or that the karst feature is supportive of the ecological or hydrological functions of a key natural heritage feature or water resource feature. Where a karst feature and its associated buffer are added to the NHS the combined area of the karst feature and buffer may be counted towards the achievement of the natural cover target.
- d) Any development or site alteration proposed within 50 metres of a karst feature, including the potential high- and medium-constraint karst features identified on Schedules “E-8” and “E-11” and any other potential high- and medium-constraint karst features identified through further study, shall be subject to the following:

**Commented [SW21]:** Township proposed Modification #13 (to assist with addressing/responding to SGL comments on behalf of landowners). Proposed modifications refer the final determination of karst feature classifications and setbacks to the required Karst Hazard Assessments and NPCA approvals.

- i. ~~the requirement to complete a Karst Hazard Assessment which shall recommend the constraint level and classification of each karst feature identified on the landscape and recommend minimum setbacks for development and other appropriate mitigation strategies; and.~~
  - ii. ~~approval of the NPCA, in accordance with NPCA regulations and policies.~~
- d) ~~No development or site alteration shall be permitted within 50 metres of a high-constraint karst feature; or:~~
  - i. ~~the medium-constraint karst feature shown on Schedule "E-11" to this Plan.~~
- e) No development or site alteration shall be permitted within 50 metres of a high-constraint or medium-constraint karst feature not identified in Policy No. 6.11.7.3.17.d)ii above, unless a-an approved Karst Hazard Assessment has been completed and has recommended an appropriate alternative setback and has demonstrated that:
  - i. the proposed development or site alteration will have no adverse impact on the hazard with respect to the control of flooding, erosion, or other hazard-related conditions;
  - ii. all applicable Provincial standards related to floodproofing, protection works, and access can be met and will be implemented;
  - iii. people and vehicles have a way to safely enter and exit the area during times of flooding, erosion, and other emergencies;
  - iv. the proposed development or site alteration will not aggravate an existing hazard or create a new hazard; and
  - v. there will be no negative impacts on the ecological or hydrological functions of the feature.
- f) ~~Any development or site alteration proposed within 50 metres of a karst feature shall be subject to the~~
  - i. ~~approval of the NPCA, in accordance with NPCA regulations and policies.~~
- g)f) Where development or site alteration is proposed within 50 metres of a low-constraint karst feature, the proponent may be

**Commented [SW22]:** Township proposed Modification #14 (to assist with addressing/responding to SGL comments on behalf of landowners).

**Commented [SW23]:** Township proposed Modification #15 (to assist with addressing/responding to SGL comments on behalf of landowners).

**Commented [SW24]:** Township proposed Modification #16 (to assist with addressing/responding to SGL comments on behalf of landowners).

required to undertake a geotechnical study, EIS, or similar study, which may make recommendations regarding the removal or by-passing of the feature.

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

h)h) Where the proposed development of lands that contain all or part of a karst feature involves the creation of one or more lots:

- i. the karst feature and its associated setback area shall be maintained as a single block; or
- ii. where it is not possible to maintain a karst feature and its associated setback area as a single block, any fragmentation of the ~~karsts~~ feature and its associated setback area into multiple blocks shall be minimized.

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

**Commented [SW25]:** Township proposed Modification #17 (correction of typographical error).

#### 6.11.7.4 Infrastructure & Transportation Systems

##### 1. General Policies

- a) All infrastructure and transportation systems will be planned and developed through appropriate Environmental Assessment (EA) processes to ensure that full regard is had to the Natural Heritage System, to natural hazard features, and to cultural heritage resources.
- b) Infrastructure and transportation systems will be located, designed, constructed, and operated in a strategic, sustainable, and cost-efficient manner that minimizes adverse impacts.
- c) The Township will assess its infrastructure and transportation systems for risks and vulnerabilities, with particular emphasis on those caused by the impacts of climate change.

##### 2. Water & Wastewater

The strategy for providing water ~~and wastewater services to-in~~ support of future development in the Smithville MCP Area has been identified in the associated Water and Wastewater Master Servicing

Plan and developed to optimize the use of existing and future road corridors and to take advantage of planned improvements to existing roads.

**Commented [SW26]:** Region proposed Modification #9.

The provision of water services to the early development phases of the Smithville MCP Area will be coordinated with the servicing of the Northwest Quadrant Secondary Plan Area, which is adjacent to MCP Block Plan Areas 1, 2, and 3. Meeting the future water demands of development in the expanded Smithville Urban Area will require the water infrastructure improvements identified in the Water and Wastewater Servicing Master Plan that was completed for the Smithville MCP, upgrades to the Smithville Pumping Station to provide additional pumping capacity.

**Commented [SW27]:** Region proposed Modification #10.

The wastewater servicing strategy for development in the Smithville MCP Area is based on conveying wastewater flows from future development to the existing Smithville Wastewater Pumping Station, once that station has been upgraded to provide the necessary capacity. Wastewater flows will be conveyed by new sanitary sewers that avoid sending flows through the existing sanitary sewer network. New sanitary sewers will use existing and future road corridors.

The wastewater servicing strategy proposes a new sanitary sewer collection network as well as private and public sewage two new pumping stations as required in the South Community Area, as shown on Schedule "E-10". A third station is proposed at Streamside Drive, located to the north of the West Community Area. (The proposed location of this third station is not shown on the schedules.)

**Commented [SW28]:** Region proposed Modification #11.

The siting of pumping stations will be guided by topography and by the desire to integrate these stations with planned open spaces and stormwater management facilities.

The installation of infrastructure to provide water and wastewater services is anticipated to take place through separate four-phase projects and through the integrated Municipal Class Environmental Assessment (MCEA) process, following the final approval of the Smithville Master Community Plan (OPA 63).

Water and wastewater servicing systems for the Smithville MCP Area will follow the direction provided by the Water and Wastewater Master Servicing Plan for the Smithville MCP that is informed by the Region's Water and Wastewater Master Servicing Plan (WWMSP) and will be captured in future updates to the WWMSP.

**Commented [SW29]:** Region proposed Modification #12. (Township proposes "that is informed by" instead of "as well as" in reference to Region's WWMSP).

The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with applying the following policies:

- a) All new development in the Smithville MCP Area shall be provided with full municipal water services and full municipal



wastewater services according to an approved Master Environmental Servicing Plan (MESP) that has been prepared in accordance with Subsection 6.11.7.6.2 of this Plan.

- b) New development in the Smithville MCP Area may be required to provide for the future connection of adjacent existing uses to full municipal services, as established through an approved MESP, as a condition of development approval, where appropriate and financially feasible.
- c) No development shall proceed in any given Overall Stage Area shown on Schedule "E-14" unless the infrastructure and services to support that development have been constructed, in accordance with the policies in Subsection 6.11.7.6.3 of this Plan.
- d) It is expected that existing uses in the Smithville MCP Area will eventually be connected to full municipal water and wastewater services, but expansions to, or the redevelopment of, an existing use may be permitted on existing private services, provided that:
  - i. the use of private services is appropriate for the proposed expanded or redeveloped use, either because the existing use is located in an area for which there is not yet capacity available in existing water and wastewater systems or because the nature of the proposed expansion or redevelopment does not warrant connection to full municipal services;
  - ii. site conditions are appropriate for the continued provision of such services with no negative impacts; and
  - iii. the existing private services will be used to service only the expanded or redeveloped existing use and will not provide services to more than one property.
- e) Where the connection of an existing use to full municipal services has been provided for under Policy No. 6.11.7.4.2.b) above, expansions to, or the redevelopment of, that existing use shall generally be required to connect to full municipal services, provided that sufficient capacity is available in existing systems.
- f) The Township may exempt minor expansions to an existing use from the requirement to connect to full municipal services set out in Policy No. 6.11.7.4.2.e).
- g) Infrastructure and systems for water, wastewater, and other buried services shall be installed using best management practices to prevent the redirection of groundwater flow.

- h) It is recommended that any construction of municipal services that will require dewatering systems apply for and obtain a Permit to Take Water from the Ministry of the Environment before any construction activities begin, in the event that unexpectedly high flows are encountered.
- i) Backfilling during the decommissioning of any existing sewer lines should consider the use of materials with low hydraulic conductivity to prevent preferential groundwater flow.

### 3. Stormwater Management

The Land Use Schedules (“E-8” through “E-11”) identify the general locations for stormwater management facilities in the Smithville MCP Areas. The locations shown ~~are conceptual but~~ represent the ~~preferred-recommended conceptual~~ locations for such facilities, as informed by the Subwatershed Study (SWS).

A Stormwater Management (SWM) Plan for the Smithville MCP Area is being prepared as part of Phase 3 of the SWS and will achieve stormwater quality management to an “Enhanced” standard of treatment in accordance with current Provincial guidelines, and provide erosion control and flood control for the receiving watercourses. The SWM Plan will refine the general locations shown on the Land Use Schedules and will identify the recommended types of facilities and infrastructure to be provided for future development. The SWM Plan will also include guidelines for incorporating low-impact development best management practices into future development.

- a) All development in the Smithville MCP Area shall proceed according to a stormwater management strategy that has been prepared as part of an approved Master Environmental Servicing Plan (MESP) that itself has been prepared in accordance with Subsection 6.11.7.6.2 of this Plan.
- b) The required stormwater management facilities to be provided with development in the Smithville MCP Area shall be determined in accordance with the following:
  - i. stormwater management facilities shall generally be located in consideration of the conceptual locations shown on Schedules “E-8” through “E-11” to this Plan, except where the SWM Plan prepared as part of Phase 3 of the SWS has recommended a different specific location for the facility and except as otherwise provided in Policy No. 6.11.7.4.3.b)iii;
  - ii. the location and configuration of the stormwater management facilities will be further refined through the

**Commented [SW30]:** Township proposed Modification #18 (to assist with addressing/responding to SGL comments on behalf of landowners).

applicable MESP and through Stormwater Management Plans prepared in support of individual development applications; and,

- iii. stormwater management facility sites can be relocated or consolidated without amendment to this Plan, subject to the following:

- A) information provided in conjunction with the stormwater management strategy required under Policy No. 6.11.7.4.3.a) demonstrating that the alternative sites are consistent with the goals, objectives, and policies of this Plan and the recommendations of the Subwatershed Study;
- B) the stormwater management facility site shall be co-located with other infrastructure where stormwater management facility locations are shown adjacent to or near a Proposed Sanitary Pumping Station on the Land Use Schedules to this Plan or the SWM Plan for the MCP Area recommends the co-location of stormwater management facilities with other infrastructure; and,
- C) approval of the Township and relevant agencies.

- c) All wet end-of-pipe facilities which provide stormwater quality control shall be constructed as wet ponds and shall provide a permanent pool volume and forebay design, in accordance with current Provincial guidelines.

#### 4. Transportation Network

Schedule “E-13” shows the multi-modal transportation network envisioned for the Smithville MCP Area, which comprises Regional Roads, Township Roads (Arterial, Collector, Rural, and Local), the C.P.R. rail corridor, and future active transportation facilities. Where a road is identified on Schedule “E-13” as a “Future” Road, the alignment depicted on that Schedule should be interpreted as a conceptual approximation that represents the preferred configuration for the future road network in the Smithville MCP Area. This conceptual alignment is also shown on the Land Use Plans in Schedules “E-8” through “E-11”.

It is the intent of this Plan that the conceptual network shown on Schedule “E-13” will be refined through the Block Plan process and finalized through the approval of development applications.

The roads identified as “Future Arterial ‘A’ Roads” on Schedule “E-13” represent the conceptual route for the future Smithville Bypass

Road, which when complete will be under the jurisdiction of the Region of Niagara. The purpose of the Smithville Bypass Road is to provide an alternative route for trucks and other heavy vehicle traffic using Regional Road 20 that avoids Downtown Smithville. The Region will undertake an Environmental Assessment to establish the specific alignment for this route, as well as other details, such as the required minimum right-of-way.

- a) For the purposes of Subsections 6.11.7.4.4 through 6.11.7.4.7:
  - i. "Block Plan Area":
    - A) when followed by a numeral, shall refer to the area designated by that numeral on Schedule "E-6" to this Plan; and
    - B) when used on its own, shall be understood as referring generally to such areas; and
  - ii. "Smithville Bypass Road" shall refer to the planned future corridor whose conceptual alignment is shown on Schedule "J1" to the Niagara Region Official Plan and which is more specifically shown using the "Future Arterial 'A' Road" designation on Schedule "E-13" to this Plan.
- b) The hierarchy of roads in the Smithville Urban Area shall consist of the following:
  - i. Regional Roads, which are under the jurisdiction of the Region of Niagara and are not subject to the policies of this Plan, and which shall include the Smithville Bypass Road, once complete;
  - ii. Township Arterial Roads, identified on Schedule "E-13" as "Future Arterial 'B' Roads", which are intended to serve as major transportation routes connecting the Smithville Urban Area with the Township more widely;
  - iii. Collector Roads, which are intended to convey traffic between higher-volume Regional Roads and Township Arterial Roads, on the one hand, and Local Roads, on the other; and
  - iv. Local Roads, which are intended to carry low volumes of traffic and to provide access to abutting properties.
- c) The "Rural Roads" shown on Schedule "E-13" shall be classified as Local Roads or as Collector Roads according to the classifications shown on Schedule "F" (Infrastructure & Transportation) to this Official Plan.



- d) All Block Plans shall be required to include a network of roads based on the conceptual Arterial and Collector Road alignments and the general pattern of Local Roads shown on Schedule "E-13" to this Plan in accordance with the policies of this subsection.
- e) Adjustments and modifications may be made to the conceptual alignments of future Township Arterial Roads and Collector Roads shown on Schedule "E-13" without requiring an amendment to the Official Plan, provided that:
  - i. the intended role and function of the roads will be maintained or improved with the proposed modification or adjustment;
  - ii. the proposed adjustment or modification is consistent with the overall goals of the Smithville MCP and the recommendations of the Township's Transportation Master Plan (TMP); and,
  - iii. the final alignment is identified on an approved Block Plan.
- f) The Local Roads shown on Schedule "E-13" are not intended to represent the entire local street network and the location, number and alignments of Local Roads will be determined and defined through the Block Plan process, and will be further detailed and changed based on the following criteria:
  - i. the intended role and function of the roads will be maintained or improved with the proposed changes;
  - ii. the roads are laid out in a grid-like pattern or modified grid format and connectivity and efficiency of the street network will be maximized;
  - iii. the roads will be located, aligned and designed to minimize travel distances and avoid offset intersections, the need for dead-end streets, cul-de-sacs or single-access development areas;
  - iv. the roads will extend from and complete the connection with existing and planned streets and intersections located along the boundaries of the Smithville MCP Area, generally as shown on Schedule "E-13", where applicable; and,
  - v. the roads are identified on an approved Block Plan and refined and finalized through complete applications for development.

- g) All roads under the Township's jurisdiction in the Smithville Urban Area shall have a minimum right-of-way width ~~of 20 metres, except as otherwise required in this Plan as follows:-~~

Road Classification	Minimum Right-of-Way Width
Arterial "B"	25.0 m
Collector	22.0 m
Local Road	20.0 m
Rural Road	28.5 m

**Commented [SW31]:** Township proposed Modification #19 (to be consistent with Transportation Master Plan).

- h) Notwithstanding Policy No. 6.11.7.4.4.g) above:-

i. the Township may reduce the minimum right-of-way width of any road under its jurisdiction without requiring an amendment to this Plan, provided the final right-of-way width is to the satisfaction of the Township; and,

ii. Industrial Road between London Road and St. Catharines Street shall have a minimum right-of-way width of 25 metres.

**Commented [SW32]:** Township proposed Modification #14 (to be consistent with Transportation Master Plan and corridor width requirements for underground servicing/spacing within Industrial Road right-of-way).

- i) Direct driveway access from an Arterial "A" Road to a land use abutting that road shall not be permitted. The number of Local Road intersections along Arterial "A" Roads shall be minimized.
- j) Direct driveway access from a Township Arterial "B" Road to abutting properties shall generally be limited, and development adjacent to these roads shall be designed to avoid direct access wherever possible, or to minimize the number of access points where such avoidance is not possible, and access shall not be permitted where it would create a safety hazard or impact the primary function of the corridor.
- k) Notwithstanding Policy No. 6.11.7.4.4.j), direct access from a Township Arterial Road to an abutting commercial property may be permitted, provided that access points are designed and controlled so as not to create a safety hazard or impact the primary function of the corridor, to the satisfaction of the Township.
- l) The number of direct access points from a Collector Road to abutting properties shall be minimized wherever possible.
- m) The determination of the number of accesses required for any development shall be made by the Township in consultation with emergency service providers and in consideration of Transportation Impact Studies and other information provided as part of Block Plans and complete applications for development.

- n) All new roads in the Smithville MCP Area shall be required to provide sidewalks on both sides of the street.
- o) All Local Roads that are internal to a Block Plan Area shall be required to provide continuous sidewalks on both sides of the street unless otherwise approved by the Township, where appropriate.
- p) The appropriate orientation of future development adjacent to Street "A" will be determined based on the Township's Urban Design Guidelines and the design of such development may be required to incorporate appropriate noise mitigation measures. Reverse lotting shall be discouraged and only permitted where there is no alternative.
- q) Future development adjacent to Street "B" should be designed so that building fronts are oriented towards internal Local Roads.
- r) The design and reconstruction of Township Arterial Roads and Collector Roads shall adopt a complete streets approach and in a manner that supports multiple modes of transportation, including possible future transit service, in accordance with the Smithville MCP Urban Design Guidelines regarding matters such as streetscape elements and with any guidelines as may be set forth in the Transportation Master Plan.
- s) The design and reconstruction of all Local Roads shall adopt a complete streets approach and in a manner that prioritizes the safety of pedestrians, cyclists, and other users of active transportation modes, in accordance with guidelines set forth in the Transportation Master Plan.
- t) The "Rural Roads" identified on Schedule "E-13" are meant to be identifiable as defining the edge of the Smithville Urban Area, and should be designed to maintain a rural profile outside of the urban area, but may be required through the Block Plan process to provide some urban or "semi-urban" streetscape elements, where appropriate.
- u) The extension of Spring Creek Road west of Thirty Road/Station Street may be required to provide berms, fencing, or other streetscape elements on the south side of the street to address the back-lotting of existing residential development. The extension of Spring Creek Road west of South Grimsby Road 5 to Street "A" is shown on Schedule "E-13" to maximize the use of CPR setback area and with the understanding that a crossing of the rail line will not be permitted by the CPR unless other existing at-grade crossings in Smithville are closed. An additional rail crossing, if permitted in the future and supported

by appropriate studies, to facilitate a southerly connection between Spring Creek Road and Regional Road 20, within the existing South Grimsby Road 6 right-of-way or in that vicinity, may be permitted without an amendment to this Plan.

5. Smithville Bypass Road Corridor

- a) Any Block Plan prepared with respect to Block Plan Area 2, Block Plan Area 3, Block Plan Area 4 or Block Plan Area 5, shall be required to provide and protect a sufficient corridor to accommodate Street "A" as a potential Arterial "A" Road in accordance with the conceptual alignment shown on Schedule "E-13".
- b) Any Block Plan prepared with respect to Block Plan Area 7 shall be required to provide and protect a sufficient corridor to accommodate Street "B" as a potential Arterial "A" Road in accordance with the conceptual alignment shown on Schedule "E-13".
- c) The widths of the corridors referred to in Policies No. 6.11.7.4.5.a) and b) above will be determined in consultation with the Region during the Block Plan process, but shall be sufficient to accommodate a minimum right-of-way width of ~~31.5~~30.5 metres unless an alternative right-of-way width is determined ~~th.~~
- d) If the Environmental Assessment undertaken by the Region recommends an alignment for the Smithville Bypass Road that does not include the conceptual alignment for Street "A" shown on Schedule "E-13", then:
  - i. Schedule "E-13" shall be amended to designate Street "A" a Township Arterial "B" Road with a minimum right-of-way width of ~~25.5~~ metres;
  - ii. Policy No. 6.11.7.4.5.a) above shall no longer apply; and
  - iii. any Block Plan prepared with respect to a Block Plan Area identified in Policy No. 6.11.7.4.5.a) shall provide a corridor for Street "A" as a Collector Road in accordance with the conceptual alignment shown on Schedule "E-13".
- e) If the Environmental Assessment undertaken by the Region recommends an alignment for the Smithville Bypass Road that does not include the conceptual alignment for Street "B" shown on Schedule "E-13", then:
  - i. Policy No. 6.11.7.4.5.b) above shall no longer apply; and

**Commented [SW33]:** Region proposed Modification #13.

- ii. any Block Plan prepared with respect to Block Plan Area 7 shall include at least one Collector Road, whose alignment may differ from what is shown on the Schedules to this Plan.

6. Road Improvements for Block Plan Areas

Block Plans undertaken in accordance with Policy No. 6.11.7.6.1 shall identify through the MESP the timing of the following transportation improvements in relation to the phasing of development within the respective Block Plans:

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



- i. the segment of Smithville Road (Regional Road 14) between South Grimsby Road 6 and Canborough Street, to be upgraded to an urban standard; and
  - ii. the segment of South Grimsby Road 6 between Smithville Road (Regional Road 14) and West Street (Regional Road 20) to be upgraded to an urban standard.
- g) For the purposes of Policy Nos. 6.11.7.4.6.e) and f) above, “an appropriate standard” shall mean a standard that is appropriate for the road’s planned function with respect to development in the Block Plan Areas identified, to the satisfaction of the Township and the Region.
- h) Any Block Plan prepared with respect to Block Plan Area 9 may be required to consider the potential future realignment of Port Davidson Road, as represented by the conceptual alignment shown on Schedule “E-13”, subject to the recommendations made in the Township’s Transportation Master Plan.
- i) Any Block Plans prepared with respect to Block Plan Area 10 and Block Plan Area 11 may be required to consider the future realignment of Tober Road and the location or removal of the intersection with Townline Road for the road segment shown as “Existing Tober Road” on Schedule “E-10”.

#### 7. Active Transportation & Trail System

The transportation network shown on Schedule “E-13” includes the conceptual primary routes (both on-street and off-street) for the future active transportation network in the Smithville MCP Area. The same conceptual alignments are shown on the Land Use Schedules to this Plan (Schedules “E-8” through “E-11”).

This Plan intends for the active transportation network to be developed as a well-connected system of multi-modal trails and based on the recommendations of the Transportation Master Plan, with the alignment of trail segments to be refined during the Block Plan process and finalized as part of a complete development application.

- a) All Block Plans shall be required to include active transportation routes and infrastructure that is consistent with the general conceptual alignments shown on Schedule “E-13”.
- b) To clarify, a Block Plan prepared with respect to a Block Plan Area that is not depicted on Schedule “E-13” as containing a conceptual active transportation route or trail route may nonetheless be required to provide active transportation routes,

facilities, or infrastructure as a condition of development approval.

- c) Requirements regarding the provision of on-street active transportation facilities and infrastructure will be established as recommended through the Township's Transportation Master Plan or as recommended through typical road profile designs.
- d) Land uses in the MCP Area may be required to provide bicycle parking or bicycle storage areas as a condition of development approval.
- e) Active transportation facilities and infrastructure located in or adjacent to the Smithville Natural Heritage System shall be designed and developed in accordance with all applicable policies in Section 6.11.7.3 of this Plan.
- f) Policy No. 6.11.7.2.10.b), which permits passive recreation uses in Special Policy Area 1, is intended to encourage opportunities for the use of the hydro corridor just north of Block Plan Areas 2, 3, and 4 as multi-use trail, to be naturalized in a way that maintains the ecological function of that corridor as a Linkage Area in accordance with the policies set out in Section 6.11.7.3.15 above, in particular Policy No. 6.11.7.3.15.h).
- g) Required active transportation facilities and infrastructure for the Smithville Urban Area will also be determined in accordance with the recommendations of the Township's Transportation Master Plan which may be updated and revised from time-to-time without amendment to this Plan.
- h) Street and active transportation network design should integrate design principles from the Niagara Region Complete Streets Model Policy Handbook.

#### 6.11.7.5 **Community Design & Sustainability**

The Smithville Master Community Plan Urban Design Guidelines, as may be adopted by Council and revised or updated from time-to-time, are meant to complement the policies in this Plan by providing direction for the design of specific types of development. These Design Guidelines, and the policies of this section, which reference the Urban Design Guidelines shall be implemented through Block Plans, site plan control, and other development approval processes.

Among other things, the Urban Design Guidelines will ensure that all development in the Smithville MCP Area is sustainable and resilient and will contribute to mitigating and adapting to the impacts of climate change.

The Urban Design Guidelines for the Smithville MCP Area has identified distinct "character areas" within the community. These character areas are:

- Residential Neighbourhood Areas;
- Commercial Areas;
- Mixed Use Neighbourhood Nodes; and
- Urban Employment Areas.

The sections below set out the principles and policies for the design of each character area and explain which place-type designations are included in each character area.

#### 1. General Design Policies

- a) In this section, "Design Guidelines" shall refer to the "Smithville Master Community Plan Urban Design Guidelines" adopted by Council and as may be revised or updated from time to time.
- b) Any development proposed in a Block Plan shall be designed according to the guidelines for "Public Realm Design" set out in Section 3 of the Design Guidelines.
- c) All development in the Smithville MCP Area, except for the development of one low-density dwelling, shall be designed according to the guidelines for "Private Realm Design" set out in Section 4 of the Design Guidelines.
- d) For the purposes of Policy No. 6.11.7.5.1.c), "low-density dwelling" shall refer to any of the following:
  - i. a single detached dwelling;
  - ii. a semi-detached dwelling; or
  - iii. a duplex dwelling.
- e) To clarify, any development that contains more than one low-density dwelling, as defined in Policy No. 6.11.7.5.1.d), such as development proceeding by plan of subdivision, shall be required to comply with Policy No. 6.11.7.5.1.c) above.
- f) All development in the Smithville MCP Area shall be designed according to the applicable specific guidelines set out in Section 5 of the Design Guidelines.
- g) Where it is necessary to determine which specific guidelines in Section 5 of the Design Guidelines will apply to different uses in a proposed development, such determination shall be made

during the Block Plan process or during pre-submission consultation for a development application.

- h) All future development in the Smithville MCP Area will be encouraged to incorporate sustainable design practices and to incorporate elements that promote water conservation, energy conservation, and the reduction of greenhouse gas emissions.

## 2. Residential Neighbourhood Areas

Residential Neighbourhood Areas represent the largest portion of the Smithville MCP Area, and their design will play a central role in establishing the visual character of the community. These areas comprise a range of housing types and forms, from lower-density forms of low-rise housing (such as single detached and semi-detached dwellings) to townhouses and other residential uses that are permitted in the "Medium Density" designation.

- a) The "Residential Neighbourhood" character area shall comprise the following areas, as designated on the Land Use Schedules:
  - i. "Residential" areas;
  - ii. "Medium Density" areas, where such areas are located outside the "Mixed Use Node" overlay designation; and
  - iii. "Open Space" areas.
- b) Development in the "Residential Neighbourhood" character area shall be designed according to the following general principles:
  - i. Encourage variety and compatible alternatives in the form and design of the built environment.
  - ii. Ensure that the built environment is designed to create a consistent and attractive edge to the street.
  - iii. Establish block and street network patterns that are conducive to pedestrian movement.
  - iv. Ensure that buildings are sited in a way that defines and reinforces the public realm.
- c) Development in the "Residential" designation shall be designed with a street-facing orientation in a manner that provides and supports an attractive and animated streetscape.
- d) Development in the "Medium Density" designation shall be designed:

- i. to have a street-facing orientation that provides and supports an attractive, animated, and pedestrian-oriented streetscape; and
  - ii. to provide an appropriate transition in building heights and density from any adjacent “Residential” areas.
- e) All parking areas in the “Medium Density” designation shall be designed and located in a manner that helps achieve the design objectives identified in Policy No. 6.11.7.5.2.d) above.
- f) Development and land uses in the “Open Space” designation shall be designed:
  - i. to meet the various recreational and social needs of the community;
  - ii. to enhance the character and aesthetic appeal of the area in which they are located;
  - iii. to promote and facilitate public safety; and
  - iv. to contribute to a well-connected system of parks and open spaces that is accessible to all residents.
- g) Reverse lotting of development shall be discouraged and may only be permitted in circumstances where:
  - i. the road onto which the rear lot lines abut runs along the Smithville Urban Boundary; and
  - ii. there is no alternative that will achieve the same overall objectives of the proposed development.

### 3. Commercial Areas

The “Commercial” character area, which comprises the “Commercial” place type-designation outside of the “Mixed Use Nodes”, is meant to provide a wide range of retail and service commercial uses that support adjacent and nearby residential neighbourhoods. Buildings and streetscapes will be designed to provide continuous façades and a pedestrian-friendly environment, with on-street parking in retail areas to support pedestrian safety. Development blocks are sized to accommodate future intensification, with limited surface parking areas located behind buildings that front onto commercial streets.

- a) The “Commercial” character area shall comprise all “Commercial” areas that are located outside the “Mixed Use Node” overlay designation, as shown on the Land Use Schedules.
- b) Development in “Commercial” areas shall be designed according to the following general principles:



- i. Ensure that the built environment is designed to create a consistent and attractive street edge that is pedestrian-friendly and transit-oriented.
  - ii. Provide high-quality public amenity spaces and landscaping, with features and facilities that support walking and cycling.
  - iii. Design spaces and streetscapes that provide for the future integration of transit stops and transit connections.
  - iv. Minimize the presence and prominence of parking areas along street frontages, and ensure that such areas are not located between the fronts of buildings located near the front lot line and the street.
  - v. Design areas that feature attractive interfaces with adjacent land uses.
- c) Where necessary, development in “Commercial” areas shall be designed to ensure compatibility with any adjacent low-density residential uses.
  - d) Commercial blocks should be designed to incorporate more centralized, “one-stop” parking facilities that allow customers to park once and visit multiple destinations on foot.

#### 4. Mixed Use Neighbourhood Nodes

“Mixed Use Neighbourhood Nodes” are located at community focal points and high-profile locations at gateways and along key corridors. These areas are meant to provide a “main street”, “urban village” atmosphere with an enhanced pedestrian realm and multi-modal access to ground-level retail and service commercial uses. These areas feature mixed-use, multi-functional developments with a variety of uses that transition gradually to adjacent lower-density residential neighbourhoods.

- a) The “Mixed Use Neighbourhood Node” character area shall comprise the following areas, as designated on the Land Use Schedules:
  - i. “Medium Density” areas, where such areas are located in the “Mixed Use Node” overlay designation;
  - ii. “Commercial” areas, where such areas are located in the “Mixed Use Node” overlay designation; and
  - iii. “Community Facility” areas.

- b) Development in the “Mixed Use Neighbourhood Node” character area shall be designed according to the following general principles:
  - i. Encourage variety and a range of compatible alternatives in the form and design of the built environment.
  - ii. Ensure that the built environment is designed to create consistent and attractive street edges, with buildings sited in a way that balances creating a strong street edge with providing a visual foreground for the structure.
  - iii. Minimize the visual impacts of parking areas, garbage storage areas, and equipment storage areas on the streetscape, and ensure such areas are not located between the fronts of buildings and the street.
  - iv. Ensure that private outdoor amenity areas are designed to be visually appealing when seen from the street.
  - v. Design visually attractive interfaces between medium-density residential areas and adjacent land uses.
- c) Development in the “Mixed Use Node” overlay designation shall be designed to provide:
  - i. prominent building entrances and clear-glazed street-level façades to promote a vibrant, pedestrian-oriented streetscape and a high level of visibility;
  - ii. separate residential entrances for mixed-use buildings; and
  - iii. appropriate transitions between commercial and residential components of buildings through architectural detailing (such as cornices, signage, porches, and changes in materials or colours).
- d) Development in the “Community Facility” designation shall be designed:
  - i. to serve as an extension of the public realm that is accessible to all residents;
  - ii. to provide focal points for neighbourhoods and communities;
  - iii. to provide access to transit and other transportation options;
  - iv. to incorporate best practices with respect to sustainable design; and

- v. to feature high-quality design with prominent entrances, transparency between indoor and outdoor spaces, and clear lines of sight that promote community safety.
- e) Parking facilities in the “Mixed Use Neighbourhood Node” character area should be design to provide centralized, “one-stop” parking wherever possible to promote a compact and pedestrian-oriented environment.

#### 5. Urban Employment Areas

The “Urban Employment” character area is an extension of the existing North-East Industrial Park in Smithville. Urban Employment Areas are meant to provide for a range of industrial and office uses, agricultural services, and ancillary supportive uses, with development that supports the achievement of high-quality urban design and landscaping.

- a) The “Urban Employment” character area shall comprise all areas in the “Employment” designation, including those in the “Restricted Employment” overlay designation, as shown on the Land Use Schedules.
- b) Development in the “Urban Employment” character area shall be designed according to the following general principles:
  - i. Ensure that the built environment is designed to create a consistent and attractive edge to the street.
  - ii. Provide a high degree of access and connectivity to primary goods movement corridors.
  - iii. Avoid negative impacts on the visual appeal of streetscapes, which includes minimizing the presence and prominence of parking areas and outdoor storage areas along street frontages.
  - iv. Avoid negative impacts on adjacent residential uses and areas, on adjacent open spaces, and on natural heritage features.
- c) The Township will encourage the development of buildings that have continuous street frontage to promote a consistent urban character, with enhanced building and landscape design for visible gateway and prestige sites.
- d) Parking, loading, and outdoor storage areas shall be directed towards the rears of buildings away from street frontages and shall be appropriately screened.
- e) Employment uses shall be required to provide appropriate screening and buffering from adjacent sensitive uses and

areas, in accordance with the Zoning By-law and Urban Design Guidelines.

#### 6.11.7.6 Implementation

##### 1. Block Plans

- a) Detailed planning for development will occur by Block Plan. Block Plan Areas are shown on Schedule "E-6".
- b) The Block Plan Areas on Schedule "E-6" represent the smallest area for which a Block Plan will be accepted by the Township.
- c) The Township may accept a single Block Plan for multiple Block Plan Areas provided that the land within the proposed Block Plan is contiguous and is located within the same overall Development Stage.
- d) For the purposes of Section 6.11.7.6:
  - i. references to "Development Stages" shall refer to the "Overall Staging Areas" shown on Schedule "E-14" ("Development Staging Plan");
  - ii. any reference to a "Development Stage" in conjunction with a numeral ("1", "2", "3", or "4") shall be interpreted as referring collectively to all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with that numeral; and
  - iii. all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with the same numeral shall be understood as being located in the same overall Development Stage.
- e) Prior to the preparation of a Block Plan, a Terms of Reference shall be prepared in consultation with and to the satisfaction of the Township and in consultation with Niagara Region. The Township may prepare and adopt a standard Terms of Reference for the preparation of Block Plans. A Terms of Reference shall identify the required studies and plans required, and the scope thereof, as well as public and agency notice, consultation, review and approval requirements for Block Plans.
- f) Block Plans shall be required to conform with the Smithville MCP and no Block Plans shall be approved until the Smithville MCP is in effect.
- g) Block Plans for Block Plan Areas that are located in the same overall Development Stage shall be prepared in a manner that

provides for the coordination of elements such as transportation infrastructure, services, features of the NHS, and other matters as determined through the preparation of a Terms of Reference.

- h) Further to Policy No. 6.11.7.6.1.g), Block Plans for Block Plan Areas 10, 11, and 12 shall be prepared in a manner that provides for the coordination of various elements, as determined through the preparation of a Terms of Reference.
- i) The Township may accept a single Block Plan for Blocks 10, 11 and 12, notwithstanding Policy No. 6.11.7.6.1.c) above and the fact that these Block Plan Areas are located in two different Development Stages.
- j) No applications proposing development in a Block Plan Area shall be approved unless a Block Plan for the area in question has been prepared and has been approved by the Township.
- k) All development in the Smithville MCP Area shall generally conform with and implement the approved Block Plan for the Block Plan Area in which that development is located.
- l) Block Plans shall:
  - i. Illustrate the detailed land uses including the location, type, area, and approximate dimensions of each land use proposed, in conformity with and as a refinement to the land use designations shown on the applicable Land Use Plan in Schedules "E-8" through "E-11";
  - ii. identify the location, distribution, and land areas for required community facilities, parks, and open spaces, in conformity with and as a refinement to the land use designations intended to accommodate such uses shown on the applicable Land Use Plan in Schedules "E-8" to "E-11" and based upon any applicable Township Master Plans;
  - iii. be accompanied and supported by, and based upon, a Master Environmental Servicing Plan (MESP) that has been prepared in accordance with Subsection 6.11.7.6.2 below, with the SWS, and with the MSP and TMP;
  - iv. include a description of the vision and design principles, along with graphics and imagery to illustrate the design intent and to demonstrate conformity with the applicable policies in Section 6.11.7.5 above and in keeping with the applicable Township Design Guidelines.



- m) In addition to the requirements set out in Policy No. 6.11.7.6.1.I), any Block Plan prepared for a Residential Neighbourhood Area, a Commercial Area, or a Mixed Use Neighbourhood Node shall identify the proposed housing mix and calculated densities, provide estimates for population and the number of population-related jobs estimate, conform with the policies for the applicable land use designations, and demonstrate that the greenfield density target will be achieved.
  - n) In addition to the requirements set out in Policy No. 6.11.7.6.1.I), any Block Plan prepared for an Urban Employment Areas shall provide an estimate for the number of jobs and demonstrate that the employment density target will be achieved.
  - o) The Township may waive the requirement for a Block Plan for the development of land within the Employment and Commercial land use designations, if the Township is satisfied that all of the required information normally provided as part of a Block Plan will be provided as part of a complete application for development for the entirety of the land within the Block Plan Area. The Region will be consulted regarding the planning process for development proposed in the Employment land use designation.
  - p) The Township may waive the requirement for a Block Plan for minor development applications, such as minor variances or site plans related to existing or interim land uses. However, applications involving the development or transition of land in the MCP Area to an urban land use shall be subject to the requirement for an approved Block Plan, except where otherwise permitted by the policies of this Plan.
  - q) Block Plans shall be subject to approval by Township Council. Council may delegate this responsibility to an appropriate Township staff person, either for specific Block Plans or generally for all Block Plans.
2. Master Environmental Servicing Plans (MESPs)
- a) A Master Environmental Servicing Plan shall be prepared for each Block Plan, and may be prepared for multiple Block Plan Areas, and shall include the following:
    - i. an Environmental Impact Study (EIS) to delineate and confirm the boundaries of the NHS, in conformity with and as a refinement to the NHS shown on Schedule "E-12" and based upon the SWS;

- ii. proposed water and wastewater servicing plans, along with a review and confirmation of capacity of municipal servicing systems, including water and wastewater system modelling, based upon the MSP;
- iii. the proposed order or phasing of development and the provision of services, in accordance with the Development Staging Plan and with the policies in Subsection 6.11.7.6.3;
- iv. a stormwater management strategy that includes the proposed location and sizing of stormwater management facilities and low-impact development measures, preliminary grading plans, and coordination with areas external to the subject Block Plan Area, in conformity with and as a refinement to the conceptual SWM locations shown on Schedules "E-8" through "E-11" and based upon the SWS;
- v. a Karst Hazard Assessment, where required, based on the presence of identified Karst features and the policies of this Plan;
- vi. a Transportation Impact Study (TIS), prepared in accordance with the recommendations and guidelines of the TMP, that identifies and provides an assessment of connections to the existing road network, as well as the required timing and phasing of upgrades to existing roads and intersections;
- vii. detailed plans showing the street and active transportation network, along with typical street profiles or cross-sections, in conformity with and as a refinement to the Transportation System shown on Schedule "E-13" and based upon the TMP;
- viii. a noise impact assessment with respect to any transportation-related or stationary noise sources, where applicable, based on the location of existing or proposed sensitive land uses and provincial guidelines and requirements;
- ix. an assessment of, and detailed plans for the avoidance and mitigation of, potential land use conflicts with any existing livestock facilities within the MCP Area based on the application of Minimum Distance Separation (MDS I) setbacks;
- x. environmental site assessment(s); and
- xi. archaeological assessments;

### 3. Development Staging Plan

- a) It is the intent of this Plan that development in the Smithville MCP Area will occur in a logical and orderly manner over the planning period of this Plan.
- b) Development of the Smithville MCP Area shall be staged to align with the planning and implementation of the required infrastructure and transportation systems.
- c) The order of development of the MCP Area shall be based on the Development Staging Plan in Schedule "E-14" and on the timing of the provision of the required infrastructure and transportation systems in accordance with the MSP and TMP.
- d) Notwithstanding Policy No. 6.11.7.6.3.c) above, the Township may consider and approve changes to the ordering of the Sub Phases within any Development Stage, or changes to the overall sequencing of Development Stage without an amendment to this Plan, provided that the following requirements are addressed through the Block Plan process and associated MESP, to the satisfaction of the Township:
  - i. There is a demonstrated need for the Block Plan Area to advance to development earlier or in a different order than what is contemplated by the Development Staging Plan, based on the growth forecasts of this Plan, current and forecast average annual growth expectations and absorption rates, the status of other developments, non-participating landowners, and the available supply and timing of residential units and/or non-residential floor space in the Smithville Urban Area including the MCP Area.
  - ii. Development that proceeds according to the altered ordering will not adversely affect the achievement of the intensification target within the built-up area.
  - iii. The proposed development of the Block Plan Area according to the altered ordering will provide the necessary roads and infrastructure required for the development of the Block Plan Area, as well as necessary roads and infrastructure external to the Block Plan Area to provide for the future development of other Block Plan Areas in Sub Phases that under the original Development Staging Plan would have been developed earlier.
  - iv. Proposed development in the Block Plan Area will have adequate access to, and will not adversely affect traffic

conditions on, existing or new roads or on the future development and transportation needs of other Block Plan Areas in Sub Phases that under the original Development Staging Plan would have been developed earlier.

- v. Any proposed changes to the order of Sub Phases will neither compromise nor adversely affect the provision of the required infrastructure and transportation systems for any other land in the MCP Area in accordance with the MSP and TMP.
- vi. Any improvements or oversizing external to the Block Plan Area will be addressed through development agreements with the Township, Region, and affected landowners, as applicable, which may include front-ending considerations.
- vii. Grading, drainage and stormwater management will be addressed and coordinated with the future development of adjacent Block Plan Areas.
- viii. The required community facilities and parks will be provided to meet the needs of the estimated population growth in the Block Plan Area, or there is adequate capacity within existing community facilities, as determined by the Township based on applicable Master Plans and in consultation with the relevant agencies.
- ix. Adequate reserve infrastructure capacity is or will be available to service development in the Block Plan Area without compromising or negatively impacting the future development of land in Sub Phases that under the original Development Staging Plan would have been developed earlier.
- x. An Environmental Assessment has been prepared and approved as an addendum to the MSP or the TMP, as the case may be, where changes to the planned infrastructure and transportation systems are proposed or required.
- xi. Any temporary or interim infrastructure, transportation, or other facilities or systems required that are not part of the permanent systems identified in the MSP or TMP are appropriately designed for their future decommissioning and removal, and such decommissioning and removal has been addressed through appropriate development, operational, and maintenance agreements.

- e) The Township will consult and work with the Region to plan for the provision of municipal services in a co-ordinated, timely and financially viable manner, based on the principle that growth pays for growth to the extent permitted by applicable legislation, aligned with Block Plans and complete applications for development as well as the Region's and Township's Master Servicing and Transportation Plans. Infrastructure and transportation projects may be advanced in a Development Stage or a Sub Phase before development is permitted.
  - f) Approval of Block Plans and development applications will be based on the timing of the implementation of required infrastructure and available reserve servicing capacity. The Township may adopt and implement a servicing allocation policy to establish the requirements and criteria for obtaining and renewing servicing allocations for development approvals and to ensure infrastructure capacity is reserved and allocated in a manner that supports the implementation of this Plan, the achievement of the intensification target, and other objectives and targets of this Plan.
  - g) The Township may use holding provisions, conditions of development approval (including the phasing or staging of development within plans of subdivision), as well as front-ending and credit agreements with extended reimbursement periods, where necessary, to support the logical and orderly development of the MCP Area, manage the pace of growth and development, and ensure development is aligned with the provision and timing of the required infrastructure and transportation systems.
  - h) The Township may, at its sole discretion, revise the Development Staging Plan without an amendment to this Plan where circumstances warrant, such as, but not limited to, unreasonable delay by landowner(s), in order to facilitate the planned progression of growth and development in a manner that supports the implementation of the MCP.
4. Complete Applications
- a) All proponents of development in the Smithville MCP Area shall be required to consult with the Township prior to the submission of a development application, which consultation shall be undertaken in accordance with the policies in Section 18.16 of the Official Plan of the Township of West Lincoln.
  - b) In order to be considered a complete application, a development application may be required to include detailed studies and reports in support of the proposed development,



which may in some cases be scoped based upon or limited to confirmation of certain studies completed at the Block Plan stage, which may include any of the following:

- i. Planning Justification Report;
- ii. Conceptual Site Plan;
- iii. Land Use / Market Needs Report;
- iv. Archaeological Assessment;
- v. Heritage Impact Assessment;
- vi. Environmental Impact Study;
- vii. Transportation Impact Study;
- viii. Noise Study;
- ix. Vibration Study;
- x. Grading Plan;
- xi. Detailed Road Design Study;
- xii. Urban Design Brief;
- xiii. Landscape Plan;
- xiv. Tree Preservation Plan;
- xv. Functional Servicing Report;
- xvi. Environmental Assessment;
- xvii. Geotechnical Report;
- xviii. Hydrogeological Study;
- xix. Detailed Stormwater Management Study;
- xx. Karst Hazard Assessment;
- xxi. Active Restoration Plan; and
- xxii. any other study, report, or assessment deemed necessary by the Township of West Lincoln, the Region of Niagara, the Niagara Peninsula Conservation Authority, or any other agency that may have an interest in the application, as determined by the Township.

5. Parks Master Plan / Greening Plan

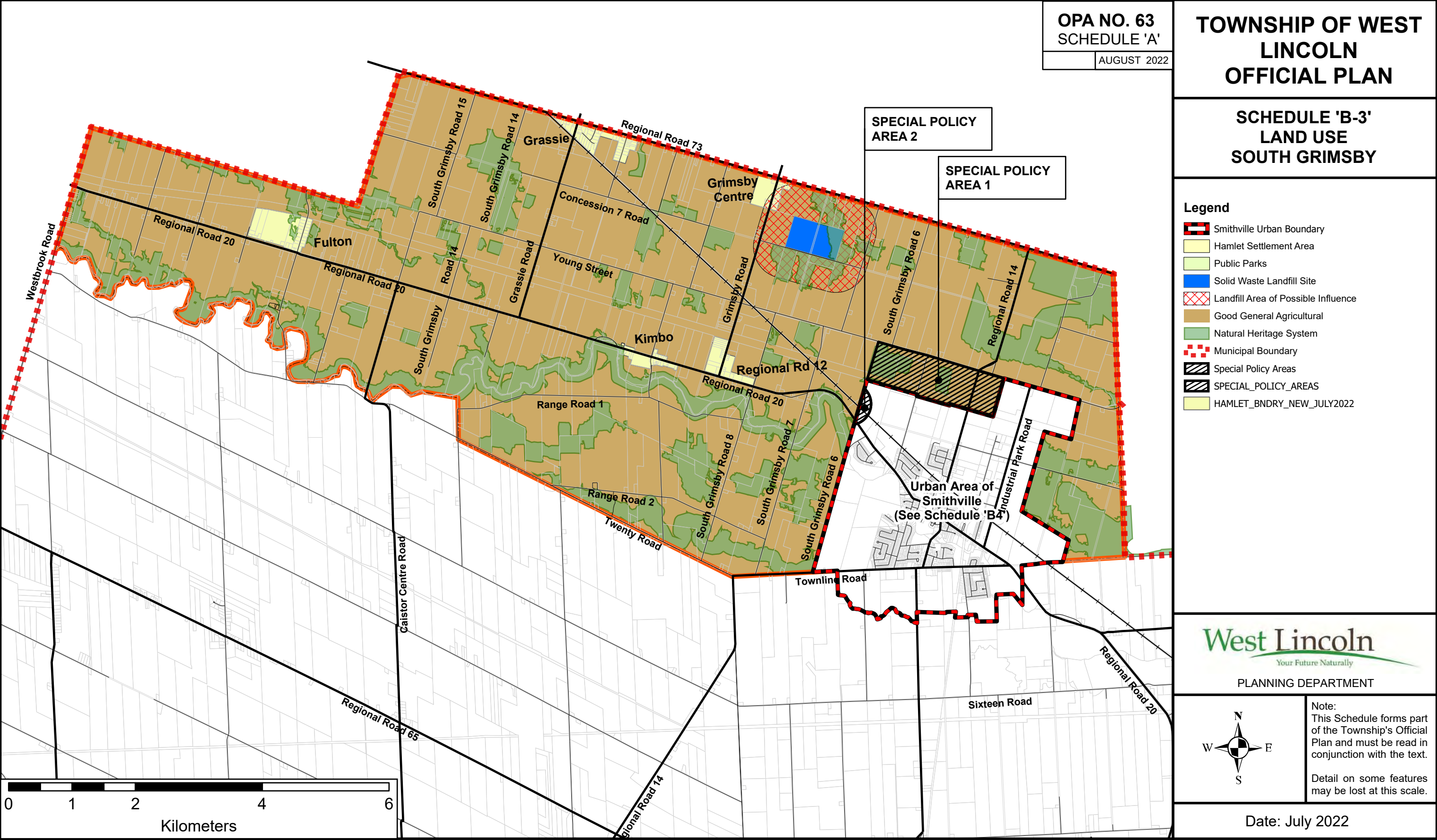
- a) The Township may undertake and adopt a Parks Master Plan / Greening Plan or similar initiative to further study and recommend policies, strategies and implementation plans to

address community recreational and parkland needs, standards and targets as well as the overall sustainability, naturalization and greening of the Smithville Urban Area and the Township more broadly. Through the process of developing this Secondary Plan, the holding ponds located to the south Twenty Mile Creek, east of Shurie Road, to the south-east of Smithville, were identified as a potential opportunity for natural area enhancement, restoration, management and to accommodate future public recreational use, as well as ecological offsetting to compensate for any potential loss of natural cover associated with the urban expansion of Smithville. This Plan may be amended in the future to incorporate appropriate policies and other updates based on the recommendations of Parks Master Plan / Greening Plan for Smithville and surrounding areas."

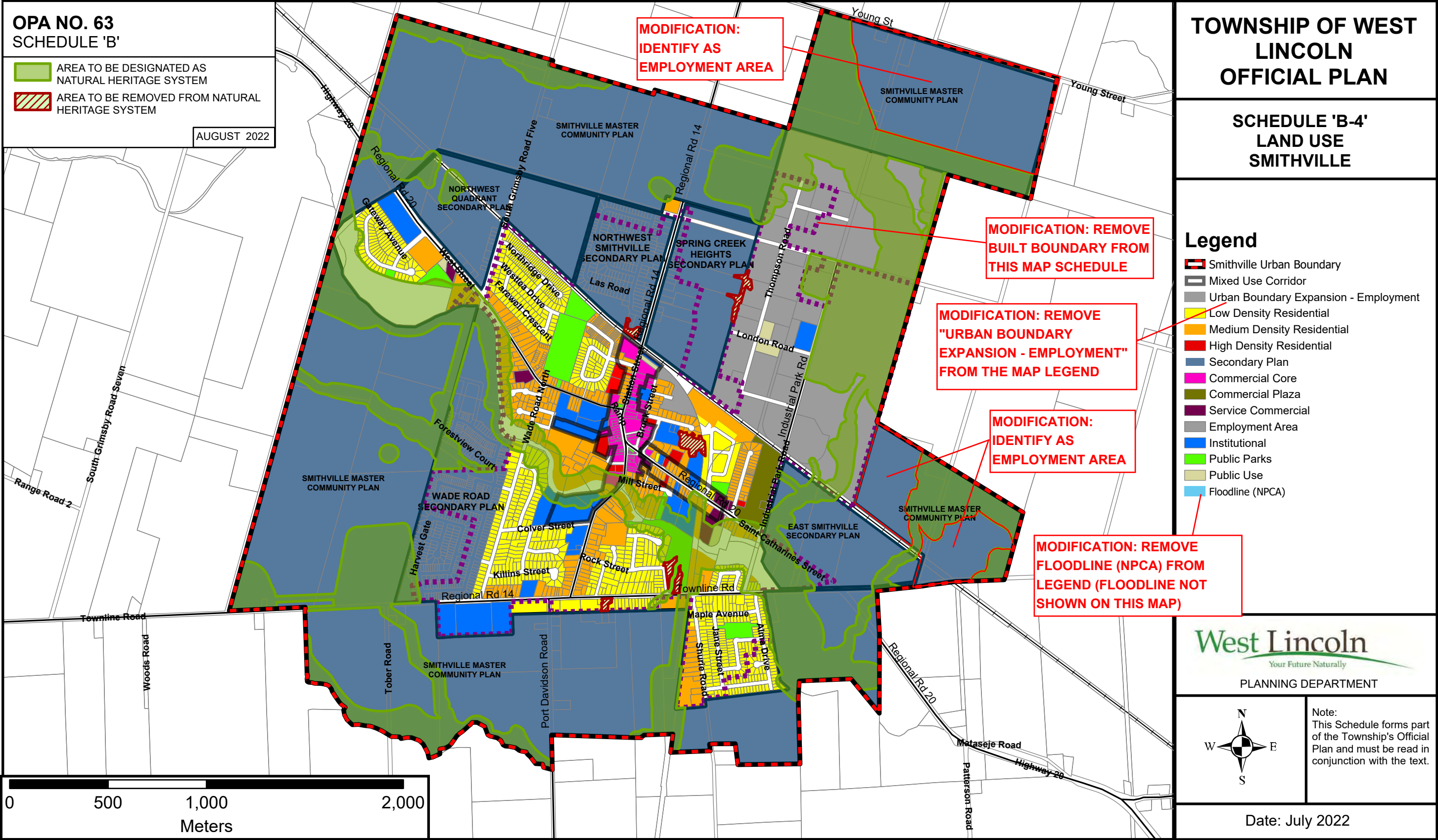
- 2.2.6 Schedule "A" – Municipal Structure of the Township of West Lincoln Official Plan is hereby amended by adding Special Policy Area 1 and Special Policy Area 2 as shown on Schedule "A" hereto.
- 2.2.7 Schedule "B-4" – Land Use Smithville of the Township of West Lincoln Official Plan is hereby amended by:
- a) Updating the Natural Heritage System designation as shown on Schedule "B" hereto; and,
  - b) Removing areas from the Natural Heritage System designation as shown on Schedule "B" hereto.
- 2.2.8 Schedule "B-5" – Urban Structure Smithville of the Township of West Lincoln Official Plan is hereby amended by adding area to the Designated Greenfield Area (P2G) as shown on Schedule "C" hereto.
- 2.2.9 Schedules "C-1", "C-2", "C-3" and "C-4" – Natural Heritage System are hereby amended by deleting the Natural Heritage System designations within the Smithville Urban Area and adding reference to a new map schedule showing the Natural Heritage System designations for the Smithville Urban Area, Schedule "E-12", as shown on Schedules "D", "E", "F" and "G" hereto, respectively.
- 2.2.10 The following new map schedules are hereby added to the Township of West Lincoln Official Plan:
- a) Schedule "E-6" – Smithville MCP Block Plan Areas, being Schedule "H" hereto;
  - b) Schedule "E-7" – Smithville MCP Overall Land Use Plan Index Map, being Schedule "I" hereto;
  - c) Schedule "E-8" – Smithville MCP North Community Area Land Use Plan, being Schedule "J" hereto;

- d) Schedule "E-9" – Smithville MCP Employment Area Land Use Plan, being Schedule "K" hereto;
- e) Schedule "E-10" – Smithville MCP South Community Area Land Use Plan, being Schedule "L" hereto;
- f) Schedule "E-11" – Smithville MCP West Community Area Land Use Plan, being Schedule "M" hereto;
- g) Schedule "E-12" – Smithville Natural Heritage System, being Schedule "N" hereto;
- h) Schedule "E-13" – Smithville Transportation Plan, being Schedule "O" hereto;
- i) Schedule "E-14" – Smithville MCP Development Staging Plan, being Schedule "P" hereto.

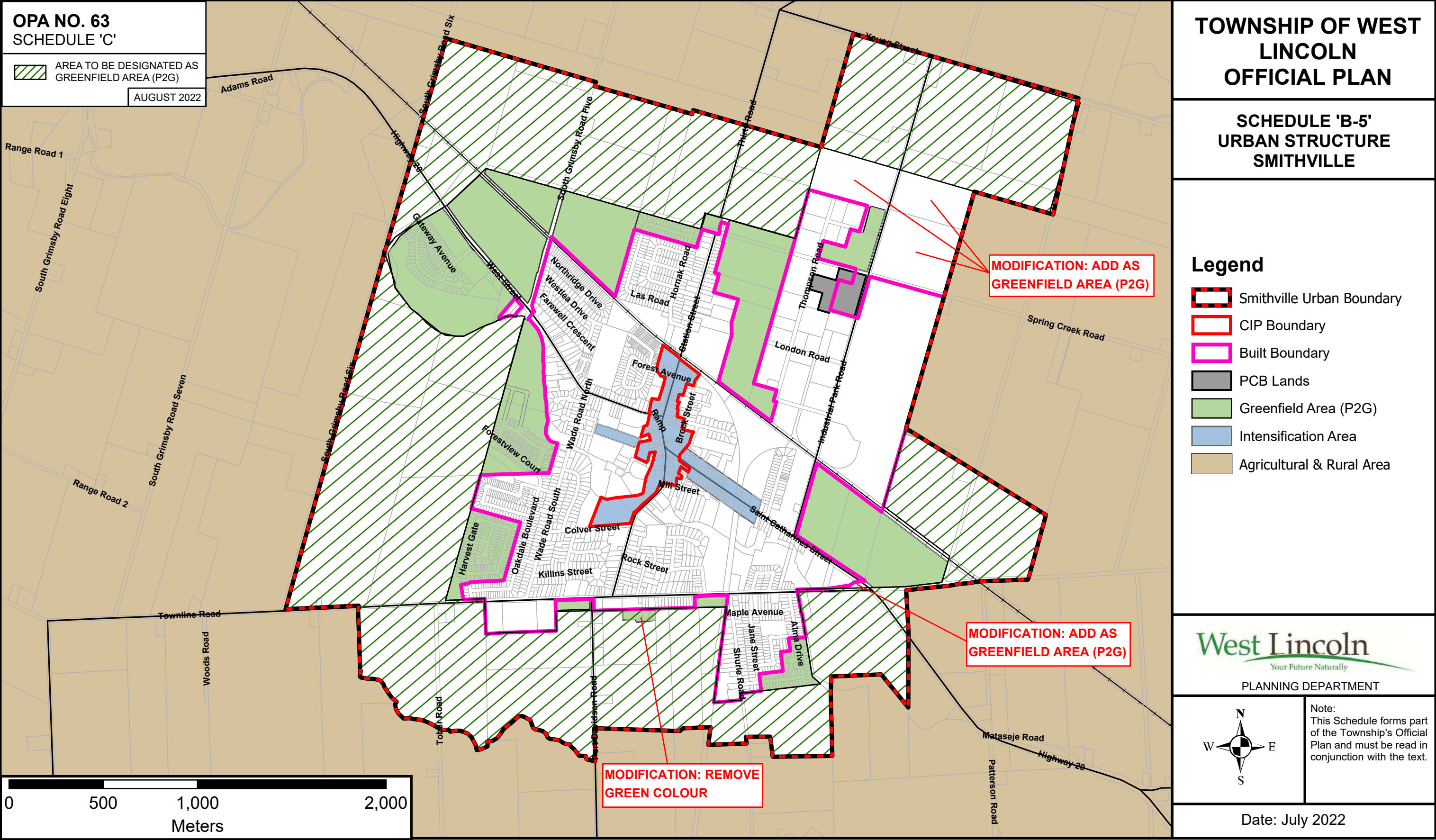
2.2.11 Schedule "F" – Infrastructure and Transportation of the Township of West Lincoln Official Plan is hereby amended by adding reference to a new map schedule showing the Transportation Plan for the Smithville Urban Area, Schedule "E-13", as shown on Schedule "Q" hereto.







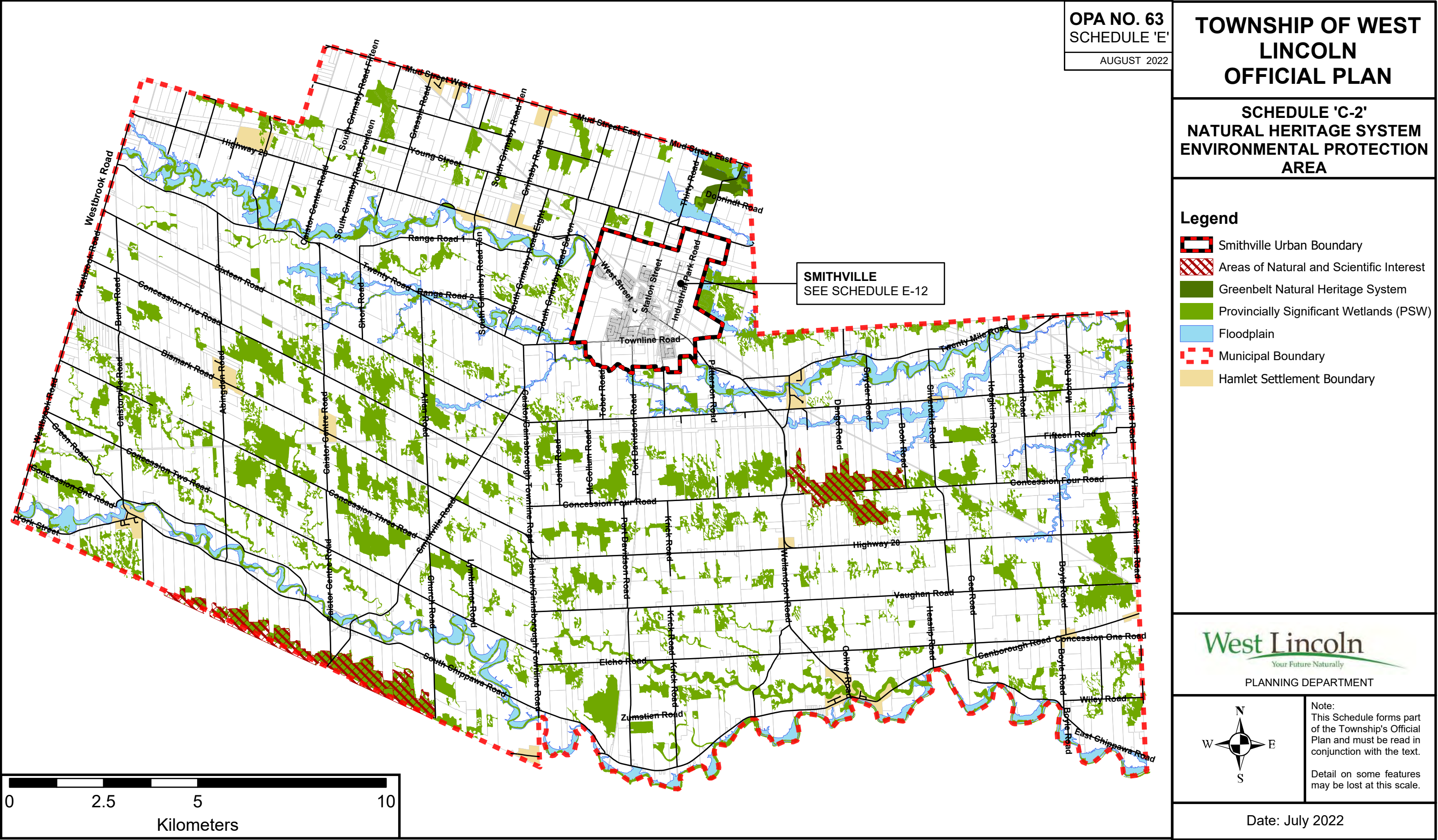




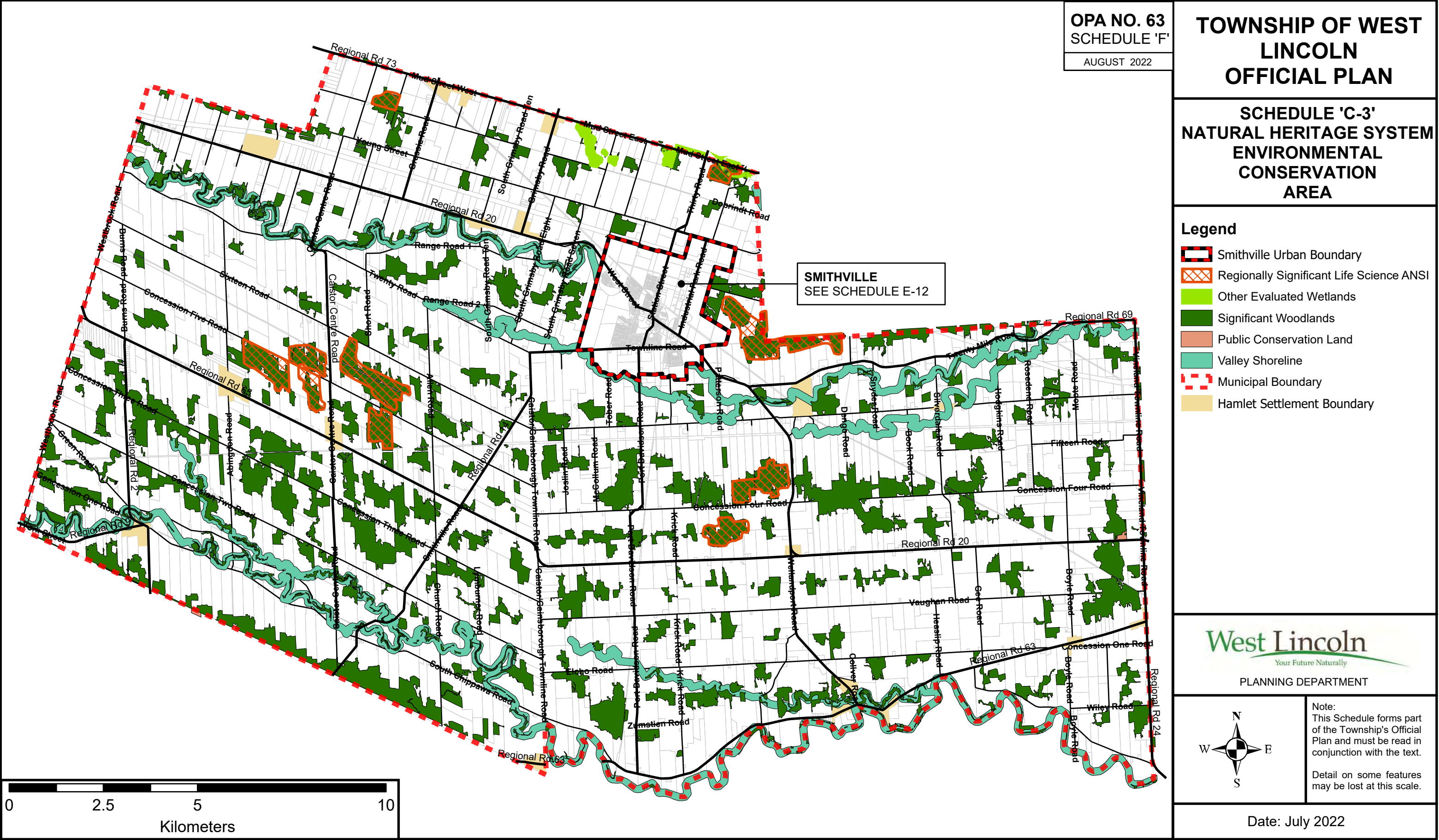




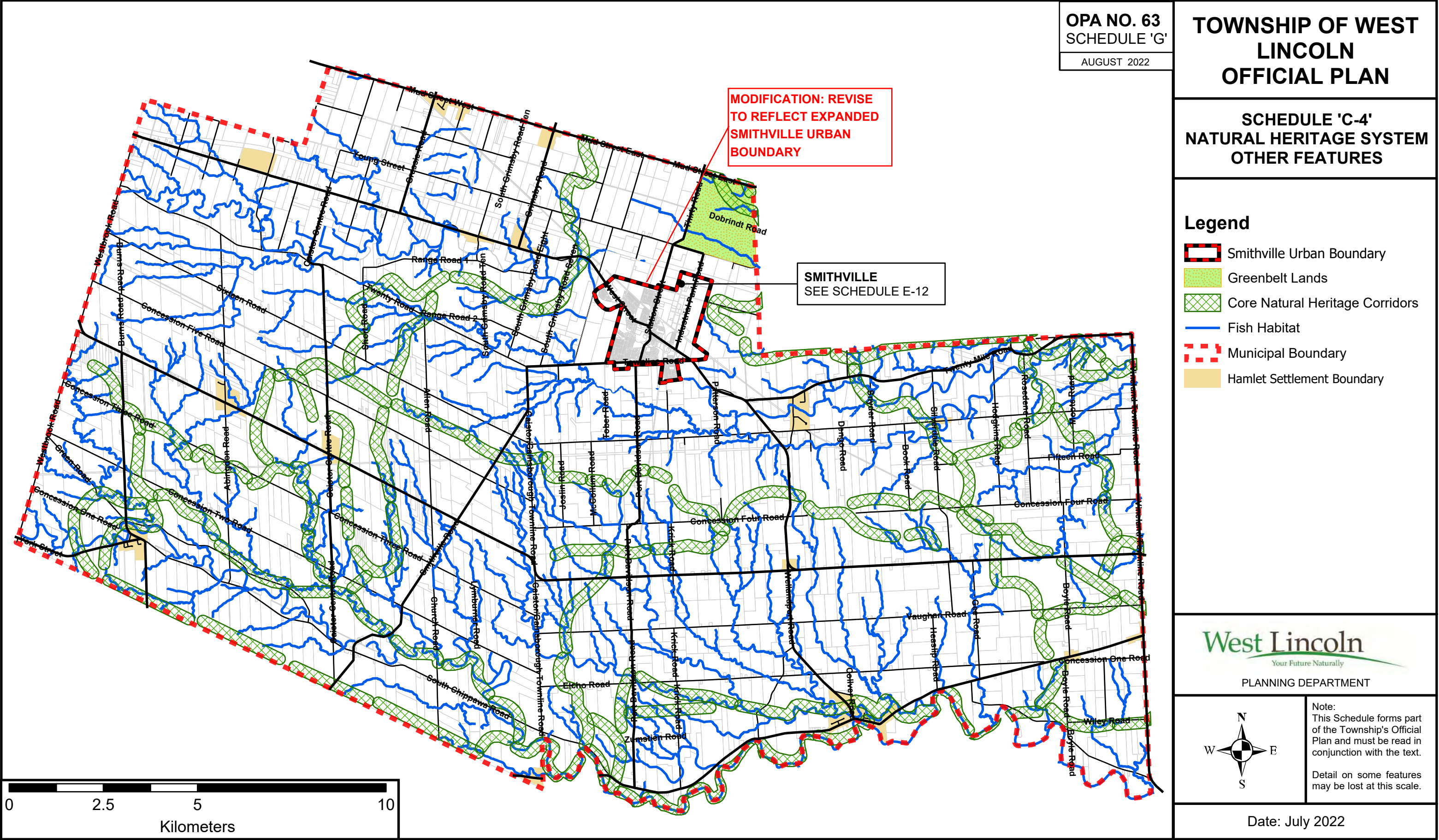




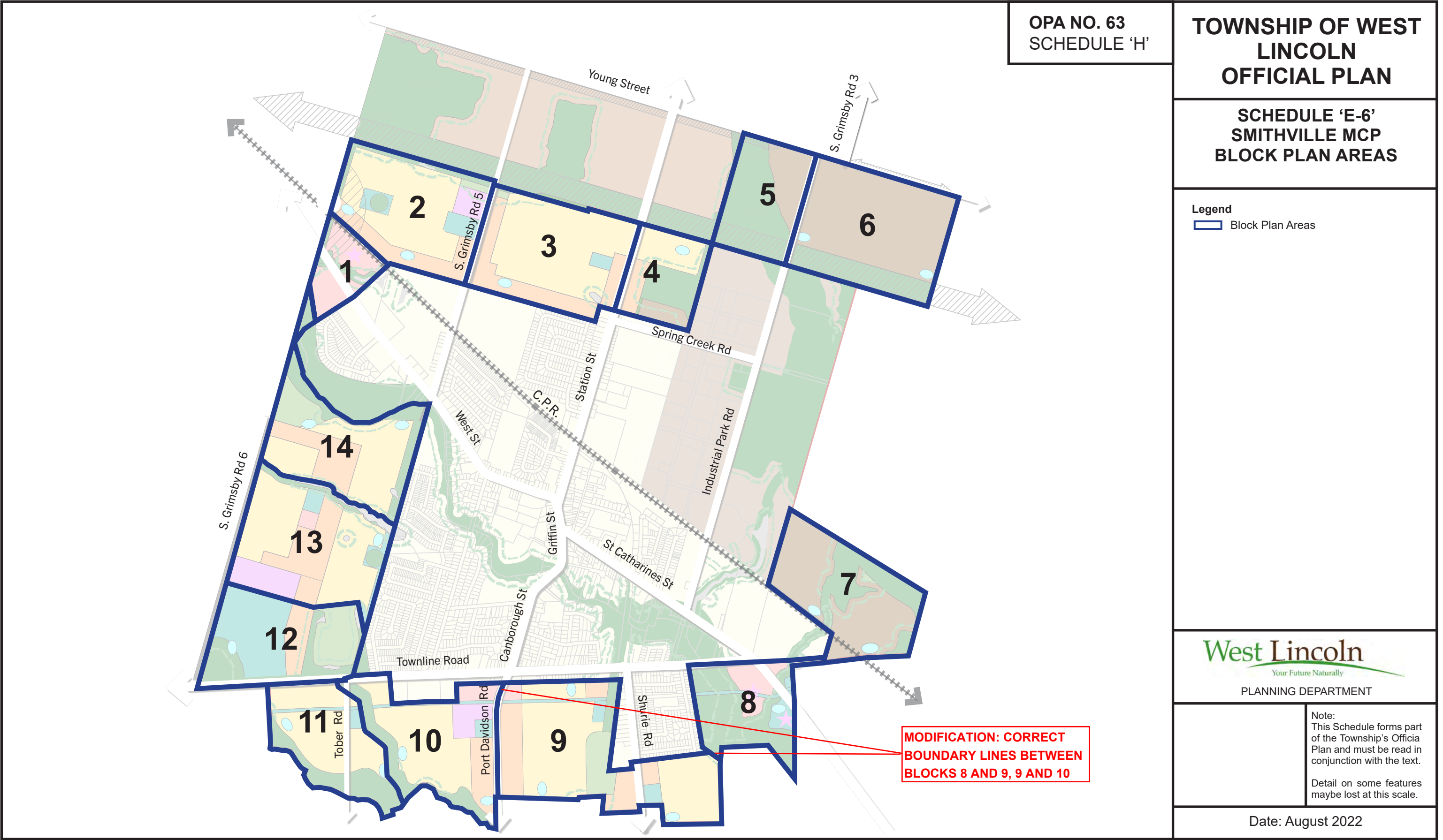


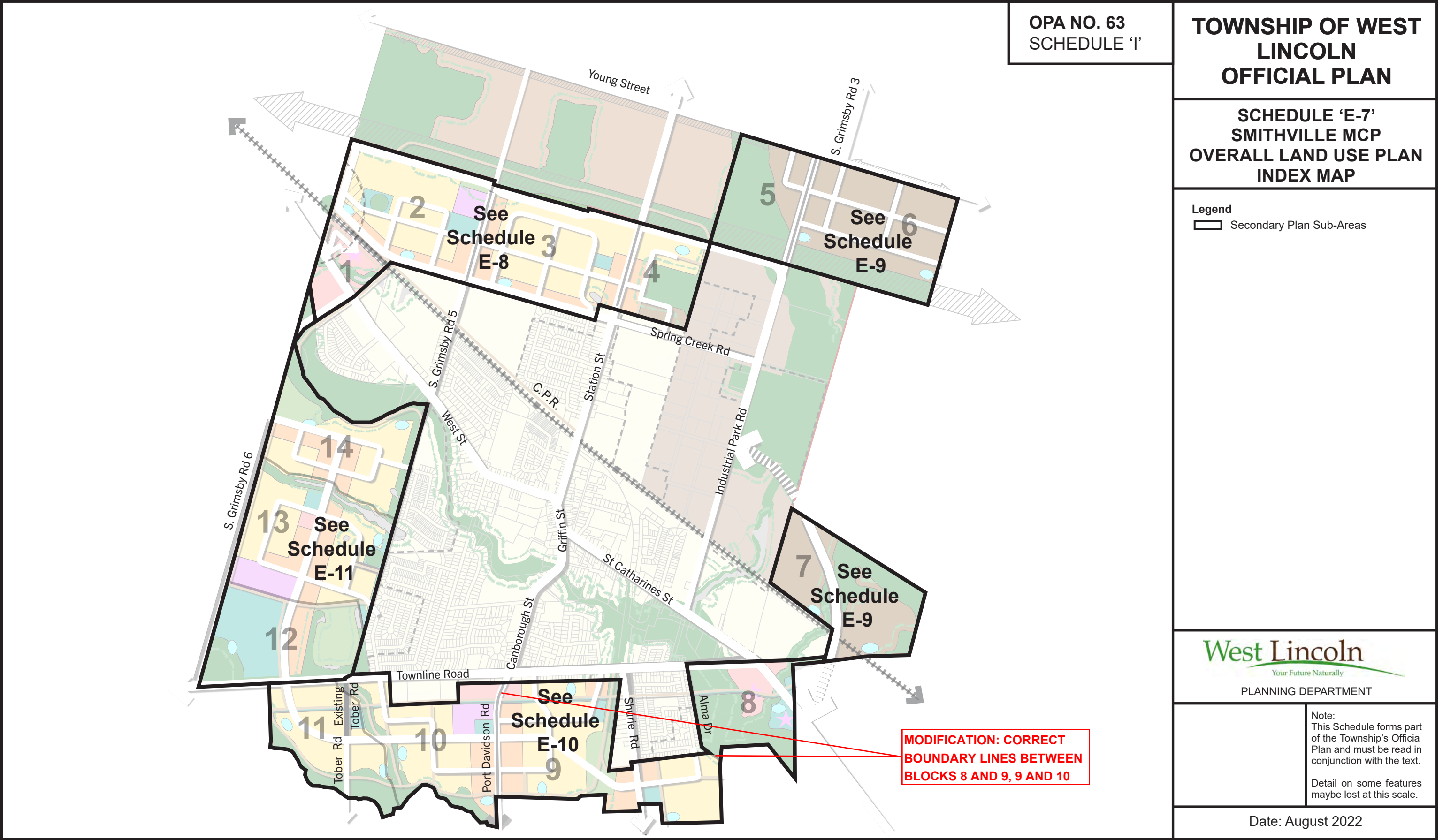




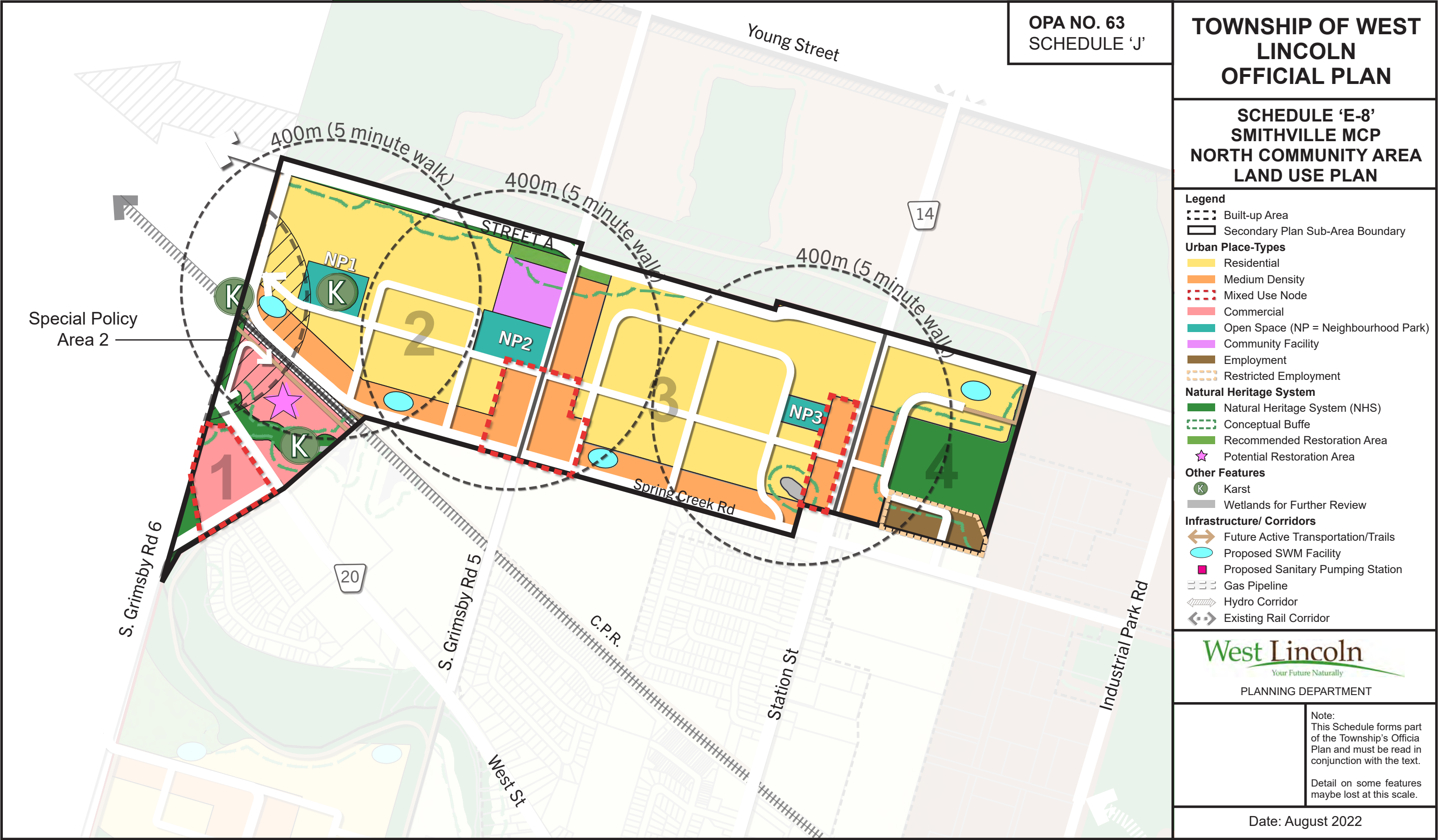


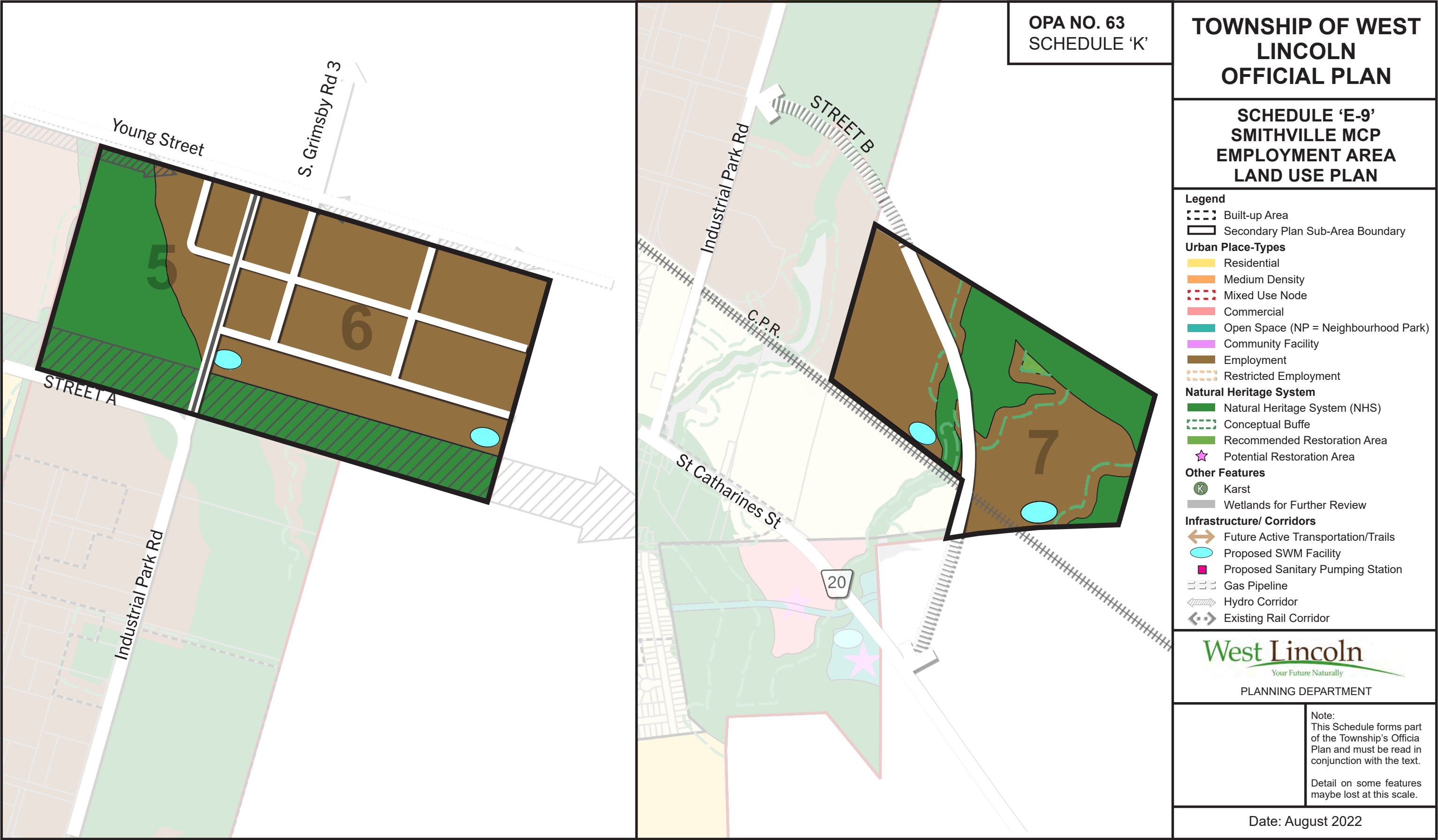




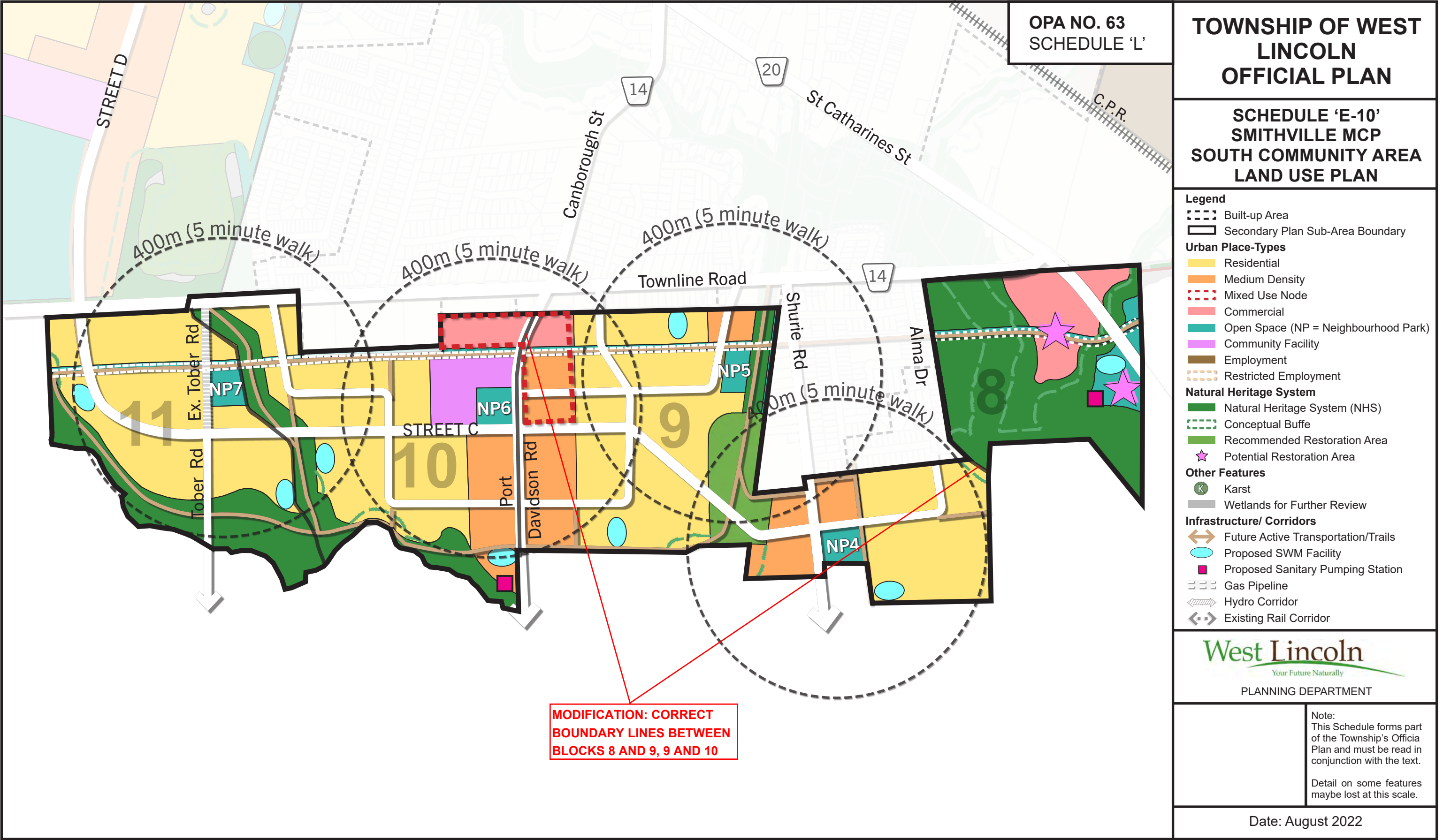




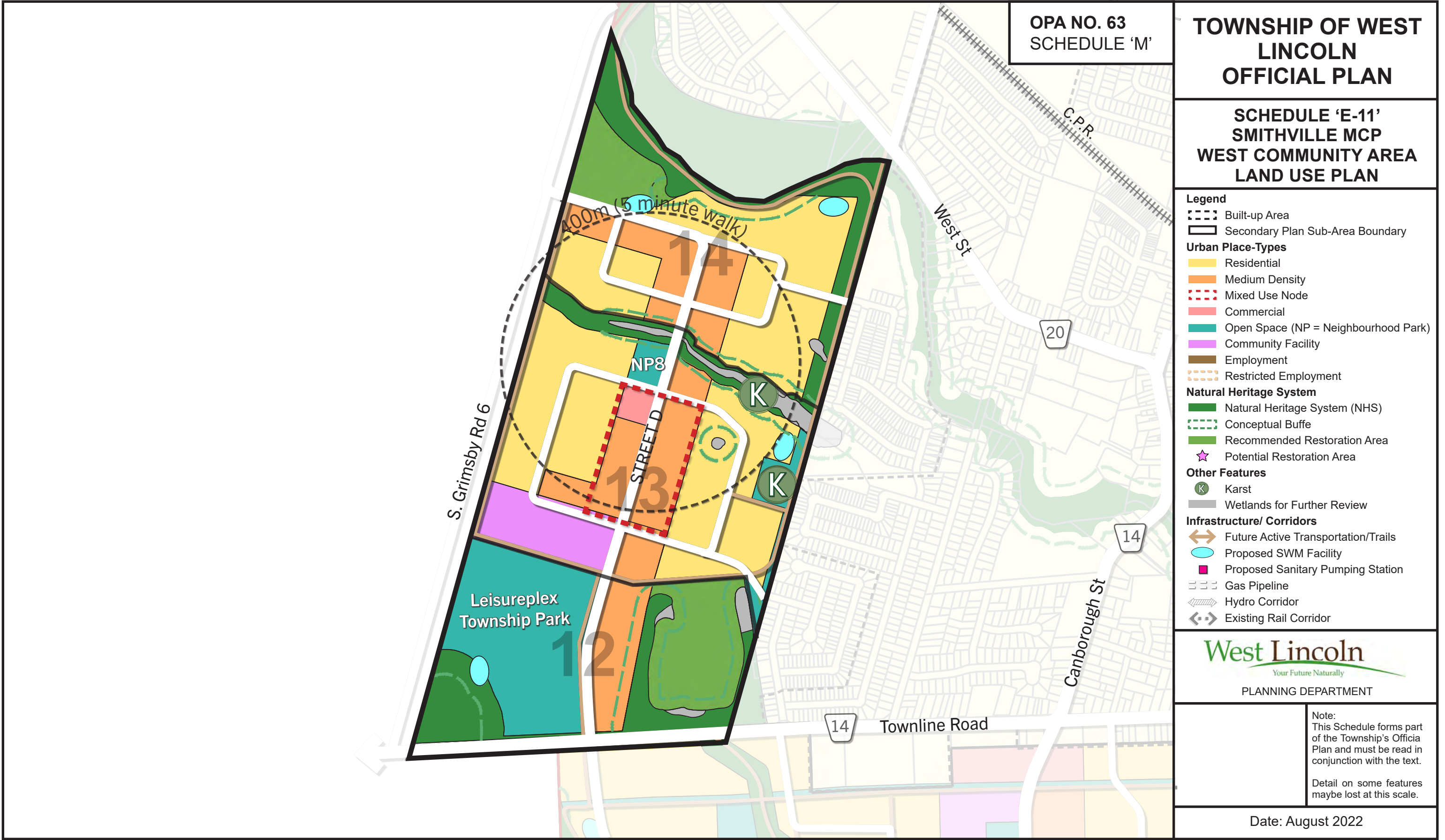


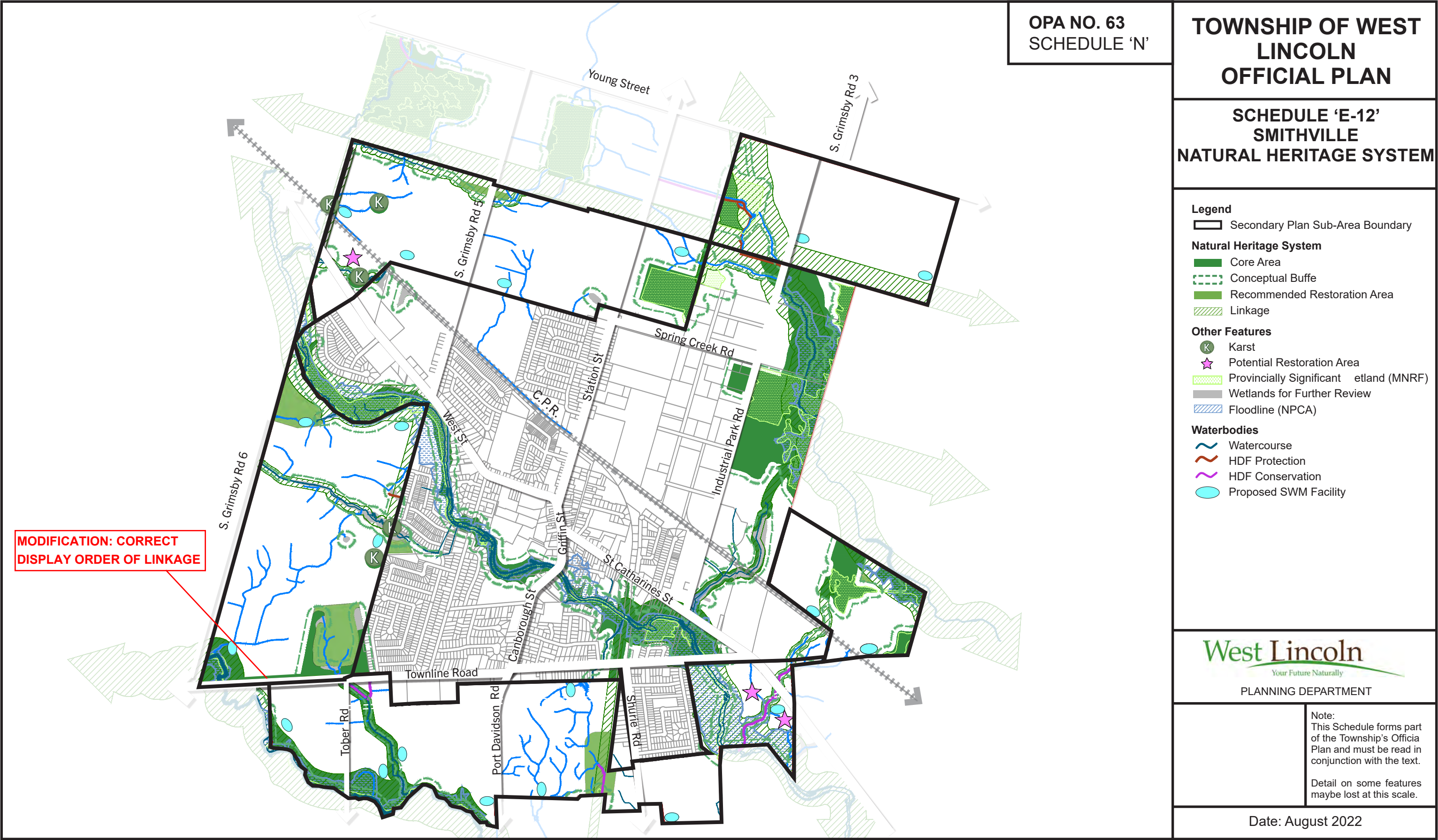




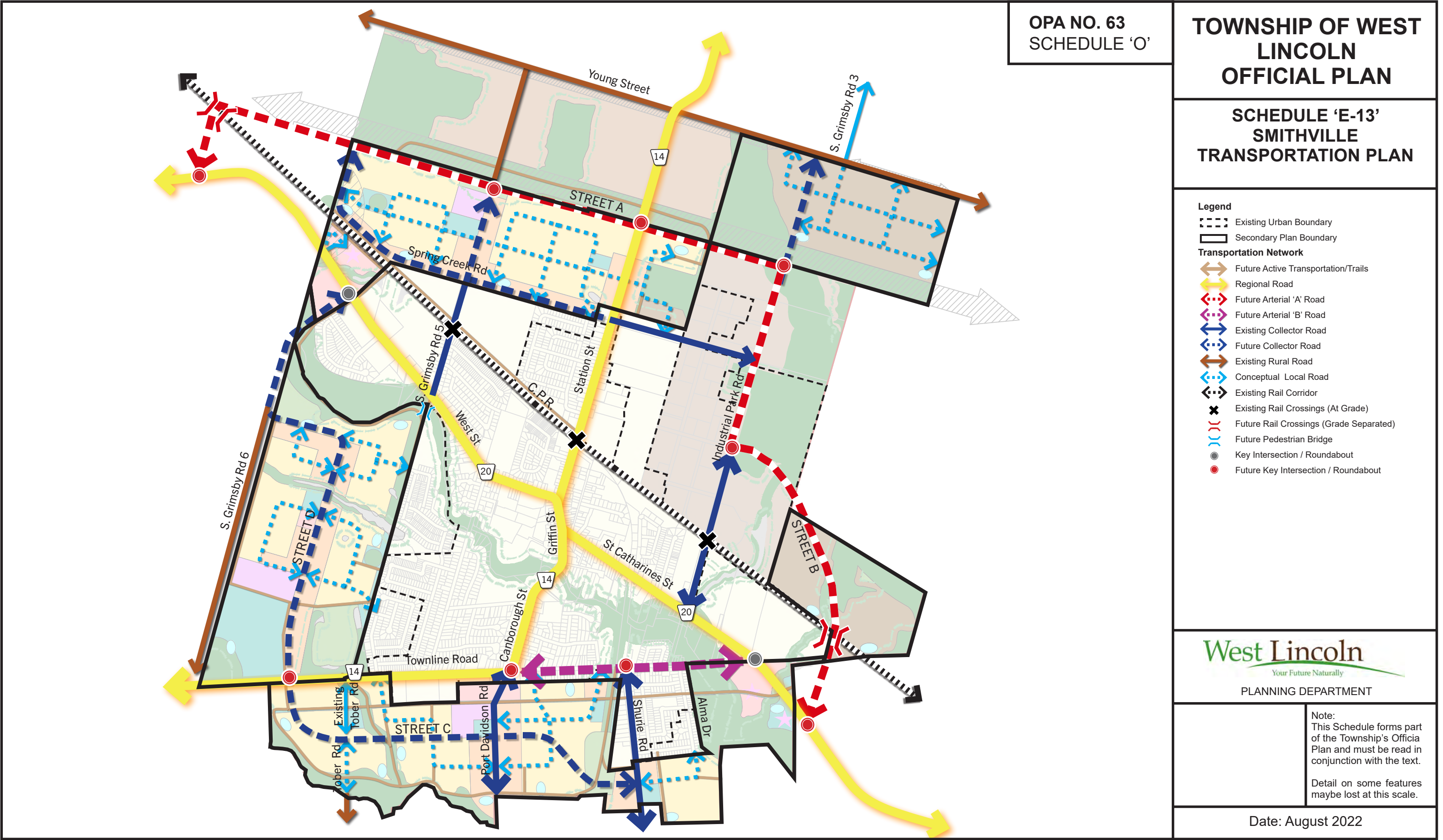


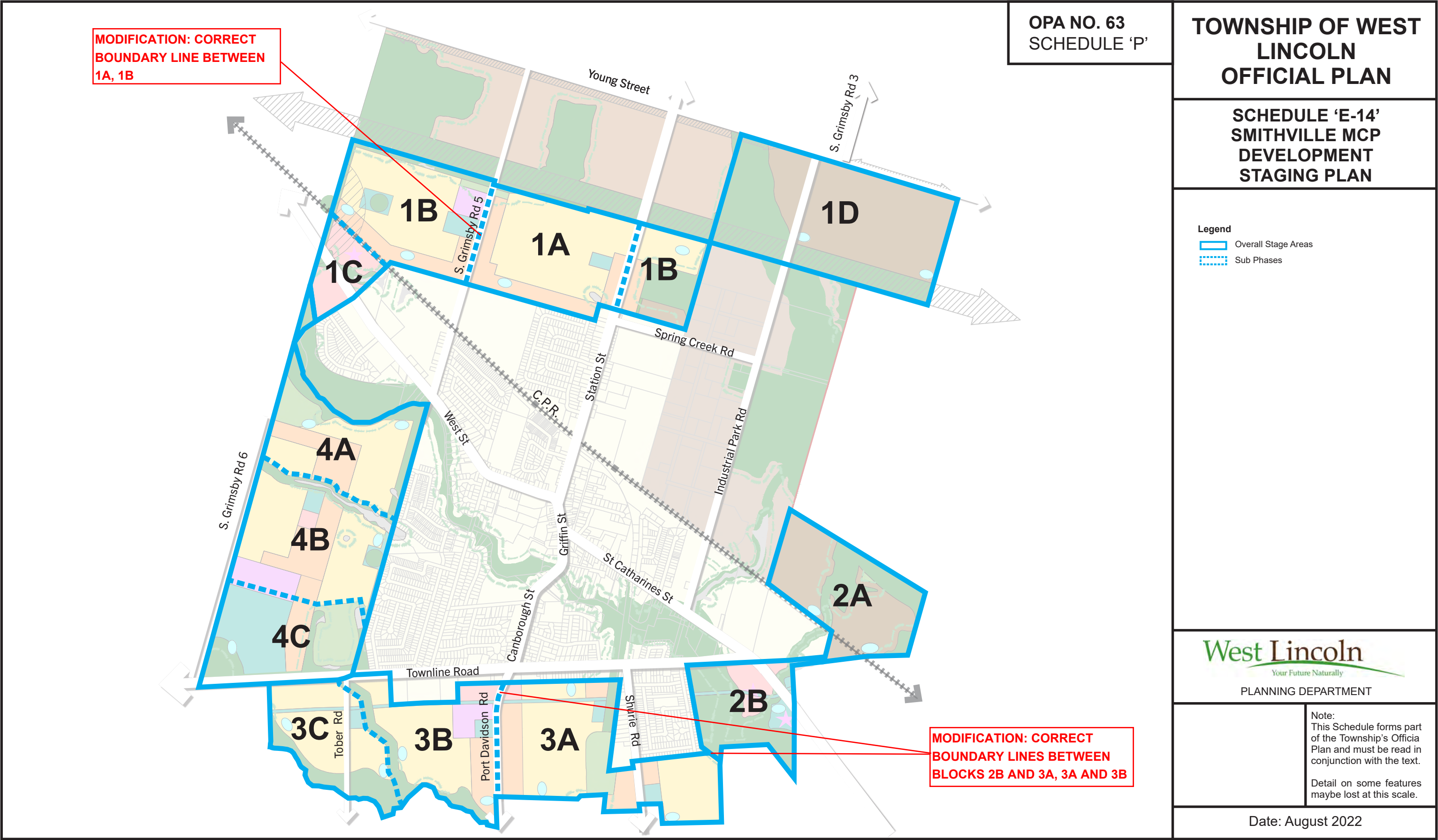














OPA NO. 63  
SCHEDULE 'Q'  
AUGUST 2022

TOWNSHIP OF WEST  
LINCOLN  
OFFICIAL PLAN

SCHEDULE 'F'  
INFRASTRUCTURE &  
TRANSPORTATION

- Legend**
- Smithville Urban Boundary
  - Smithville Sewage Lagoons
  - Arterial
  - Township Arterial
  - Collector
  - Trans Canada Pipeline
  - Municipal Boundary
  - Rail Corridor
  - Airfield Outer Surface
  - Local Road

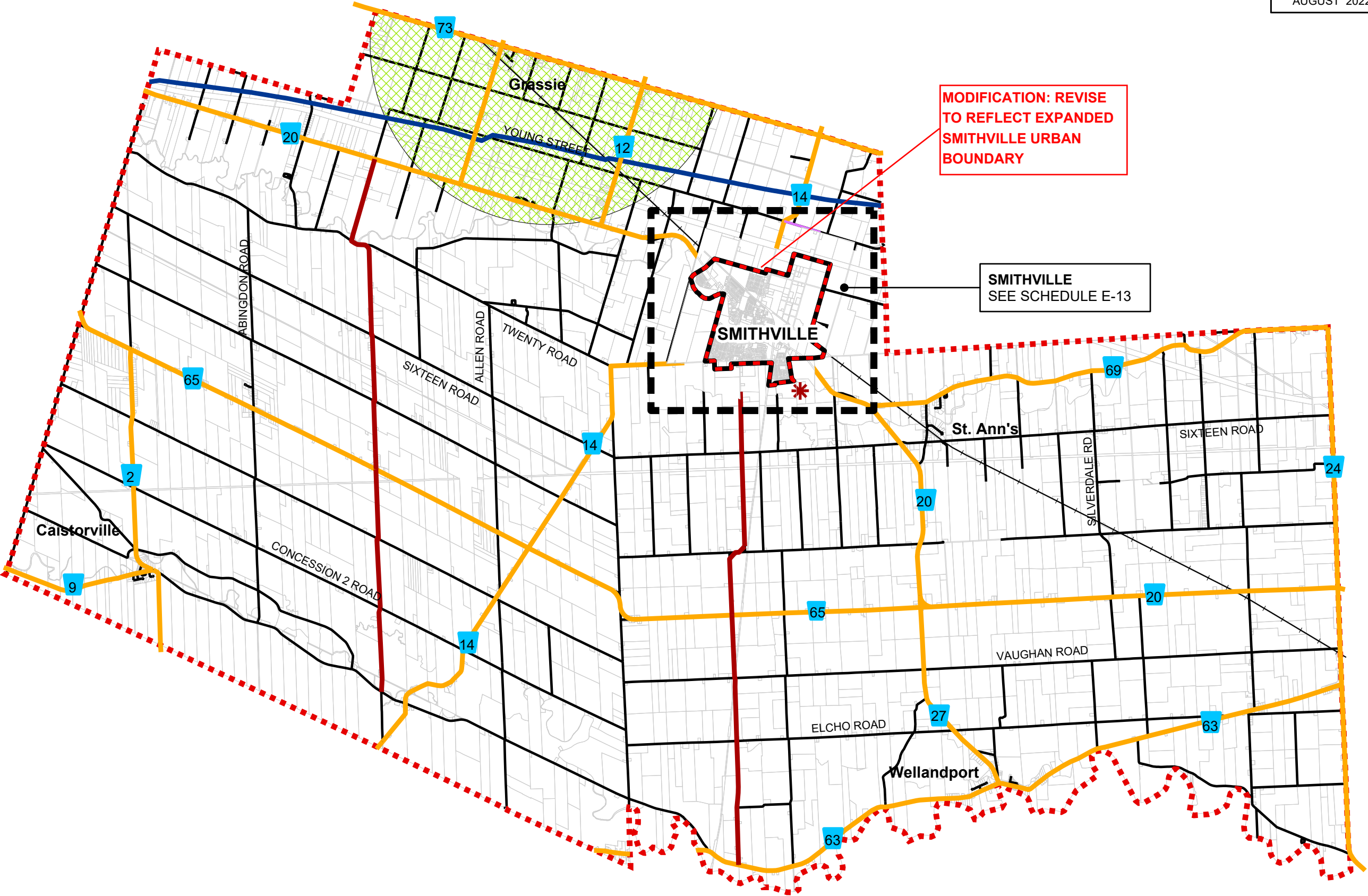


PLANNING DEPARTMENT



Note:  
This map is to be  
interpreted in conjunction  
with the text of the Official  
Plan.

Date: July 2022





Section / Policy #’s	Changes	Purpose / Rationale
6.11.7.2.1  Land Use Concept  6.11.7.4.3  Stormwater Management	Change references to “preferred locations” for stormwater management facilities to “conceptual locations”	To be consistent and clear on the intent of the mapping of future stormwater management facility locations shown on the land use concept plan
6.11.7.3.3 e)  Natural Heritage System – Definitions	Changed “trails” to “trail corridors” and “green infrastructure” to “green utility/servicing corridors”	To clarify the corridors and areas that may be considered as part of the natural cover target – “green infrastructure” is redundant with “stormwater management facilities”, the intent is to include other green servicing/utility corridors the play a role in connecting natural landscapes and maximizing permeable areas to mitigate stormwater impacts
6.11.7.3.4 d)	<p>Regarding refinements to the mapping of the Natural Heritage System as contemplated through the Block Plan process and the preparation of a Master Environmental Servicing Plan (MESP) and Environmental Impact Study (EIS), add the following:</p> <p>“Where refinements to the boundaries of the NHS or Natural Hazards are approved by the Township, the refinement shall be deemed to be a refinement of the boundary between the NHS or Natural Hazards, as applicable, and the adjoining land use designation shown on the Land Use Plan (Schedules “E-8” to “E-11”). The adjoining land use designation shall</p>	To clarify the applicable land use designation and permitted uses where Natural Heritage System boundaries are refined based on further study.

	apply to any areas removed from the NHS or Natural Hazard shown on the Land Use Plan as a result of approved boundary refinements.”	
6.11.7.3.4 h)  Natural Heritage System – General Policies	In reference to refinements to the boundaries of Linkage Areas or Recommended Restoration Areas, replace “ensures the overall land area occupied by such Areas in the NHS is maintained or increased” with “maintains or enhances their ecological functions and contributes to the achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3 e).”	For consistency and clarity of wording with respect to the nature of the refinements that may be considered through further study of certain components of the Natural Heritage System and to relate the amount of area to be conserved back to the natural cover target.
6.11.7.3.14 b) and e)  Natural Heritage System – Conceptual Buffers	<p>Reword b) from “The ecologically and hydrologically appropriate width for each Buffer associated with a proposed development shall be established through the completion of an Environmental Impact Study and shall generally be 30 metres” to “The width for each Buffer associated with a proposed development shall be a minimum of 30 metres as conceptually shown on Schedule “E-12” unless an ecologically and hydrologically appropriate alternative Buffer width is established through the completion of an Environmental Impact Study (EIS) approved by the Township in consultation with the Region and the NPCA.”</p> <p>Reword e) from “Where the width established for a Buffer through the completion of an EIS differs from the conceptual width shown on Schedule “E-12”, minor alterations may be made to the boundaries of the Buffer on that Schedule, without requiring an amendment to this Official Plan” to include “as determined by the Township in</p>	To clarify the intent that the final width of required Buffers may vary from the 30 metre Conceptual Buffers shown on Schedule “E-12” – Natural Heritage System, where an alternative width is justified through an approved EIS. This allows for more detailed study to establish an ecologically and hydrologically appropriate Buffer width for specific features and maintains the requirement for Township approval of the final Buffer widths and any minor alterations to the boundaries of the Buffer based on consultation with appropriate agencies to provide the necessary expertise for EIS review and approval.

	consultation with the Region and the NPCA based on the recommendations made in the EIS.”	
6.11.7.3.15, a), b), j)  Natural Heritage System – Linkages	<p>In the second paragraph, reword the last sentence from “The identification of the type, classification and width of Linkages shall be determined based on the SWS” to “... based on guidance within the SWS and may be refined based upon an EIS approved by the Township in consultation with the Region and the Niagara Peninsula Conservation Authority.”</p> <p>Add “hydrologic” to a) and b) when describing the role and functions of linkages which may include ecological and hydrologic aspects.</p> <p>In j), remove “of any width” and add a sentence “The appropriate width of this linkage will be determined by the Township in consultation with the Region and the NPCA and based on the recommendations made in the approved EIS.”</p>	<p>To clarify the intent that the final details of Linkages and related refinements are to be determined through further study (EIS) based on the guidance provided by the SWS and subject to approval by the Township based on consultation with appropriate agencies to provide the necessary expertise for EIS review and approval.</p> <p>To acknowledge and clarify that linkages may have both ecological and hydrologic roles and functions which need to be understood, studied and considered.</p> <p>To clarify that the final width of this specific linkage between the unnamed tributary of Twenty Mile Creek that runs south of Forestview Court and the U-shaped woodland located approximately 500 metres to the south will be determined via the required EIS which is subject to Township approval based on consultation with appropriate agencies to provide the necessary expertise for EIS review and approval.</p>
6.11.7.3.16 c) iii., v. and i)  Natural Heritage System – Restoration Areas	Reword iii. And consolidate with v., from “may refine the boundaries of Recommended Restoration Areas as they are shown on Schedule “E-12”, provided that the overall area designated as “Recommended Restoration Area” is not reduced by such refinements” to “...shall not be reduced by such refinements unless it is demonstrated to the satisfaction of the Township that the refinement has taken into consideration and supports the	<p>For consistency and clarity of wording with respect to the nature of the refinements that may be considered through further study of certain components of the Natural Heritage System and to relate the amount of area to be conserved back to the natural cover target.</p> <p>Paragraph i) is not required based on further consideration, as the appropriate edge treatments of</p>

	<p>achievement of the natural cover target in combination with the other features and areas identified in Policy 6.11.7.3.3 e).”</p> <p>Delete i) “For consistency and clarity of wording with respect to the nature of the refinements that may be considered through further study of certain components of the Natural Heritage System and to relate the amount of area to be conserved back to the natural cover target.”</p>	<p>Restoration Areas can be addressed through the restoration plan rather than adding buffers around the perimeter of the Restoration Area.</p>
<p>6.11.7.3.17, d), e), f)</p> <p>Natural Hazards – Karst</p>	<p>Reword third paragraph, second sentence, from “There are three high-constraint karst features in the Smithville MCP Area” to “Through the karst review completed as part of the SWS, three potential high-constraint karst features are identified...” and to add the other applicable Schedule references “E-8” and “E-11” providing the mapping of the karst features.</p> <p>Revise d) “No development or site alteration shall be permitted within 50 metres of a high-constraint karst feature or the medium constraint karst feature shown on Schedule “E-11” to this Plan” and consolidate d) with f) “Any development or site alteration proposed within 50 metres of a karst feature shall be subject to i. approval of the NPCA, in accordance with the NPCA regulations and policies” to read “Any development or site alteration proposed within 50 metres of a karst feature, including the potential high- and medium-constraint karst features identified on Schedules “E-8” and “E-11” and any other potential high- and medium-constraint karst features identified through further study, shall be subject to the following: i. the</p>	<p>The proposed re-wording acknowledges that the karst study completed as part of the SWS identified potential high-constraint features and that more detailed karst hazard assessments of individual karst features will determine the final constraint level and appropriate setbacks.</p>



	<p>requirement to complete a Karst Hazard Assessment which shall recommend the constraint level and classification of each karst feature identified on the landscape and recommend minimum setbacks for development and other appropriate mitigation strategies; and, ii. approval of the NPCA, in accordance with NPCA regulations and policies.”</p> <p>Revise e) from “No development or site alteration shall be permitted within 50 metres of a medium-constraint karst feature not identified in Policy 6.11.7.3.17 d) ii above, unless a Karst Hazard Assessment has demonstrated that...” to “No development or site alteration shall be permitted within 50 metres of a high-constraint or medium-constraint karst feature, unless an approved Karst Hazard Assessment has recommended an appropriate alternative setback and has demonstrated that...”</p>									
6.11.7.4.4 g) and h)  Transportation Network	<p>Replace reference to minimum right-of-way width of 20 metres for roads in Township’s jurisdiction with the following table identifying the minimum right-of-way widths recommended for each classification of road as per the Transportation Master Plan:</p> <p>“</p> <table><tr><th>Road Classification</th><th>Minimum Right-of-Way Width</th></tr><tr><td>Arterial “B”</td><td>25.0 m</td></tr><tr><td>Collector</td><td>22.0 m</td></tr><tr><td>Local Road</td><td>20.0 m</td></tr></table>	Road Classification	Minimum Right-of-Way Width	Arterial “B”	25.0 m	Collector	22.0 m	Local Road	20.0 m	<p>Updates to this policy are needed to ensure sufficient right-of-way width is protected and can be acquired by the Township for the four roadway classifications applicable to existing and future roads under the Township’s jurisdiction as identified in the transportation map schedule (Schedule “E-13”) and in the Transportation Master Plan. A wider right-of-way is needed for part of Industrial Road due to underground infrastructure and spacing requirements in that corridor.</p> <p>Clause h) i. allows flexibility for the Township to permit a reduced right-of-way width without</p>
Road Classification	Minimum Right-of-Way Width									
Arterial “B”	25.0 m									
Collector	22.0 m									
Local Road	20.0 m									

	<table><tr><td>Rural Road</td><td>28.5 m</td></tr></table> <p>“</p> <p>Revise h) to add the following subclause based on further review of the right-of-way requirements for Industrial Road (based on underground infrastructure corridor needs):</p> <p>“ii. Industrial Road between London Road and St. Catharines Street shall have a minimum right-of-way width of 25 metres.”</p>	Rural Road	28.5 m	requiring an Official Plan Amendment. This policy does not obligate the Township to accept a reduce right-of-way width but avoids the need for an Official Plan Amendment if the Township determines a reduced right-of-way width can be accepted in specific locations/circumstances if warranted as determined by the Township.
Rural Road	28.5 m			
6.11.7.4.5 c) Smithville Bypass Road Corridor	Change minimum right-of-way width from 31.5 metres to 30.5 metres.	Based on Transportation Master Plan. As noted in the policy, the final right-of-way width for the by-pass corridor will be determined in consultation with the Region during the Block Plan process.		
Schedule “H”	Correct Block Plan boundaries between Blocks 8 and 9, and between Blocks 9 and 10.	Correction of small mapping error.		
Schedule “T”	Correct Block Plan boundaries between Blocks 8 and 9, and between Blocks 9 and 10.			
Schedule “L”	Correct Block Plan boundaries between Blocks 8 and 9, and between Blocks 9 and 10.			
Schedule “N”	Correct hidden Linkage along north side of Townline Road.			
Schedule “P”	Add missing boundary line between Sub Phases 1A and 1B.			
	Correct Stage Areas boundary line between Stages 2B and 3A.			
	Correct boundary line between Sub Phases 3A and 3B.			





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November 25, 2022

Diana Morreale, MCIP, RPP  
Director of Development Services  
Niagara Region Planning and Development Department

VIA EMAIL

RE: Township of West Lincoln  
**OPA 63 – Smithville Urban Boundary Expansion Area**

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Dear Diana,

Please accept this letter as comments on behalf of Phelps Homes regarding Township of West Lincoln OPA 63. NPG Planning Solutions Inc. are land use planning consultants to Phelps Homes regarding their lands within the OPA 63 Secondary Plan Area. Phelps Homes are also participants in the landowners group. We note that the landowners group has provided comments on the various studies and the OPA 63 Secondary Plan to the Township on which you were copied.

We are sending this letter to you to reiterate and reinforce the concerns regarding OPA 63. The consulting team on behalf of the landowners group has provided detailed comments on OPA 63 which we will not replicate. However we do support the comments that have been provided to the Town by the landowners consulting team.

We are writing to provide you with comments on certain key issues which can be grouped under three key issues: Natural Heritage; Transportation; Implementation.



### Natural Heritage:

The natural heritage system approach in OPA 63 is creating problematic issues in the Secondary Plan policies, mapping and the implementation of the Secondary Plan.

- a) Restoration Areas – the two categories of Restoration Areas (Potential and Recommended Restoration Areas) are treated differently in terms of mapping. We concur with the comments of Paul Lowes that these should not be mapped differently but should be shown as an icon on the mapping. The detailed EIS and science based decision making will determine the restoration areas through the Block Plan and Draft Plan process. At the scale of a Secondary Plan it is more appropriate to use the approach identified in Mr. Lowes' letter of June 6, 2022 which identifies the opportunity and the policies which address how that opportunity will be evaluated.
- b) Coverage Target – identifying an aspirational target is of concern. The coverage target is arbitrary and cannot reasonably be implemented. The target will be addressed over the time in which the Secondary Plan is implemented. This approach has the potential of impacting landowners differentially and particularly those in the latter stages of implementation. Fundamentally however the coverage target is problematic and needs to be removed – there is no basis for its establishment.
- c) Conceptual buffers – the policies regarding conceptual buffers need to be revised from the current wording. The current wording uses the terminology “shall generally be 30 m”. This type of policy language is problematic – is the test “shall” or “generally”? The policy wording should make reference to up to 30 m based on the scientific analysis in the EIS and remove the conflicting language.
- d) Linkages – the linkage policies need to be refined so that the ecological studies determine the need, width and location of the linkage. At a Secondary Plan scale the linkages can be seen as aspirational or potential but should not be definitive.

### Transportation:

The comments from BA Group reflect the concerns regarding the transportation plan and policies within OPA 63. We wish to focus on two specific matters, as follows.

- a) Relationship to Natural Heritage System – the comments in the BA Group letter appropriately identify that future Environmental Assessments for transportation corridors need to address the natural heritage system. This is appropriate as the EA process requires decision making to be made based on

a multitude of factors. The comments on the natural heritage policies become critically important as the implementation of the Secondary Plan transportation network is completed, in part, through the EA process. The natural heritage policies cannot prejudice the EA process for transportation.

- b) Alternative road standards – we concur that the road cross sections need to include a narrower standard. There are design solutions and options for a narrower road solution through the draft plan stage that will allow flexibility to address detailed issues in design, servicing, and other issues such as natural heritage.

#### Implementation:

Our comments relating to implementation are to support timely next steps to implementing this Secondary Plan. As a preface to this, the need for housing in Niagara has been demonstrated through the Regional Official Plan process and especially in support of the Niagara workforce. Implementation of this Secondary Plan must be a priority and policies must support immediate next steps in implementation.

- a) Master Environmental Servicing Plans – MESP's are appropriate tools to identify how servicing will occur. These plans can and should be refined through the draft plan stage based on more detailed implementation design of the draft plan and resolving issues within the overall draft plan design.
- b) Staging of Development - The staging and infrastructure policies require greater flexibility and cannot be prescriptive. It is critical that the Township and the Region can work with landowners through various studies and issues to advance implementation. Prescriptive policies, such as those included in the plan, can lead to delays but also a plan that will be challenged to be implemented.
- c) Cumulative impacts – The cumulative impact of these policies will create consequences for the implementation of the Secondary Plan. We are very concerned that the Secondary Plan's implementation will be challenged and likely delayed. Addressing the natural heritage studies within the adopted policy framework will lead to multiple studies and assessments with no clear ability to resolve the difference between policy and science based studies such as an EIS, an MESP, or an EA for transportation infrastructure. This will ultimately translate into delay as issues will require resolution as well as impacting the overall design and development of this community. The comments of the landowners group as well as the comments in this letter are to support implementation of the Secondary Plan including the natural heritage features and functions.

The Minister of Municipal Affairs and Housing recently approved the new Niagara Region Official Plan. The Smithville Urban Boundary expansion lands are a key priority in the implementation of the new Official Plan and the Region's commitment to more housing. It is our view that the Region has a key interest in ensuring that the planned growth can be implemented in a timely manner. The above issues highlight the challenges to finalizing the Secondary Plan and, more importantly, the implementation of the Secondary Plan. The Region's commitment to more housing and the analysis of housing need must be front and centre in the decisions on OPA 63.

We are sending this letter to you because of the importance of OPA 63 as well as the significance of our concerns. We would be pleased to meet with you regarding these issues and this letter.

Sincerely,



---

Mary Lou Tanner, FCIP, RPP  
Principal Planner  
NPG Planning Solutions  
[mtanner@npgsolutions.ca](mailto:mtanner@npgsolutions.ca)

cc: J. Whyte, Phelps Homes



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✉ info@sglplanning.ca

December 15, 2022

Project: UE.WL

**VIA EMAIL**

Michelle Sergi  
Commissioner of Planning and Development Services  
Niagara Region  
1815 Sir Isaac Brock Way P.O. Box 1042  
Thorold, ON  
L2V 4T7 Canada

**Re: OPA 63**

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

Township staff and their consultants have been very accommodating in trying to resolve outstanding policy issues on OPA 63, and we thank them for the open process and consultation that they have afforded us. The recent changes proposed by GSP provide additional clarity and necessary flexibility. However, some of the landowners' previously identified concerns with the policies of OPA 63 have not been addressed as further discussed in this letter. Our previous letters are included in **Attachments I, II, and III**.

**Densities**

The densities provided through OPA 63 are generally acceptable to support the intended built forms and meet the township's density target. However, we continue to reiterate that the Residential and Medium Density designations density ranges are too low to accommodate the range of housing permitted in the designation, such that the density permissions would prohibit the development of denser permitted built forms other than in limited amounts averaged with other lower density housing forms. The density ranges are lower than other municipal densities in Niagara Region, and could prevent the development of a full range of dwellings types in the Township. In light of Bill 23 direction for expediting housing, we request that the Secondary Plan be revised to increase the density permissions to expedite the process of a full range of housing options.

## Restoration Areas

We recognize the importance and the need for restoration in a Natural Heritage System, but continue to have concerns with the approach for the Recommended Restoration Areas designation in OPA 63. The Secondary Plan contains policies for both the Recommended Restoration Areas as well as Potential Restoration Areas. It is still unclear why OPA 63 treats Recommended Restoration Areas differently from Potential Restoration Areas. In the opinion of our consulting team, these two classifications provide for the same restoration function, but some areas are specifically mapped without any analysis demonstrating the necessity of those specific lands to be restored while others are identified schematically. It appears that these Recommended Restoration Areas were originally conceived to increase the extent of natural cover. However, parks, open spaces and stormponds are now included as part of the natural cover target. With the Province exploring permitting off-setting, restoration areas will be the means to accommodate off-setting but the extent of the restoration areas required should be based on the off-setting requirements and the new policies and regulations produced by the Province. We request that all restoration areas be shown schematically as Potential Restoration Areas on Schedules E-8 through E-12 to be evaluated further through an EIS at the block plan and/or draft plan of subdivision stage and which can address the Province's new off-setting requirements through that process.

## Conceptual Buffers

Policy 6.11.7.3.14 regarding Conceptual Buffers notes that buffers are meant to protect Core Area features and that the actual width required for a given Buffer will be specified at the Block Plan stage through an Environmental Impact Study. We are supportive of that approach as it will determine the appropriate buffer depending on the sensitivity of the feature and the type of adjacent land use. That approach is reiterated in sub-policy b), which states the ecologically appropriate width of each Buffer shall be established through an EIS. However, the policy then goes on to say 'and shall generally be 30 metres'. There is nothing in OPA 63 or in the supporting subwatershed study that states why 30 metres is ecologically appropriate. Sub policy e) goes on to say that minor alterations may be made to the boundaries of the Buffer without requiring an amendment to the Official Plan. There is no clarity as to what a minor alteration is, and it is onerous to require an OPA where a reduced buffer is ecologically supported. We recommend that the text "and shall generally be 30 metres" be revised to say, "up to 30 metres". As well, we recommend that the reference to "minor alterations" be removed.

## Karst

With respect to Karst features, we have made suggested edits to Karst's policies to Mr. Wever dated December 6, 2022 (See **Attachment I**), which we hope to see reflected.



## **Phasing Policies**

With respect to the phasing policies, we understand Township staff and the consultant team wish to support orderly development, however, we are concerned the phasing policies of OPA 63 are too restrictive and prioritize non-participating landowners' land, which will slow the delivery of new housing. We are not requesting that OPA 63 advance without a plan for implementation of corresponding infrastructure, rather it should incorporate flexibility into the MCP to allow for concurrent opportunities to build more homes faster.

The phasing policies do not provide the Town with the flexibility to adjust as circumstances warrant. The policy approach to phasing priorities is highly prescribed and not practical at an implementation level. It needs to be flexible to address changing market circumstances, landowner preparedness and alternative service solutions.

By providing greater phasing flexibility, it will not preclude orderly development, as any future development would continue to be subject to the Official Plan and Provincial policies as well as infrastructure constraints.

With Bill 23 seeking to facilitate the development of housing faster to alleviate the affordable housing crisis, we request the secondary plan be revised to incorporate greater flexibility with a focus on infrastructure staging related to development rather than consecutive phasing. Otherwise, the current restrictive approach to phasing, in our opinion, will hinder the municipality's ability to meet the 2051 growth targets.

## **Coverage Target**

OPA 63 references achieving the Township wide natural cover target of 30% in Section 10.3.2 of the Official Plan. This is an aspirational target that applies across the municipality, but OPA 63 applies that target to the Secondary Plan Area specifically. We appreciate that the policy text has been edited to be more flexible with what can be included in achieving the natural cover target, but we continue to have concerns with the implementation of the natural cover target, particularly where the policies allow for refinement of restoration areas, conceptual buffers, linkages and the natural heritage system provided it contributes to the natural cover target. In our opinion, this requirement is onerous and not based on any ecological principles or requirements in any provincial or regional policy or guideline. We request that the policies be revised to apply the natural cover target municipal wide as Section 10.3.2 requires rather than specifically to the Secondary Plan.

## **Conclusion**

Thank you for the opportunity to comment on the revisions to OPA 63. The cumulative impact of the environmental policies and their implementation and the rigidity of the phasing policies is a real concern to the landowners group. The Smithville Landowners Group looks forward to working with the Township to implement OPA 63 over the coming decades, but we want to ensure that we get OPA 63 right. The landowners and



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their consultants have concerns, and we request that the Region modify OPA 63 to address the above noted concerns.

Yours very truly,  
**SGL PLANNING & DESIGN INC.**

A handwritten signature in black ink, appearing to read "Paul Lowes", is written over a light gray rectangular background.

Paul Lowes, MES, MCIP, RPP

c.c. Brian Treble, Township of West Lincoln  
Richard Vandezande  
Steve Wever, GSP Group  
Tony Miele, Smithville Landowners Group



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## **Attachment I: Letter to S. Wever dated December 7, 2022**



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

December 6, 2022

Project: UE.WL

**VIA EMAIL**

Steve Wever  
GSP Group  
72 Victoria Street South  
Suite 201  
Kitchener, ON  
N2G 4Y9

**Re: Suggested Edits to OPA 63**

SGL Planning & Design Inc. represents the Smithville Landowners Group. The Landowners Group are also being assisted by GEI Consultants Ltd., A.J. Clark and Associates Ltd., Colville Consulting, Terra-Dynamics and BA Group. Individual landowners have also retained other consultants to assist in their review of OPA 63.

We would like to thank Township staff and the team of consultants for their continued collaborative dialogue in making refinements to OPA 63. The proposed refinements in your email dated November 23, 2022 are helpful although we continue to have concerns regarding some of these policies. In addition to our email correspondence on December 1<sup>st</sup>, 2022 regarding Policy 6.11.7.3.14 e) and the phasing policies (**Attachment A**), we are providing the following additional suggestions concerning the Natural Hazard and Phasing policies.

**Karst Policy Text Suggestions**

With respect to the Karst policies, your proposed policy changes are quite positive, but we have some suggested additional edits which are underlined and **bolded**, whereas the original OPA 63 text is in black text and the edits by GSP Group are shown in red.

6.11.7.3.17

d) Any development or site alteration proposed within 50 metres of a karst feature, including the potential high- and medium-constraint karst features identified on Schedules “E-8” and “E-11” and any other potential high- and medium-constraint karst features identified through further study, shall be subject to the following:

i. the requirement to complete a Karst Hazard Assessment which shall recommend the constraint level and classification of each karst feature

identified on the landscape and recommend minimum setbacks for development and or other appropriate mitigation strategies, such as elimination of the hazard; and,

ii. approval of the NPCA, in accordance with NPCA regulations and policies.

e) No development or site alteration shall be permitted within 50 metres of a high-constraint or medium-constraint karst feature ~~not identified in Policy No. 6.11.7.3.17.d)ii above~~, unless ~~a~~-an approved Karst Hazard Assessment ~~has been completed and~~ has recommended an appropriate alternative setback or mitigation strategy to eliminate the hazard and has demonstrated that:

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

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

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

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

v. there will be no negative impacts on the ecological or hydrological functions of the downstream features.

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

h.) Where the proposed development of lands that contain all or part of a karst feature involves the creation of one or more lots:

i. the karst feature and its associated setback area shall be maintained as a single block; or

ii. where it is not possible to maintain a karst feature and its associated setback area as a single block, any fragmentation of the karst~~s~~ feature and its associated setback area into multiple blocks shall be minimized.



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### **Additional Karst Comments for Consideration**

In regard to policy 6.11.7.3.17 i), it is unclear what is meant by unitary storage. To improve clarity of the policy, we recommend further explaining it or defining it.

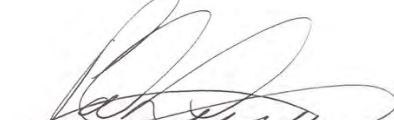
We also appreciate an effort has been made to clarify the process for determining what a minor alteration would be for a Buffer in policy 6.11.7.3 14 e); however, we remain concerned about the use of the term minor and how this term could be interpreted.

### **Phasing Policy Comments**

With respect to the phasing policies, we understand Township staff and the consultant team wish to support orderly development, however, we are concerned the phasing policies of OPA63 are too restrictive and prioritize non-participating landowners' land, which will slow the delivery of new housing. We are not requesting that OPA 63 advance without a plan for implementation of corresponding infrastructure, rather it should incorporate flexibility into the MCP to allow for concurrent opportunities to build more homes faster. By providing greater flexibility or the removal of the phasing policies, it would not preclude orderly development, as any future development would continue to be subject to the Official Plan and Provincial policies as well as infrastructure constraints.

With Bill 23 seeking to facilitate the development of housing faster to alleviate the affordable housing crisis, we urge the team to incorporate greater flexibility within the Secondary Plan with a focus on infrastructure staging related to development rather than consecutive phasing.

Yours very truly,  
**SGL PLANNING & DESIGN INC.**



Paul Lowes, MES, MCIP, RPP

c.c. Brian Treble  
Richard Vandezande  
Tony Miele, Smithville Landowners Group

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## **Attachment A: Correspondence**

**Subject:** RE: OPA 63 follow up  
**Date:** Friday, December 2, 2022 at 9:28:48 AM Eastern Standard Time  
**From:** Steve Wever  
**To:** Raymond Ziembra  
**CC:** btreble@westlincoln.ca, anastasiagrove anastasiagrove, Paul Lowes  
**Attachments:** image002.png, image003.png, image004.png, image005.png, image006.png, image008.png, image009.png

Hi Ray,

Thank you for the suggested rewording of Policy 6.11.7.3.14 e) – we agree that is clearer and I have included this change in the proposed draft modifications and have updated the Region regarding this change to the proposed draft modifications.

Regarding the landowners' request to remove the phasing policies from OPA 63, we have discussed this with the Region and Township representatives, and we are not recommending removal of the phasing policies or modifications to them. The Planning Act, PPS and Growth Plan continue to direct municipalities to have regard to the orderly development of safe and healthy communities, including via the establishment of phasing policies. I'm not aware of anything in Bill 23 that would restrict or eliminate the need to plan for the orderly progression of development aligned with infrastructure and transportation improvements, or that would obligate the Township to plan to accommodate more growth and/or to grow at a faster pace than envisioned by the MCP. Through the implementation of OPAs 62 and 63, the geographic size of Smithville's urban area will nearly double and the proposed land use designations and policies provide for Smithville's population to quadruple over a period of 30 years from approximately 7,000 to 29,000. Council and public support for the plan has been based on an understanding that this growth will occur at a manageable pace aligned with the provision of the required infrastructure and supporting community facilities.

I hope this information is helpful.

Thanks,  
Steve

**Steve Wever** MCIP, RPP  
President

office: 519.569.8883  
direct: 226.243.7399  
mobile: 519.497.9023  
email: [swever@gspgroup.ca](mailto:swever@gspgroup.ca)



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Kitchener, ON N2G 4Y9

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**From:** Raymond Ziembra <[rziembra@sglplanning.ca](mailto:rziembra@sglplanning.ca)>  
**Sent:** December 1, 2022 11:52 AM  
**To:** Steve Wever <[swever@gspgroup.ca](mailto:swever@gspgroup.ca)>  
**Cc:** btreble@westlincoln.ca; anastasiagrove anastasiagrove <[anastasiagrove@sympatico.ca](mailto:anastasiagrove@sympatico.ca)>; Paul Lowes <[plowes@sglplanning.ca](mailto:plowes@sglplanning.ca)>

**Subject:** Re: OPA 63 follow up

Hi Steve,

Thank you for those changes. They are helpful. We will be reviewing them with the landowners tomorrow.

For Policy 6.11.7.3.14 e) we suggest the order of the added text be revised as shown below:

Where the width established for a Buffer through the completion of an EIS differs from the conceptual width shown on Schedule "E-12", minor alterations may be made to the boundaries of the Buffer on that Schedule as determined by the Township in consultation with the Region and the NPCA based on the recommendations made in the EIS, without requiring an amendment to this Official Plan.

The landowners' also request that the policies regarding phasing be removed from OPA 63 based on Provincial direction for achieving housing targets in Ontario.

Thanks,  
Ray



**Raymond Ziemba RPP, MPI.**

Senior Planner

1547 Bloor Street West

Toronto, ON M6P 1A5

TEL: 416.923.6630 Ext. 25

Subway: Dundas West

---

**From:** Paul Lowes <[plowes@sglplanning.ca](mailto:plowes@sglplanning.ca)>

**Date:** Monday, November 28, 2022 at 6:47 AM

**To:** Steve Wever <[swever@gspgroup.ca](mailto:swever@gspgroup.ca)>, Raymond Ziemba <[rziemba@sglplanning.ca](mailto:rziemba@sglplanning.ca)>

**Cc:** [btreble@westlincoln.ca](mailto:btreble@westlincoln.ca) <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>, anastasiagrove <[anastasiagrove@sympatico.ca](mailto:anastasiagrove@sympatico.ca)>

**Subject:** Re: OPA 63 follow up

Steve

We will try and get any comments to you today or first thing tomorrow.

Paul



**Paul Lowes M.E.S., MCIP, RPP**  
Principal  
1547 Bloor Street West  
Toronto, ON M6P 1A5  
TEL: 416.923.6630 Ext.23  
CELL: 416.347.7109  
Subway: Dundas West

---

**From:** Steve Wever <[swever@gspgroup.ca](mailto:swever@gspgroup.ca)>

**Date:** Wednesday, November 23, 2022 at 1:45 PM

**To:** Raymond Ziemba <[rziemba@sglplanning.ca](mailto:rziemba@sglplanning.ca)>

**Cc:** Paul Lowes <[plowes@sglplanning.ca](mailto:plowes@sglplanning.ca)>, [btreble@westlincoln.ca](mailto:btreble@westlincoln.ca) <[btreble@westlincoln.ca](mailto:btreble@westlincoln.ca)>, anastasiagrove anastasiagrove <[anastasiagrove@sympatico.ca](mailto:anastasiagrove@sympatico.ca)>

**Subject:** RE: OPA 63 follow up

Hi Ray,

Please find attached a tracked changes version of OPA 63 showing the proposed draft modifications.

We are not proposing any modifications to the density ranges as in our opinion they remain appropriate and support the achievement of the Greenfield density target, housing mix and range of unit types and accommodating the overall growth forecast.

If you have any comments on this we will need them as soon as possible next week as we are scheduling to bring this forward to Township Committee/Council on December 12<sup>th</sup>.

Thanks,  
Steve

**Steve Wever** MCIP, RPP  
President

office: 519.569.8883  
direct: 226.243.7399  
mobile: 519.497.9023  
email: [swever@gspgroup.ca](mailto:swever@gspgroup.ca)



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**Vacation Alert: Friday November 18th returning on Monday November 28th.**

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**From:** Raymond Ziemba <[rziemba@sglplanning.ca](mailto:rziemba@sglplanning.ca)>

**Sent:** November 21, 2022 4:14 PM

**To:** Steve Wever <[swever@gspgroup.ca](mailto:swever@gspgroup.ca)>

**Cc:** Paul Lowes <[plowes@sglplanning.ca](mailto:plowes@sglplanning.ca)>; [btreble@westlincoln.ca](mailto:btreble@westlincoln.ca); anastasiagrove anastasiagrove <[anastasiagrove@sympatico.ca](mailto:anastasiagrove@sympatico.ca)>

**Subject:** Re: OPA 63 follow up



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## **Attachment II: Letter to Council Regarding Draft OPA 63 Dated June 24, 2022**



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

June 24, 2022

Project: UE.WL

**VIA EMAIL**

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

**Re: Draft OPA 63**

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

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

**Densities**

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

**Mixed Use**

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

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

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

### **Restoration Areas**

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

### **Coverage Target**

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

### **Karst Features**

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

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

### **Servicing and Transportation**

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

### **Block Plans**

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

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

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

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

Yours very truly,

**SGL PLANNING & DESIGN INC.**



Paul Lowes, MES, MCIP, RPP

---

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





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 Toronto, Ontario M6P 1A5  
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## Attachment A

### Formatting and Technical Comments

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

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

### Land Use Designations

#### **Residential**

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

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

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

### **Medium Density**

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

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

### **Mixed Use**

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

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

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

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

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

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

### **Natural Heritage System**

#### **Restoration Areas**

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

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

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

### **Coverage Target**

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

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

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

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

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

### **Refinements to Natural Features**

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

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

### **Conceptual Buffers**

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

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

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

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

### **Linkages**

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

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



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

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

### **Karst Features**

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

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

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

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

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

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

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

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

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## **Infrastructure and Transportation**

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

### **Water and Wastewater**

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

### **Stormwater Management**

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

### **Transportation Network**

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

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

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

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

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

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

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

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

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

### **Smithville Bypass Road Corridor**

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

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

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

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

We recommend that the policy be revised as follows:

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

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



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

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

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

### **Community Design and Sustainability**

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

### **Block Plans**

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

### **Master Environmental Servicing Plans**

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

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

### **Development Staging Plan**

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

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

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## Attachment B



## **Terra-Dynamics Consulting Inc.**

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

June 20, 2022

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

Dear Sirs,

### **1.0 Executive Summary**

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

### **2.0 Introduction and Background Information**

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

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

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

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

Section 17 of Draft OPA 63 states the following:

**"17. Natural Hazards**

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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*"Subsection 4.2.2 Impact Assessment"*

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

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

*Subsection 5.2 Summary – Karst*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

Respectfully submitted,

TERRA-DYNAMICS CONSULTING INC.



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



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

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#### Attachments

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

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

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

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

#### **4.0 References**

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

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

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

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

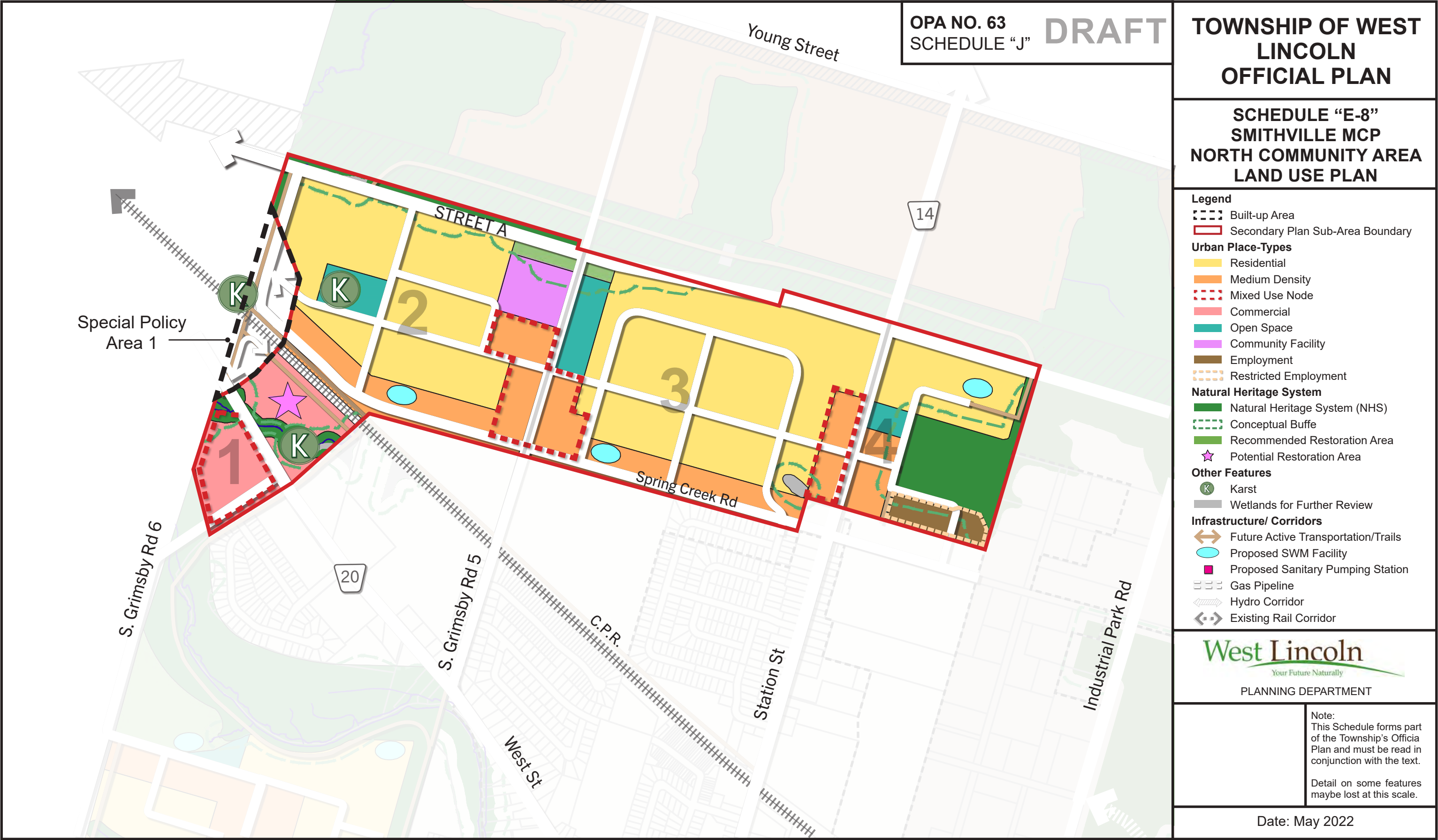
Wood PLC. 2021. Subwatershed Study – Phase 1: Characterization and Integration. Smithville Subwatershed Study and Stormwater Management Plan, prepared for the Township of West Lincoln, 88 p and appendices.

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

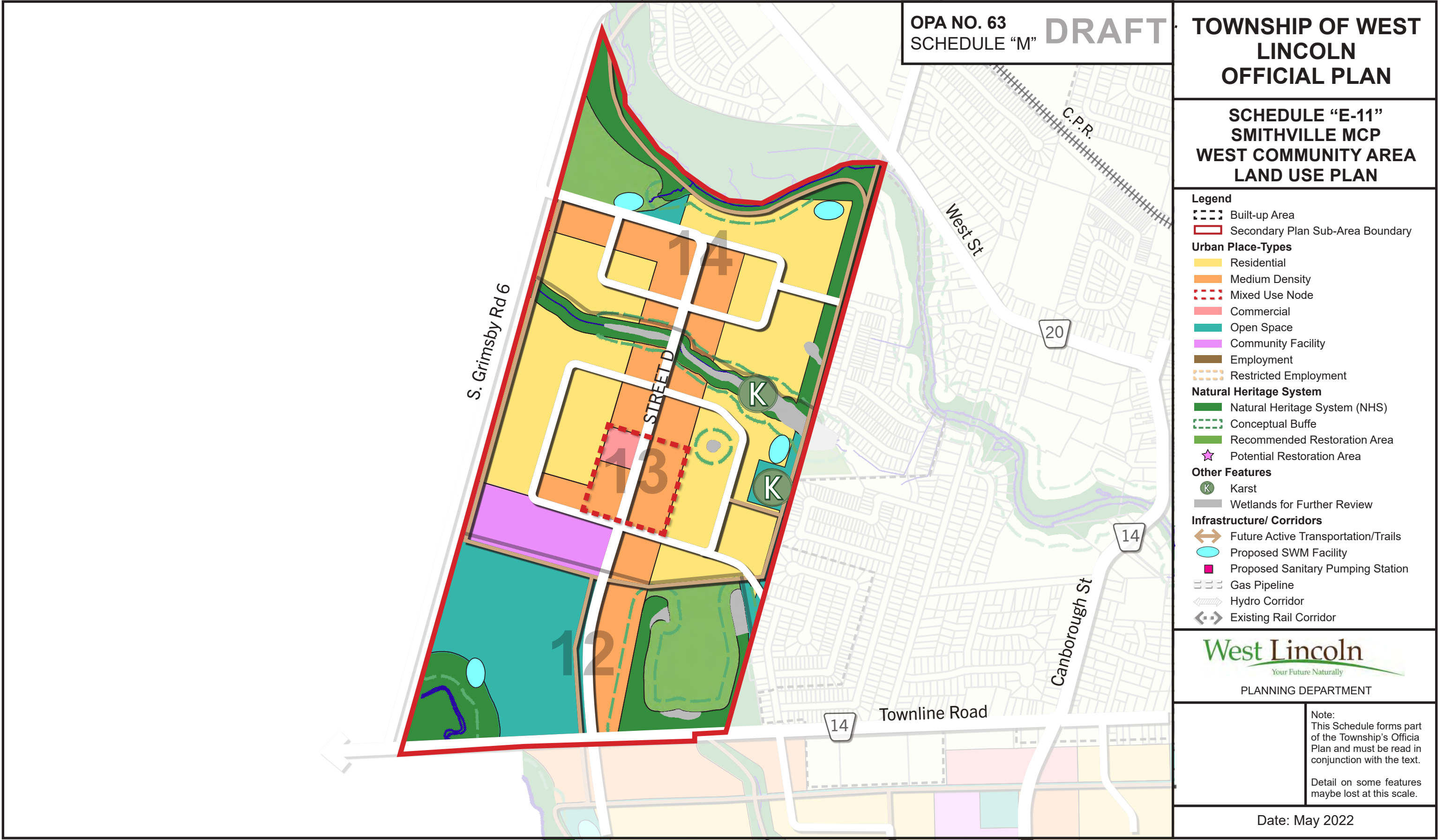
Zhou, W., Beck, B.F., and A. I. Adams (2003). Sinkhole Risk Assessment along Highway I-70 near Fredrick, Maryland. In Sinkholes and the Engineering and Environmental Impacts of Karst, Proceedings of the Ninth Multidisciplinary Conference, Geotechnical Special Publication No. 122, Editors: Barry Beck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

## **Appendix 1**

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









OPA NO. 63  
SCHEDULE “N”

DRAFT

TOWNSHIP OF WEST  
LINCOLN  
OFFICIAL PLAN

SCHEDULE “E-12”  
SMITHVILLE  
NATURAL HERITAGE SYSTEM

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

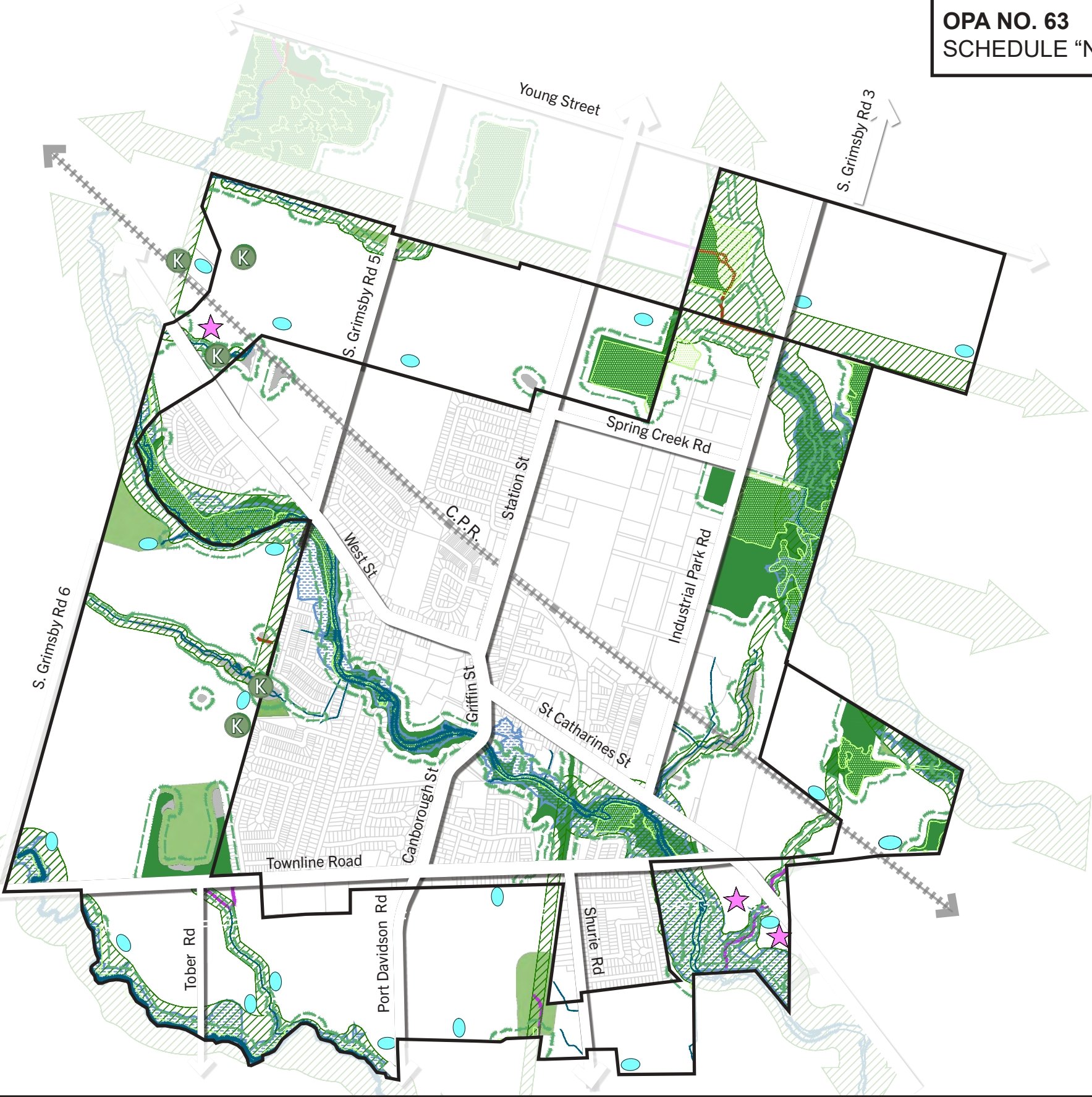


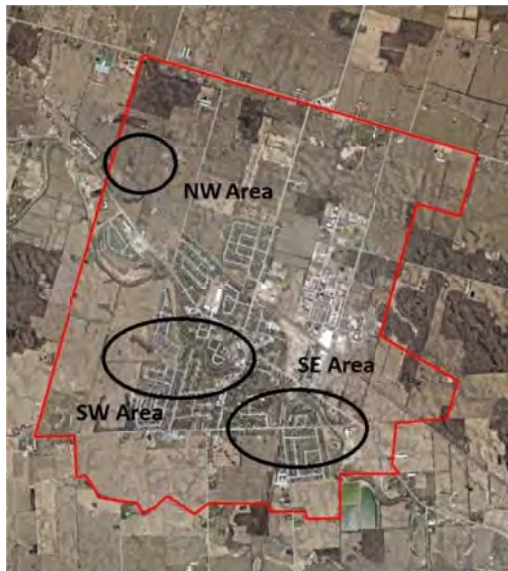
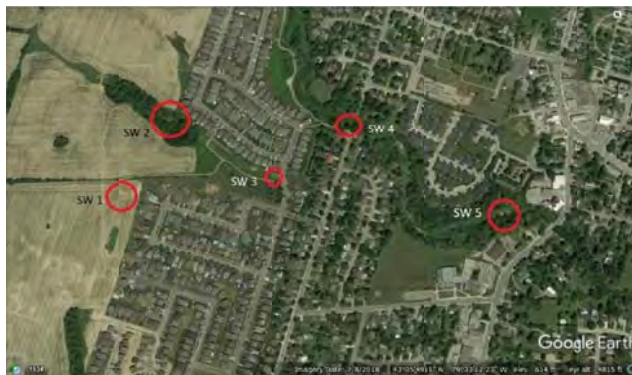
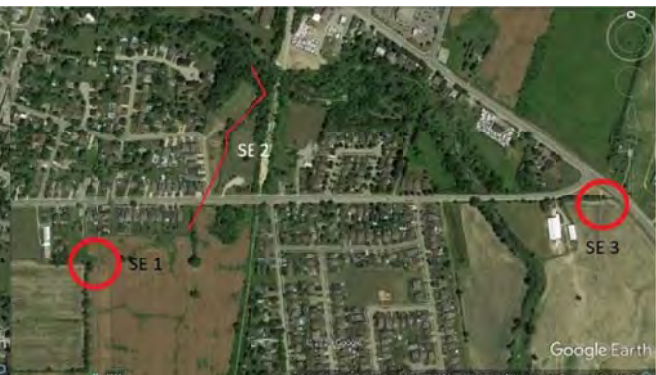
PLANNING DEPARTMENT

Note:  
This Schedule forms part  
of the Township’s Official  
Plan and must be read in  
conjunction with the text.

Detail on some features  
maybe lost at this scale.

Date: May 2022



**Figure 3.4.1. Karst Areas****Figure 3.4.2. Northwest Karst Features****Figure 3.4.3. Southwest Karst Features****Figure 3.4.4. Southeast Karst Features**

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

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

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

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



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

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

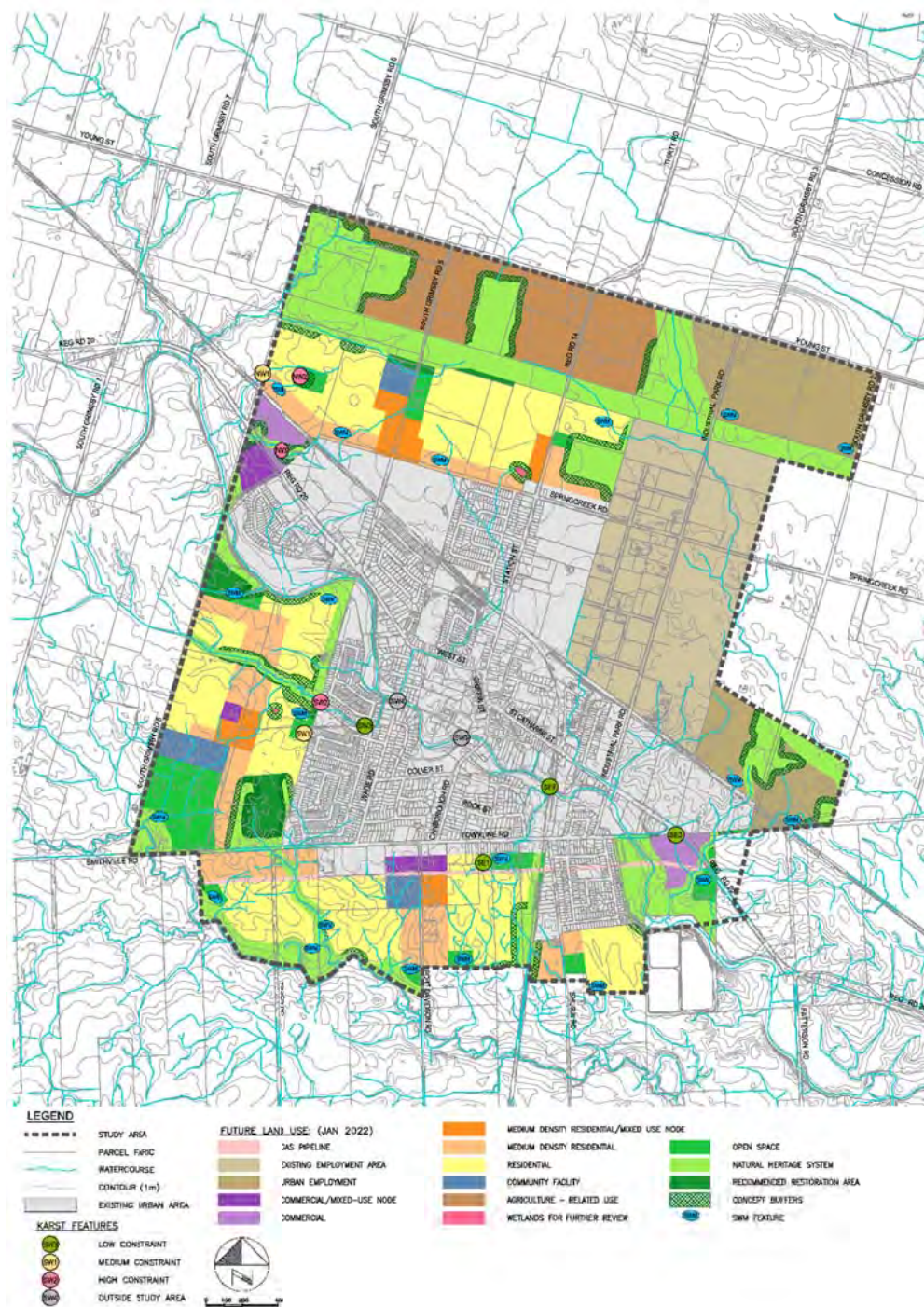


**Figure 4.2.1. Updated Map of NW Karst features with Addition of the Sinkhole located at NW 3**

## 4.2.2 Impact Assessment

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

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



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

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

## **Appendix 2**

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





NIAGARA PENINSULA  
**CONSERVATION**  
AUTHORITY

# **NPCA POLICY DOCUMENT:**

## **POLICIES FOR THE ADMINISTRATION OF ONTARIO REGULATION 155/06 AND THE PLANNING ACT**

May 21, 2020 Consolidation





## 7.0 HAZARDOUS SITES

### 7.1 WHAT ARE HAZARDOUS SITES?

#### 7.1.1 Hazardous Sites and Hazardous Lands

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

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

### 7.1.2 Defining and Assessing Hazardous Site

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

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

### 7.1.3 Karst Formations

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

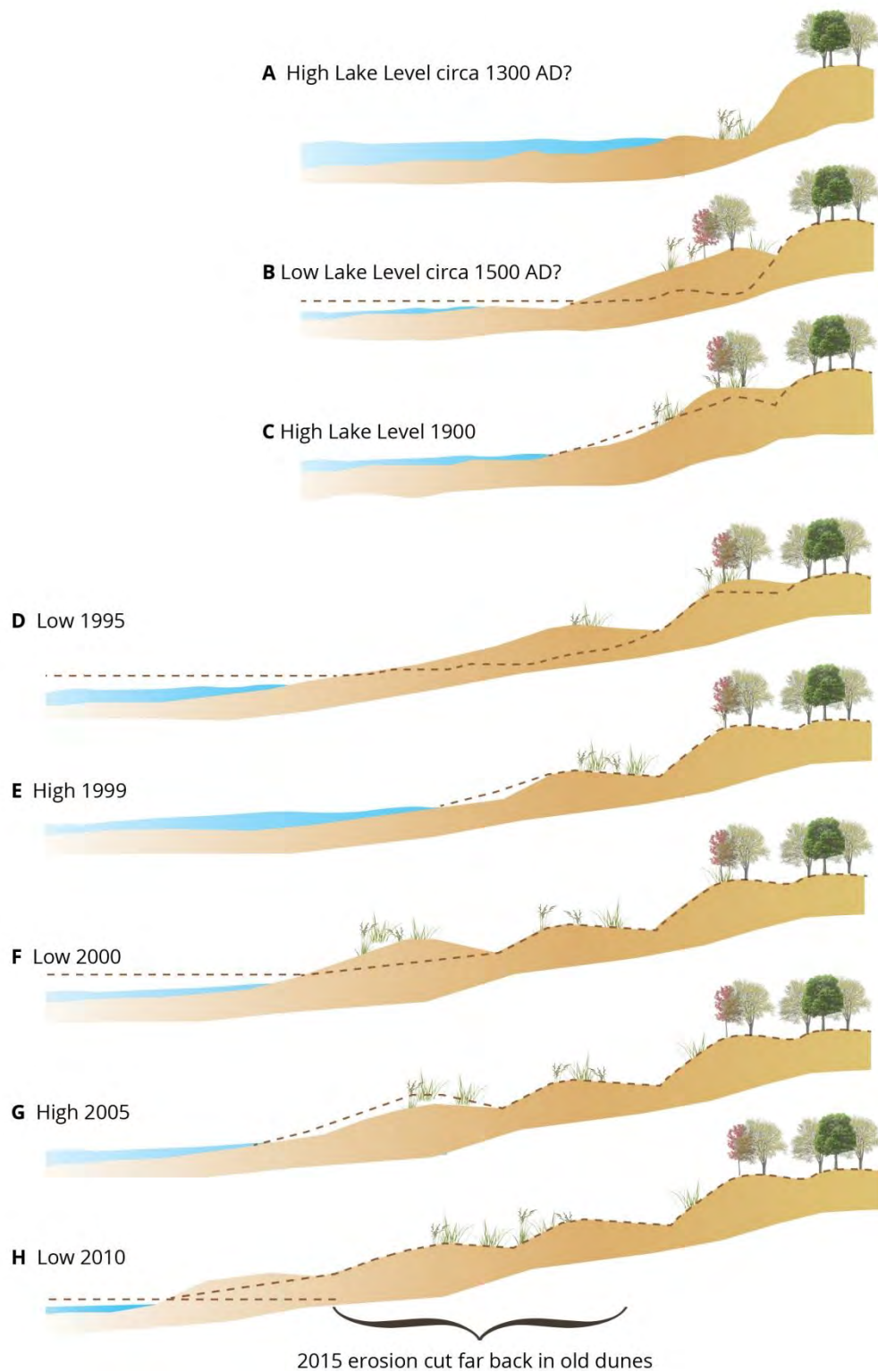
There are at least five known locations within the watershed with Karst formations:

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

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

#### 7.1.4 Back-Dune Areas

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

**Figure 7.1: Back-Dune Formation**

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



## 7.2 POLICIES FOR PLANNING AND REGULATING HAZARDOUS SITES

### 7.2.1 Objectives

The objectives of the hazardous sites policies are to:

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

### 7.2.2 Development Regulation on Hazardous Sites

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

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

## 7.2.3 Development within 50 metres of a Hazardous Site

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

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

## 7.2.4 Prohibited Uses

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

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

## 7.2.5 Infrastructure

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

## 7.2.6 Water Wells

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

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

The following issues must be addressed when developing on karst:

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

### 7.2.8 Lot Creation in Hazardous Sites

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

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

### **Appendix 3**

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



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

TAC Meeting #7  
March 3, 2022

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





# Agenda

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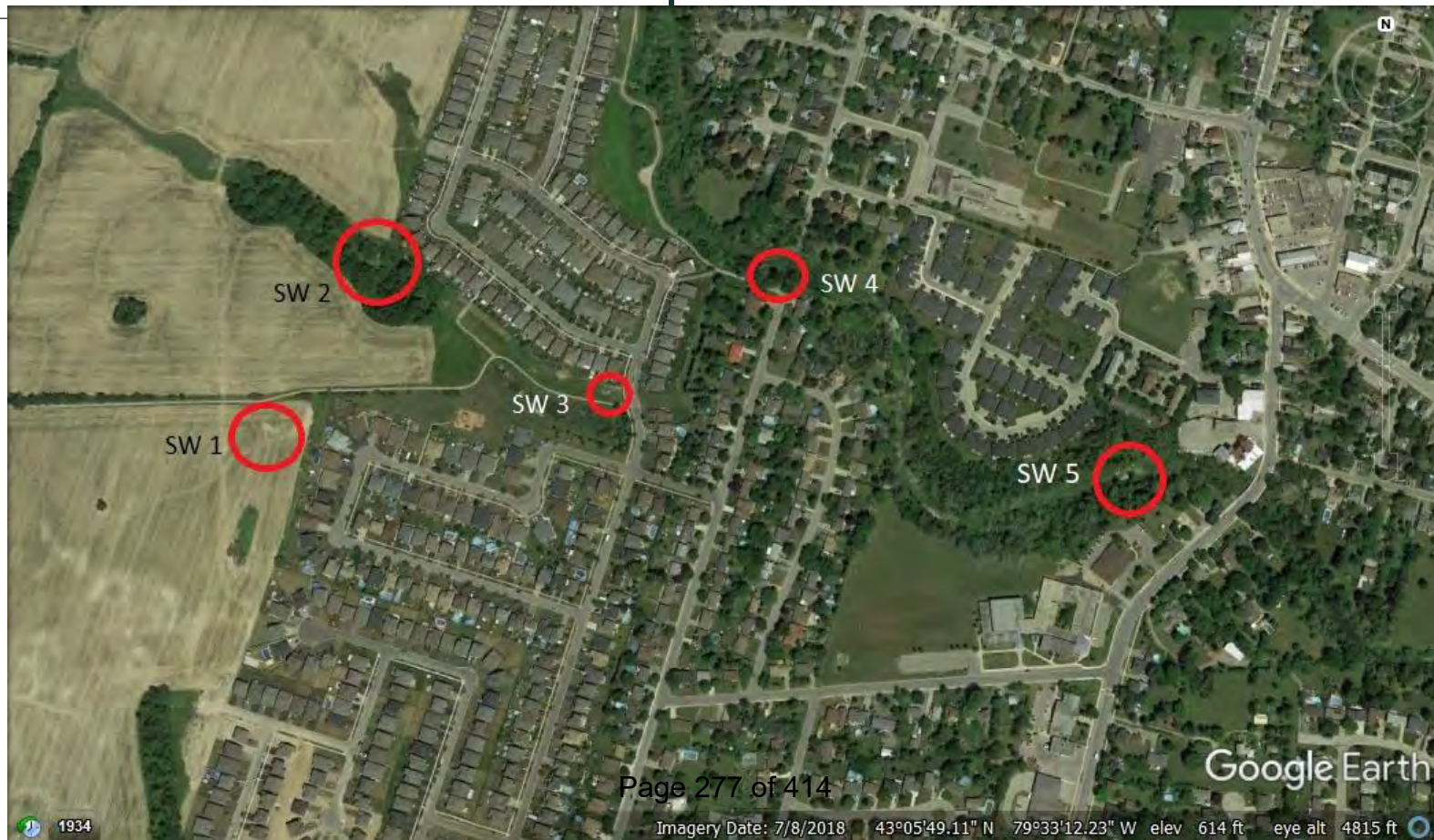
1. Introductions
2. Process Overview and Update
3. Presentation of Impact Assessment (Phase 2)
  - Overview (Wood)
  - Groundwater (Blackport/Matrix)
  - Karst (Cowell)
  - Surface Water (Wood)
  - Stream Morphology (Matrix)
  - Aquatic and Terrestrial Ecology (NRSI)
  - Climate Change Considerations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

### 3. Presentation of Impact Assessment

#### Karst: Key Input from Phase 1 Characterization

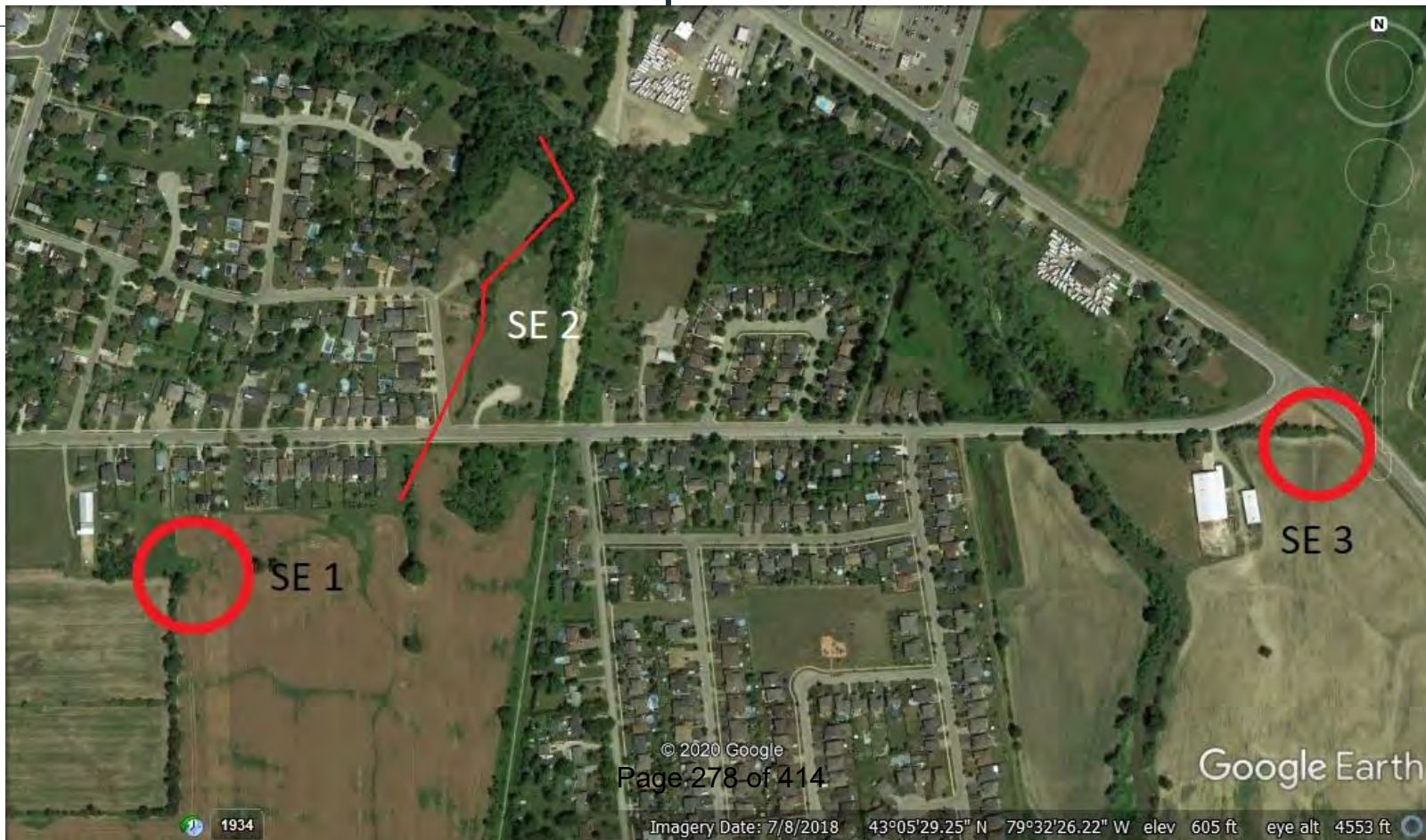


### 3. Presentation of Impact Assessment





### 3. Presentation of Impact Assessment



# 3. Presentation of Impact Assessment

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## Karst

### Findings from Phase 2a Impact Assessment

#### A) General

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



### 3. Presentation of Impact Assessment

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#### Karst

#### Findings from Phase 2a Impact Assessment

##### B) Sinkhole Specific

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

### 3. Presentation of Impact Assessment

---

#### Karst

#### **Findings from Phase 2a Impact Assessment**

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

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

# 3. Presentation of Impact Assessment

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## Karst

### Mitigation Alternatives/NW Karst Area

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

### 3. Presentation of Impact Assessment

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#### Karst

#### Mitigation Alternatives/SW Karst Area

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

# 3. Presentation of Impact Assessment

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## Karst

### Mitigation Alternatives/SE Karst Area

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



## **Appendix 4**

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

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

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

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

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

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**Attachment III: Memo on Smithville Master  
Community Plan March 11, 2022**



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

## Memorandum

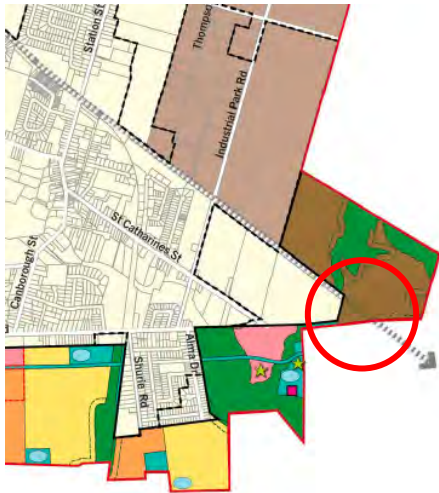
DATE: March 11, 2022 Project ID: UE.WL  
TO: Richard Vandezande  
Cc: Steve Wever  
Brian Treble  
Tony Miele  
FROM: Paul Lowes and Raymond Ziemba  
RE: Smithville Master Community Plan – Draft Key Policy Directions

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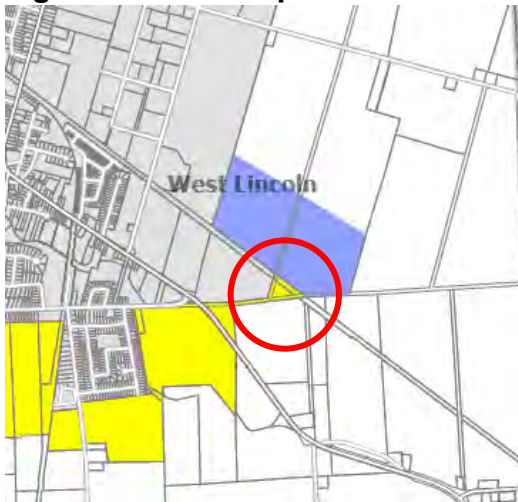
On behalf of the Smithville Landowners Group, SGL Planning & Design Inc. (SGL) has reviewed the material presented at the February 24, 2022, TAC meeting regarding the Smithville Master Community Plan. We have reviewed the presentation with and have received comments from the Smithville Landowners Group. Based on that review, we provide the following comments and recommendations.

### **Community and Employment Area Land**

The Preferred Concept Plan continues to show the triangle parcel in the southeast corner as Employment Areas whereas the Region's mapping shows it as Community Area, refer to **Figures 1 and 2**.



**Figure 1: Township Preferred Concept – February 2022**



**Figure 2: Niagara Region Urban Expansion Recommendation – March 2022**

With the Region's Planning and Economic Development Committee meeting on March 9 to endorse the Urban Settlement Area Boundary recommendations, the Township's and Region's land use distribution should be consistent. We understand from speaking with Steve Wever (GSP Group.), this will be addressed, and the Region's mapping will be consistent with Townships.

### **Lands Uses**

#### **SWMP**

We understand through meeting with Steve Wever that the stormwater management ponds (SWMP) and park locations are conceptual locations and a policy will be added to that effect. Nonetheless, our landowners have received input from their engineers that they recommend different locations for SWMPs. The location and planning for SWMPs needs to take into consideration the significant number of non-participants in



the plan area, which could significantly constrain development if there is no flexibility in the location of SWMPs. We request a separate TAC meeting to discuss the appropriate location of SWMPs. We also urge that the final OPA not delineate the location of the SWMPs but rather contain locational policies and refer back to the locations in the subwatershed study for guidance.

### **Mixed Use Areas**

We request flexibility in the location of the mixed-use nodes so that they can be moved along the road spines in which they are located. We also need to understand the policies and permitted uses for Mixed-use as some are shown with commercial and others are not.

### **Medium Density**

We note that the concept plan no longer provides for medium density uses along the northern by-pass. We request that the medium density arrangement of land uses be rethought in this regard. We are happy to provide you with the thoughts of our landowners in the arrangement of the low and medium density land use distribution.

### **Parks**

We understand from discussion with Steve Wever that the Town is looking into better defining the parkland hierarchy of parkettes, neighbourhood parks etc. We would like to understand how that work will be incorporated into the OPA and when.

Where possible parks should be paired with elementary school sites to provide for synergies and reduce the size of school sites where possible.

In the south, the proposed parks are not proposed to be centrally located to serve the residents of this new neighbourhood and are not co-located with the school. A large park is shown across the road from the existing 10.4 acre Rock Street park which does not provide for an equitable distribution of parks through the community.

### **Natural Heritage System**

The Natural Heritage System continues to include features without proper justification of significance.

### **Restoration Areas**

The Landowners Group continues to strongly object to the approach applied to the identification and mapping of the Recommended Restoration Areas as set out in our earlier correspondence based on the same criteria previously presented.

The landowners note that the most recent SWS NHS mapping identifies a newly identified restoration to replace an area of woodland that falls outside of the NPCA Regulated Area and was removed under the Agricultural Exemption in the Regional Woodland Conservation By-law.

This area already contains a Storm Water easement servicing a significant portion of the development to the east of the proposed restoration area. The easement, registered in favour of the Township, occupies a large portion of the abandoned Rail Road lands and goes south to North Creek, approximately 400 metres. Requiring restoration of this area would hinder the functionality of the stormwater outlet and conflict with the easement. Moreover, the owner and tenant farmer applied under the above mentioned authorities having jurisdiction, the clearing of the lands to improve said drainage. To disrupt that by restoration would hinder the drainage for the development to the east. Therefore, the additional restoration area is not appropriate nor justified. In addition, if required we can provide the language of the easement that is registered.

If the municipality continues to insist on these Recommended Restoration Areas, the Landowners Group will continue to oppose the adoption of any Official Plan Amendment containing restoration areas and insist that the municipality purchase the lands for the restoration areas at market rate.

### **Buffers**

The concept plan continues to show conceptual 30-metre buffers that have not been justified through the consultant team's Sub Watershed Study. We note that the Region's Draft Regional Official Plan policies do not specify any minimum buffer requirements in settlement areas but rather requires the buffers to be determined through detailed environmental studies at the time of development application based on the significance of each ecological feature. It is also important to note that the draft Region OP does not require a consistent 30 metre buffer even outside of Settlement Areas.

In addition, it should be noted that the NPCA has confirmed that NHS buffer is not required along the old railroad track for the lands south of Townline Road, which creates an opportunity for a multi-use trail that can improve the connectivity within the community. A linkage is also not necessary in this location.

### **Wetlands**

We note that the concept plan now denotes "Wetlands For Further Review". This change is an improvement over their initial depiction of candidate provincially significant wetland, but it remains that some of these wetlands are very small and possess only low quality cultural wetland vegetation (e.g. Reed Canary Grass), with limited form and function. As such, it is uncertain what "further review" would be required. Nonetheless, we need to understand what this review means and when it occurs. Are corrections to the mapping completed through an EIS at the draft plan of subdivision basis or are there other policies or mechanisms to revise the erroneous mapping?

### **Linkages**

The Landowners Group continues to object to the depiction and location of linkages for the reasons set out in our previous correspondence.

## **Karst**

There are Karst features shown in the plan and are designated Natural Heritage System. As we have consistently indicated in numerous communications, Karst features are not natural heritage features but rather natural hazards and should be identified accordingly. Daryl Cowell indicated that there are sinkholes that probably should and will be removed at development, so it should certainly not be shown as part of the Natural Heritage System. The northern features north of the railway should also be removed (NW1 and NW2). We recommend that it be shown in a similar way as the wetlands as a Karst for further review with policies guiding that review.

Karst sinkhole features and their NPCA policy 50 metre hazard setback should be distinctly mapped as *natural hazards*, not as part of the Natural Heritage System. In the opinion of the landowners, the protection of these additional lands – restoration areas, wetlands, linkages, karst - without justification will lead to significantly higher housing costs attributed to the remainder of the lands.

## **Transportation**

The concept plans show the “Future Arterial Street/Complete Street” road typology traversing the west and south portions of the Study Area. These roads would more appropriately achieve a complete street design as a collector road.

The Concept plan provides for a lack of connectivity to Grimsby Road 6 south of the Creek. Please explain why there are not more connections.

In addition, we note that the Transportation Network is overlaid onto an older land use concept.

## **Residential Densities**

We understand from discussion with Steve Wever that the residential densities discussed in the presentation are gross densities that include local roads and stormwater ponds but exclude schools and parks. Based on that understanding, the net density considering residential lots only be 23 to 30 units per net ha for residential and 30 to 50 units per net ha for medium density. In the residential designation, that is not high enough to permit townhouses despite being permitted, and in the medium density designation, it is not high enough to permit stacked townhouses or back to back townhouses let alone low rise apartments. We recommend considerably higher density ranges in order to support a mix of building typologies.

We also recommend consideration of a high density designation that would permit mid-rise buildings in the range of 6 plus storeys.

There is no density provided for mixed use. The policy directions refer to Medium Density Mixed Use Nodes. Is the medium density range to be applied in mixed-use nodes? If so, it will not be high enough to allow for mixed use. Please clarify.

## **Servicing and Phasing Plan**

We understand through discussion with Steve Wever (GSP Group.), that the phasing plan shown on page 22 of the presentation is intended to be an incremental phasing plan. The Landowners Group has significant concerns with this phasing plan and approach.

We understand that Phase 1 may be the easiest to serve at this point but that ignores that there may be other infrastructure solutions that could be brought on quickly through a landowner front ending. As well, This phasing plan breaks the expansion area into numerous small blocks. Many of these blocks are held by non-participating landowners. If the phasing has to wait for non-participant landowners, considerable delay in the production of housing could ensue, which will further exacerbate the existing housing supply crisis.

In addition, A. J. Clarke and Associates Ltd. has identified that there may be more efficient drainage strategies for some of the blocks. We request further discussion on the possible servicing plans.

Rather than a phasing plan, we recommend an infrastructure staging plan that identifies the required internal and external infrastructure required to service each large block. A landowner can then decide if they want to front end the external infrastructure required to service the entire block. This approach would allow each block to proceed independently rather than based on a specific sequence with sub staging identified within each block based on a block plan. This approach can be implemented through front-ending agreements.

We note that the City of Brantford adopted a similar staging plan to implement the 800 ha settlement expansion in their newly approved Official Plan and urge you to consider their approach.

On Feb 10, 2023, at 4:32 PM, Raymond Ziemba <[rziemba@sglplanning.ca](mailto:rziemba@sglplanning.ca)> wrote:

Hi Richard,

We will need another week to provide our comments on the Master Community Plan Water and Wastewater Master Servicing Plan, thank you for your patience.

With respect to the SWM for Infill and Intensification, our team has the following comments:

1. Understood that stormwater quantity controls and/or minor system upgrades are not warranted save one location identified on St. Catharines Street;
2. Can we see further detail and the assumptions made for the future development lands within the urban expansion lands? While the report provides some detail related to existing development area and infill within the current Town, there isn't any detail speaking to the expansion lands
3. Related to the above, please specify the requirements of the developers for stormwater management. What are the targets, outlets, storage requirements, etc. for the developers? Without these details specified there isn't anything to which we can design
4. In general, the conclusions are high level and don't offer direction to the developers as to what is required moving forward. The full PCSWMM model would be helpful along with parameters and assumptions for the future development lands. We'd also like to understand the assumptions on outlets and the expectation of the Town on where stormwater will ultimately end up

Thank you,

Ray



[www.sglplanning.ca](http://www.sglplanning.ca)

**Raymond Ziemba RPP, MPI.**

Senior Planner

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#### 6.11.7.4 Infrastructure & Transportation Systems

##### 1. General Policies

- a) All infrastructure and transportation systems will be planned and developed through appropriate Environmental Assessment (EA) processes to ensure that full regard is had to the Natural Heritage System, to natural hazard features, and to cultural heritage resources.
- b) Infrastructure and transportation systems will be located, designed, constructed, and operated in a strategic, sustainable, and cost-efficient manner that minimizes adverse impacts.
- c) The Township will assess its infrastructure and transportation systems for risks and vulnerabilities, with particular emphasis on those caused by the impacts of climate change.

##### 2. Water & Wastewater

The strategy for providing water services to development in the Smithville MCP Area has been developed to optimize the use of existing and future road corridors and to take advantage of planned improvements to existing roads. The provision of water services to the early development phases of the Smithville MCP Area will be coordinated with the servicing of the Northwest Quadrant Secondary Plan Area, which is adjacent to MCP Block Plan Areas 1, 2, and 3. Meeting the future water demands of development in the expanded Smithville Urban Area will require upgrades to the Smithville Pumping Station to provide additional pumping capacity.

The wastewater servicing strategy for development in the Smithville MCP Area is based on conveying wastewater flows from future development to the existing Smithville Wastewater Pumping Station, once that station has been upgraded to provide the necessary capacity. Wastewater flows will be conveyed by new sanitary sewers that avoid sending flows through the existing sanitary sewer network. If the use of existing sanitary sewers is needed, upgrades will be required. New sanitary sewers will generally use existing and future road corridors, where feasible.

The wastewater servicing strategy proposes ~~three~~ two new pumping stations in the South Community Area, as shown on Schedule "E-10" and "E11". A fourth ~~third~~ station is proposed at Streamside Drive, located to the north of the West Community Area. (The proposed location of this ~~fourth~~ third station is not shown on the schedules.) The location of these pumping stations are conceptual, and The siting of pumping stations will be guided by topography and by the desire to integrate these stations with planned open spaces and stormwater management facilities.

The installation of infrastructure to provide water and wastewater services is anticipated to take place through separate four-phase projects and through the integrated Municipal Class Environmental Assessment (MCEA) process, following the final approval of the Smithville Master Community Plan (OPA 63).

**Commented [RZ1]:** Schedule E11 to be updated to show the the conceptual location of the 3rd pumping station reflected in Aecom's Preferred Strategy on Northeast Corner of 4A

Water and wastewater servicing systems for the Smithville MCP Area will follow the general direction provided by the Region's Water and Wastewater Master Servicing Plan (WWMSP) and will be captured in future updates to the WWMSP.

The above paragraphs of this subsection are intended as preamble to assist with interpretation of the Secondary Plan and to be read in conjunction with applying the following policies:

- a) All new development in the Smithville MCP Area shall be provided with full municipal water services and full municipal wastewater services according to an approved Master Environmental Servicing Plan (MESP) that has been prepared in accordance with Subsection 6.11.7.6.2 of this Plan.
- b) New development in the Smithville MCP Area may be required to provide for the future connection of adjacent existing uses to full municipal services, as established through an approved MESP, as a condition of development approval, where appropriate and financially feasible.
- c) No development shall proceed in any given Overall Stage Area shown on Schedule "E-14" unless the infrastructure and services to support that development have been constructed, in accordance with the policies in Subsection 6.11.7.6.3 of this Plan.
- d) It is expected that existing uses in the Smithville MCP Area will eventually be connected to full municipal water and wastewater services, but expansions to, or the redevelopment of, an existing use may be permitted on existing private services, provided that:
  - i. the use of private services is appropriate for the proposed expanded or redeveloped use, either because the existing use is located in an area for which there is not yet capacity available in existing water and wastewater systems or because the nature of the proposed expansion or redevelopment does not warrant connection to full municipal services;
  - ii. site conditions are appropriate for the continued provision of such services with no negative impacts; and
  - iii. the existing private services will be used to service only the expanded or redeveloped existing use and will not provide services to more than one property.
- e) Where the connection of an existing use to full municipal services has been provided for under Policy No. 6.11.7.4.2.b) above, expansions to, or the redevelopment of, that existing use shall generally be required to connect to full municipal services, provided that sufficient capacity is available in existing systems.
- f) The Township may exempt minor expansions to an existing use from the requirement to connect to full municipal services set out in Policy No. 6.11.7.4.2.e).
- g) Infrastructure and systems for water, wastewater, and other buried services shall be installed using best management practices to prevent the redirection of groundwater flow.

- h) It is recommended that any construction of municipal services that will require dewatering systems apply for and obtain a Permit to Take Water from the Ministry of the Environment before any construction activities begin, in the event that unexpectedly high flows are encountered.
- i) Backfilling during the decommissioning of any existing sewer lines should consider the use of materials with low hydraulic conductivity to prevent preferential groundwater flow.

#### 6.11.7.6 Implementation

##### 1. Block Plans

- a) Detailed planning for development will occur by Block Plan. Block Plan Areas for community areas are shown on Schedule "E-6".
- b) Block Plans Areas are also shown on Schedule "E-6".
- c) The phasing of employment areas shall be separated from community areas.
- d) The Block Plan Areas on Schedule "E-6" represent the smallest area for which a Block Plan will be accepted by the Township.
- e) The Township may accept a single Block Plan for multiple Block Plan Areas provided that the land within the proposed Block Plan is generally contiguous and is located within the same overall Development Stage.
- f) For the purposes of Section 6.11.7.6:
  - i. references to "Development Stages" shall refer to the "Overall Staging Areas" shown on Schedule "E-14" ("Development Staging Plan");
  - ii. any reference to a "Development Stage" in conjunction with a numeral ("1", "2", "3", or "4") shall be interpreted as referring collectively to all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with that numeral; and
  - iii. all "Sub Phases" shown on Schedule "E-14" whose alphanumeric designation begins with the same numeral shall be understood as being located in the same overall Development Stage.
- g) All four stages shown on "E-14" can be independently serviced and developed, the numerical order of stages is suggestive and not determinative of the final order of development in accordance with policy 6.11.7.6.3 d);
- h) Prior to the preparation of a Block Plan, a Terms of Reference shall be prepared in consultation with and to the satisfaction of the Township and in consultation with Niagara Region. The Township may prepare and adopt a standard Terms of Reference for the preparation of Block Plans. A Terms of Reference shall identify the required studies and plans required, and the scope thereof, as well as public and agency notice, consultation, review and approval requirements for Block Plans.

- i) Block Plans shall be required to conform with the Smithville MCP and no Block Plans shall be approved until the Smithville MCP is in effect.
- j) Block Plans for Block Plan Areas that are located in the same overall Development Stage shall be prepared in a manner that provides for the coordination of elements such as transportation infrastructure, services, features of the NHS, and other matters as determined through the preparation of a Terms of Reference.
- k) Further to Policy No. 6.11.7.6.1.g), Block Plans for Block Plan Areas 10, 11, and 12 shall be prepared in a manner that provides for the coordination of various elements, as determined through the preparation of a Terms of Reference.
- l) The Township may accept a single Block Plan for Blocks 10, 11 and 12, notwithstanding Policy No. 6.11.7.6.1.c) above and the fact that these Block Plan Areas are located in two different Development Stages.
- m) No applications proposing development in a Block Plan Area shall be approved unless a Block Plan for the area in question has been prepared and has been approved by the Township.
- n) All development in the Smithville MCP Area shall generally conform with and implement the approved Block Plan for the Block Plan Area in which that development is located.
- o) Block Plans shall:
  - i. Illustrate the detailed land uses including the location, type, area, and approximate dimensions of each land use proposed, in conformity with and as a refinement to the land use designations shown on the applicable Land Use Plan in Schedules "E-8" through "E-11";
  - ii. identify the location, distribution, and land areas for required community facilities, parks, and open spaces, in conformity with and as a refinement to the land use designations intended to accommodate such uses shown on the applicable Land Use Plan in Schedules "E-8" to "E-11" and based upon any applicable Township Master Plans;
  - iii. be accompanied and supported by, and based upon, a Master Environmental Servicing Plan (MESP) that has been prepared in accordance with Subsection 6.11.7.6.2 below, with the SWS, and with the MSP and TMP;
  - iv. include a description of the vision and design principles, along with graphics and imagery to illustrate the design intent and to demonstrate conformity with the applicable policies in Section 6.11.7.5 above and in keeping with the applicable Township Design Guidelines.
- p) In addition to the requirements set out in Policy No. 6.11.7.6.1.l), any Block Plan prepared for a Residential Neighbourhood Area, a Commercial Area, or a Mixed Use Neighbourhood Node shall identify the proposed housing mix and calculated densities, provide estimates for population and the number of population-related jobs estimate, conform with the policies

for the applicable land use designations, and demonstrate that the greenfield density target will be achieved.

- q) In addition to the requirements set out in Policy No. 6.11.7.6.1.I), any Block Plan prepared for an Urban Employment Areas shall provide an estimate for the number of jobs and demonstrate that the employment density target will be achieved.
- r) The Township may waive the requirement for a Block Plan for the development of land within the Employment and Commercial land use designations, if the Township is satisfied that all of the required information normally provided as part of a Block Plan will be provided as part of a complete application for development for the entirety of the land within the Block Plan Area. The Region will be consulted regarding the planning process for development proposed in the Employment land use designation.
- s) The Township may waive the requirement for a Block Plan for minor development applications, such as minor variances or site plans related to existing or interim land uses. However, applications involving the development or transition of land in the MCP Area to an urban land use shall be subject to the requirement for an approved Block Plan, except where otherwise permitted by the policies of this Plan.
- t) Block Plans shall be subject to approval by Township Council. Council may delegate this responsibility to an appropriate Township staff person, either for specific Block Plans or generally for all Block Plans.

## 2. Master Environmental Servicing Plans (MESP)

- a) A Master Environmental Servicing Plan shall be prepared for each Block Plan, and may be prepared for multiple Block Plan Areas, and shall include the following:
  - i. an Environmental Impact Study (EIS) to delineate and confirm the boundaries of the NHS, in conformity with and as a refinement to the NHS shown on Schedule "E-12" and based upon the SWS;
  - ii. proposed water and wastewater servicing plans, along with a review and confirmation of capacity of municipal servicing systems, including water and wastewater system modelling, based upon the MSP;
  - iii. the proposed order or phasing of development and the provision of services, in accordance with the Development Staging Plan and with the policies in Subsection 6.11.7.6.3;
  - iv. a stormwater management strategy that includes the proposed location and sizing of stormwater management facilities and low-impact development measures, preliminary grading plans, and coordination with areas external to the subject Block Plan Area, in conformity with and as a refinement to the conceptual



SWM locations shown on Schedules “E-8” through “E-11” and based upon the SWS;

- v. a Karst Hazard Assessment, where required, based on the presence of identified Karst features and the policies of this Plan;
- vi. a Transportation Impact Study (TIS), prepared in accordance with the recommendations and guidelines of the TMP, that identifies and provides an assessment of connections to the existing road network, as well as the required timing and phasing of upgrades to existing roads and intersections;
- vii. detailed plans showing the street and active transportation network, along with typical street profiles or cross-sections, in conformity with and as a refinement to the Transportation System shown on Schedule “E-13” and based upon the TMP;
- viii. a noise impact assessment with respect to any transportation-related or stationary noise sources, where applicable, based on the location of existing or proposed sensitive land uses and provincial guidelines and requirements;
- ix. an assessment of, and detailed plans for the avoidance and mitigation of, potential land use conflicts with any existing livestock facilities within the MCP Area based on the application of Minimum Distance Separation (MDS I) setbacks;
- x. environmental site assessment(s); and
- xi. archaeological assessments;

### 3. Development Staging Plans

- a) It is the intent of this Plan that development in the Smithville MCP Area will occur in a logical and orderly manner over the planning period of this Plan.
- b) Development of the Smithville MCP Area shall be staged to align with the planning and implementation of the required infrastructure and transportation systems.
- c) The order of development of the MCP Area shall generally be based on the Development Staging Plan in Schedule “E-14” and on the timing of the provision of the required infrastructure and transportation systems in accordance with the MSP and TMP.
- d) Notwithstanding Policy No. 6.11.7.6.3.c) above, the Township may consider and approve changes to the ordering of the Sub Phases within any Development Stage, or changes to the overall sequencing of Development Stage without an amendment to this Plan, provided that the following requirements are addressed through the Block Plan process and associated MESP, to the satisfaction of the Township:
  - i. There is a demonstrated need for the Block Plan Area to advance to development earlier or in a different order than what is contemplated by the Development Staging Plan, based on the growth forecasts of this Plan, current and forecast average annual

growth expectations and absorption rates, the status of other developments, non-participating landowners, and the available supply and timing of residential units and/or non-residential floor space in the Smithville Urban Area including the MCP Area.

- ii. Development that proceeds according to the altered ordering will not adversely affect the achievement of the intensification target within the built-up area.
- iii. The proposed development of the Block Plan Area according to the altered ordering will provide the necessary roads and infrastructure required for the development of the Block Plan Area, as well as necessary roads and infrastructure external to the Block Plan Area that development within the Block Plan Area will rely upon and provided they area sized to accommodate growth within the Block Plan Area and Block Plan Areas through which it traverses. to provide for the future development of other Block Plan Areas in Sub Phases that under the original Development Staging Plan would have been developed earlier.
- iv. Proposed development in the Block Plan Area will have adequate access to, and will not adversely affect traffic conditions on, existing or new roads or on the future development and transportation needs of other Block Plan Areas in Sub Phases that under the original Development Staging Plan would have been developed earlier.
- v. Any proposed changes to the order of Sub Phases will neither compromise nor adversely affect the provision of the required infrastructure and transportation systems for any other land in the MCP Area in accordance with the MSP and TMP.
- vi. Any improvements or oversizing external to the Block Plan Area will be addressed through development agreements with the Township, Region, and affected landowners, as applicable, which may include front-ending considerations.
- vii. Grading, drainage and stormwater management will be addressed and coordinated with the future development of adjacent Block Plan Areas.
- viii. The required community facilities and parks will be provided to meet the needs of the estimated population growth in the Block Plan Area, or there is adequate capacity within existing community facilities, as determined by the Township based on applicable Master Plans and in consultation with the relevant agencies.
- ix. Adequate reserve infrastructure capacity is or will be available to service development in the Block Plan Area without compromising or negatively impacting the future development of land in Sub Phases that under the original Development Staging Plan would have been developed earlier.
- x. An Environmental Assessment has been prepared and approved as an addendum to the MSP or the TMP, as the case may be,

where changes to the planned infrastructure and transportation systems are proposed or required.

- xi. Any temporary or interim infrastructure, transportation, or other facilities or systems required that are not part of the permanent systems identified in the MSP or TMP are appropriately designed for their future decommissioning and removal, and such decommissioning and removal has been addressed through appropriate development, operational, and maintenance agreements.
- e) The Township will consult and work with the Region to plan for the provision of municipal services in a co-ordinated, timely and financially viable manner, based on the principle that growth pays for growth to the extent permitted by applicable legislation, aligned with Block Plans and complete applications for development as well as the Region's and Township's Master Servicing and Transportation Plans. Infrastructure and transportation projects may be advanced in a Development Stage or a Sub Phase before development is permitted.
- f) Approval of Block Plans and development applications will be based on the timing of the implementation of required infrastructure and available reserve servicing capacity. The Township may adopt and implement a servicing allocation policy to establish the requirements and criteria for obtaining and renewing servicing allocations for development approvals and to ensure infrastructure capacity is reserved and allocated in a manner that supports the implementation of this Plan, the achievement of the intensification target, and other objectives and targets of this Plan.
- g) The Township may use holding provisions, conditions of development approval (including the phasing or staging of development within plans of subdivision), as well as front-ending and credit agreements with extended reimbursement periods, where necessary, to support the logical and orderly development of the MCP Area, manage the pace of growth and development, and ensure development is aligned with the provision and timing of the required infrastructure and transportation systems.
- h) The Township may, at its sole discretion, revise the Development Staging Plan without an amendment to this Plan where circumstances warrant, such as, but not limited to, unreasonable delay by landowner(s), in order to facilitate the planned progression of growth and development in a manner that supports the implementation of the MCP.

**DATE:** March 6, 2023

**REPORT NO:** PD-16-2023

**SUBJECT:** **Recommendation Report - Zoning By-Law Amendment  
(Temporary Use By-Law) - Kelly/Redekop Garden Suite  
Application (File No. 1601-015-22)**

**CONTACT:** Gerrit Boerema, Senior Planner  
Dave Heyworth, Manager of Planning

**OVERVIEW:**

- An application for a Temporary Use By-Law has been submitted by Ed and Cornelia Redekop and Jonathan and Loreen Kelly to permit a Garden Suite.
- The applicants are requesting to temporarily permit a mobile home on their daughter and son in-law's property located at 9275 Concession 5 Road.
- The subject property is approximately 3.5 hectares in size, is designated as Good General Agricultural lands in the Township's Official Plan, and zoned Agricultural 'A' in the Township's Zoning By-Law.
- The applicants are requesting authority to place a Garden Suite for a maximum of 20 years to allow the applicants to live close to their family members who reside on the property.
- The *Planning Act* also supports Garden Suites where permitted under Section 39.1(1), further it allows Council to require a Temporary Use Agreement between the persons residing in the Garden Suite and the Township.
- Section 39.1(3) of the *Planning Act* also allows the Council of a municipality to grant the temporary use of a Garden Suite for up to 20 years.
- In 2021, Council approved Official Plan Amendment #61 (By-law 2021-80), that updated the Township's Official Plan policy for Garden Suites by extending the permission period from 10 years to 20 years, to maintain consistency with the *Planning Act*.
- If the use is required for more than 20 years, the temporary use can be renewed on a 3-year basis, as needed.
- Garden Suites are not intended to be rental units and will be removed once no longer required by the family.
- A public meeting was held on February 13, 2023. No submissions were received from members of the public.
- Township Staff have completed a full review of the application and recommend support of the application as it is aligned with provincial, regional and local planning policy. If approved by Committee and Council, the applicants would be required to apply for, and enter into a temporary use agreement with the Township.

### **RECOMMENDATION:**

1. That, Recommendation Report PD-16-2023, regarding “Zoning By-Law Amendment (Temporary Use By-Law) –Kelly/Redekop Garden Suite Application File No. 1601-015-22”, dated March 6 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required, and;
3. That, the application for Temporary Use Bylaw, File Number 1601-015-22, BE APPROVED, as found within Attachment 3, and that staff circulate the Notice of Decision in accordance with the Planning Act, and;
4. That, the Mayor and Clerk be authorized to enter into a temporary use agreement with the owners/applicants.

### **ALIGNMENT TO STRATEGIC PLAN:**

#### **Theme #3**

- Strategic, Responsible Growth

### **BACKGROUND:**

A Temporary Use application has been submitted by Ed and Cornelia Redekop to request the temporary use of a mobile home on their daughter and son in-law's property municipally known as 9275 Concession 5 Road. The applicants wish to move into the Garden Suite (mobile home) to live close to their family members who reside on the property. The Garden Suite being proposed is 100 square metres in size (13.64 metres by 7.32 metres) and will include one bedroom.

The temporary use provisions of the Planning Act and the Township's Official Plan permit garden suites on a temporary basis. The Township's Official Plan permits one accessory dwelling unit per property, either in a dwelling or in an accessory building such as a Garden Suite. Further, the Township's Zoning By-Law 2017-70, as amended, recognizes the maximum floor area permitted for a Garden Suite to be 100 square metres. As such, the applicants are proposing a mobile home that is compliant with the Planning Act, Township's Official Plan and Zoning By-Law 2017-70, as amended.

As a result of the Pre-Consultation meeting on December 1<sup>st</sup> 2022. The applicant's septic consultant is recommending that the applicants decommission the existing septic system and put in a whole new system that would sufficiently be able to support the 2 dwellings, the existing single detached dwelling on the property as well as the new mobile home.

Staff have completed the planning review of the application against the applicable provincial, regional and local planning policy and can recommend approval of the application.

### **CURRENT SITUATION:**

Township Staff have reviewed and are providing the relevant Provincial, Regional and Local policy surrounding Garden Suites below:



### **Provincial Policy Statement (PPS)**

Garden Suites are not referred to within the PPS, though there are general housing policies that support a range of house types within a municipality. Section 1.4.3 states that Planning authorities shall provide for an appropriate range and mix of housing options to meet the projected housing needs of current and future residents.

Additionally, it is the Planning Act that requires municipalities to include policies and regulations for garden suites. The Planning Act allows municipalities to pass by-laws that will permit a temporary garden suite on a property for no more than 20 years. The Planning Act defines a “Garden Suite” as a one-unit detached residential structure containing a bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. Section 39.1 of the Planning Act allows Council to require a Temporary Use Agreement between the persons residing in the Garden Suite and the Township that deals with such matters as the installation, maintenance, removal of the garden suite as well as, the period of occupancy for those named within the agreement.

As such, the proposed Garden Suite meets the Planning Act’s definition as it is a mobile home that will be portable, permitted for a temporary period, and will be ancillary to the existing residential dwelling. The mobile home being purchased will be 13.64 metres by 7.32 metres and will have a floor area of 100 square metres.

However, the applicants will be required to update the existing septic system on the property to accommodate the new mobile home. The applicants have reached out to a septic consultant who is proposing a new septic system that can accommodate the two dwellings and will be decommissioning the old septic system on the property. The Township Septic Inspector has reviewed the proposed septic servicing plan and has no objections to the preliminary plan. A permit and full review will be required. The applicants will additionally be required to enter into an agreement with the Township to regulate occupancy, location of the unit and servicing.

### **A Place to Grow – Provincial Growth Plan (P2G)**

Applications filed after June 16, 2006 must conform to the Provincial Growth Plan– A Place to Grow. Section 1.2.3 states that the P2G shall be read in conjunction with the PPS and other provincial plans as defined in the Planning Act. As the P2G does not refer specifically to Garden Suites, Section 2.2.6 of the P2G states that municipalities need to address housing needs in accordance with the provincial policies such as the PPS. As such, the Planning Act and the PPS will be the primary provincial policies that will apply for this application.

### **Greenbelt Plan**

Applications must conform to the Greenbelt Plan if they fall within the designated Greenbelt Area provided in Schedule 1 of the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the Planning Act and PPS will be the provincial policies that will apply in this case.

## Regional Policy Plan (RPP)

Garden Suites are not specifically addressed in the RPP, instead the Region depends on the Municipal Official Plan and Zoning By-Law to provide the policies and regulations pertaining to Garden Suites. As such, the following Township policies and regulations will apply for the garden suite as outlined in the Official Plan and Zoning Bylaw.

## Township of West Lincoln Official Plan (OP)

The Township OP provides the following requirements for Garden Suites:

- i. *The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;*
- ii. *The lot size/layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;*
- iii. *Compatibility of the garden suite with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance;*
- iv. *Adequacy of site access and on-site parking;*
- v. *The unit is not placed in the front yard of the lot or the required front yard as established by the Zoning By-law;*
- vi. *No additional access is provided to the lot from a public road;*
- vii. *Placement of the unit is not exclusively removed from the existing dwelling;*
- viii. *The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot.*
- ix. *The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.*
- x. *The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.*

Planning staff have reviewed the application in relation to the above noted policies and can provide the following comments:

- i. The proposed garden suite must be removed after it has served its purpose or after the lapsing of the temporary use bylaw (if approved). As such, the use will be temporary in nature.
- ii. The property is 3.47 hectares (8.57 acres) in size. The existing buildings currently cover approximately 1.25% of the total lot area, and with the proposed garden suite will cover less than 2%.
- iii. The garden suite will not adversely impact the surrounding neighborhood.
- iv. The garden suite will be accessed by the existing driveway and on-site parking will be provided.
- v. The garden suite will not be placed in the front yard or in front of the existing dwelling as established by the Zoning By-law.
- vi. No additional access will be provided to the lot from a public road.
- vii. The Official Plan permits one accessory dwelling unit per property, either in a dwelling or in an accessory building, such as a garden suite like this application.
- viii. The subject lands are not currently capable of providing the required septic needs of the garden suite, however, there is room on the property to accommodate a new septic system.

As such, the applicants have proposed a whole new septic system that will be accommodating both of the dwellings. As well, the applicants have proposed an additional cistern to accommodate the garden suite.

- ix. *Minimum Distance Separation* has been reviewed and the garden suite unit is within compliance. There are no livestock barns within the vicinity of the proposed unit.
- x. The garden suite is proposed to be clustered in the same general area of the existing buildings on the property, including the main dwelling unit.

### **Township of West Lincoln Zoning By-Law (ZBL)**

The subject property is zoned Agricultural 'A' in the Township's ZBL. This zone allows for predominantly agricultural uses and one single detached dwelling as well as, accessory agricultural uses and a maximum of one accessory dwelling unit.

The Agricultural zone also permits a garden suite on the property as an accessory residential use; subordinate to the main dwelling, and subject to the accessory building and garden suite regulations. As an accessory building, the location of the Garden Suite is subject to the setbacks outlined in Section 3.1 of the Township's Zoning Bylaw 2017-70, as amended, including the requirement to be located within 50 metres of the dwelling.

Additionally, the garden suite is subject to specific regulations as outlined in Section 3.2.4 of the Township's Zoning Bylaw 2017-70, as amended. The provisions permit a maximum of one garden suite on a lot, with a maximum floor area of 100 square metres, and must be accessed through the same driveway that provides access to the main dwelling.

The proposed garden suite will maintain the required maximum floor area of 100 square metres, be located within 50 metres of the dwelling, and will be accessed from the existing driveway. Further, the garden suite is proposed to be located north of the single detached dwelling and existing accessory building on the property, and will also be located approximately 100 metres from the front property line. From staffs' review, the garden suite meets the requirements of the zoning bylaw.

### **FINANCIAL IMPLICATIONS:**

A \$5,000.00 security deposit will be obtained as part of this Temporary Use application. This will be held by the Township until the temporary structure is removed. This money is held as security to ensure the unit is removed after it is no longer needed or after the temporary use bylaw has expired.

Discussions with the Finance Department have also identified that the garden suite will be taxed as part of the property taxes for the period of time that the mobile home is on the property.

Further, there are 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 the associated fee return requirements are outlined in the below table, 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 the complete application or they will be required to provide a 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	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	Plans are approved 90 – 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 Temporary Use By-Law is \$3,640.00. Starting on July 1<sup>st</sup>, 2023, if a decision is not made within 90 days, the Township would be required to refund the applicants \$1,820, at 149 days, \$2,730.00 would be required, and after 209 days, the entire fee would be refunded to the applicants.

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

Notice of Public Meeting was circulated to all relevant agencies on January 6<sup>th</sup> 2023 and a public meeting was held on February 13, 2023. No public comments were submitted as part of the public consultation process. The Township Building Department and Septic Inspector has provided comments with regards to the proposed septic plan. They have no objection to the preliminary plan, however, note that a permit will be required for both the garden suite and septic system.

The NPCA also has no concerns with the proposed application as the subject property does not contain any NPCA regulated features. Though, they have noted that the northwest corner of the subject property contains part of the 15 metre regulated buffer associated with a regulated watercourse on the abutting properties.

Furthermore, the Niagara Region had no Regional comments to provide and as such, do not object to this application.

#### **CONCLUSION:**

An application for a temporary use bylaw to permit a garden suite has been submitted by Ed and Cornelia Redekop for the property located at 9275 Concession 5 Road. Staff have completed the planning review and can recommend support of the temporary use bylaw as the application meets the applicable provincial, regional and planning policy.

**ATTACHMENTS:**

1. Site Sketch
2. Septic System Site Plan
3. Draft By-Law
4. Draft Temporary Use Agreement

**Prepared & Submitted by:**

**Approved by:**



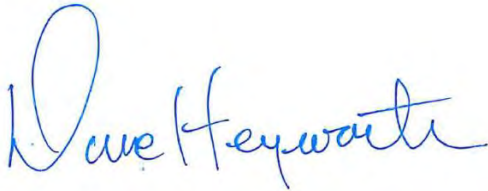
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**Gerrit Boerema, MCIP, RPP**  
**Senior Planner**



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**Bev Hendry**  
**CAO**



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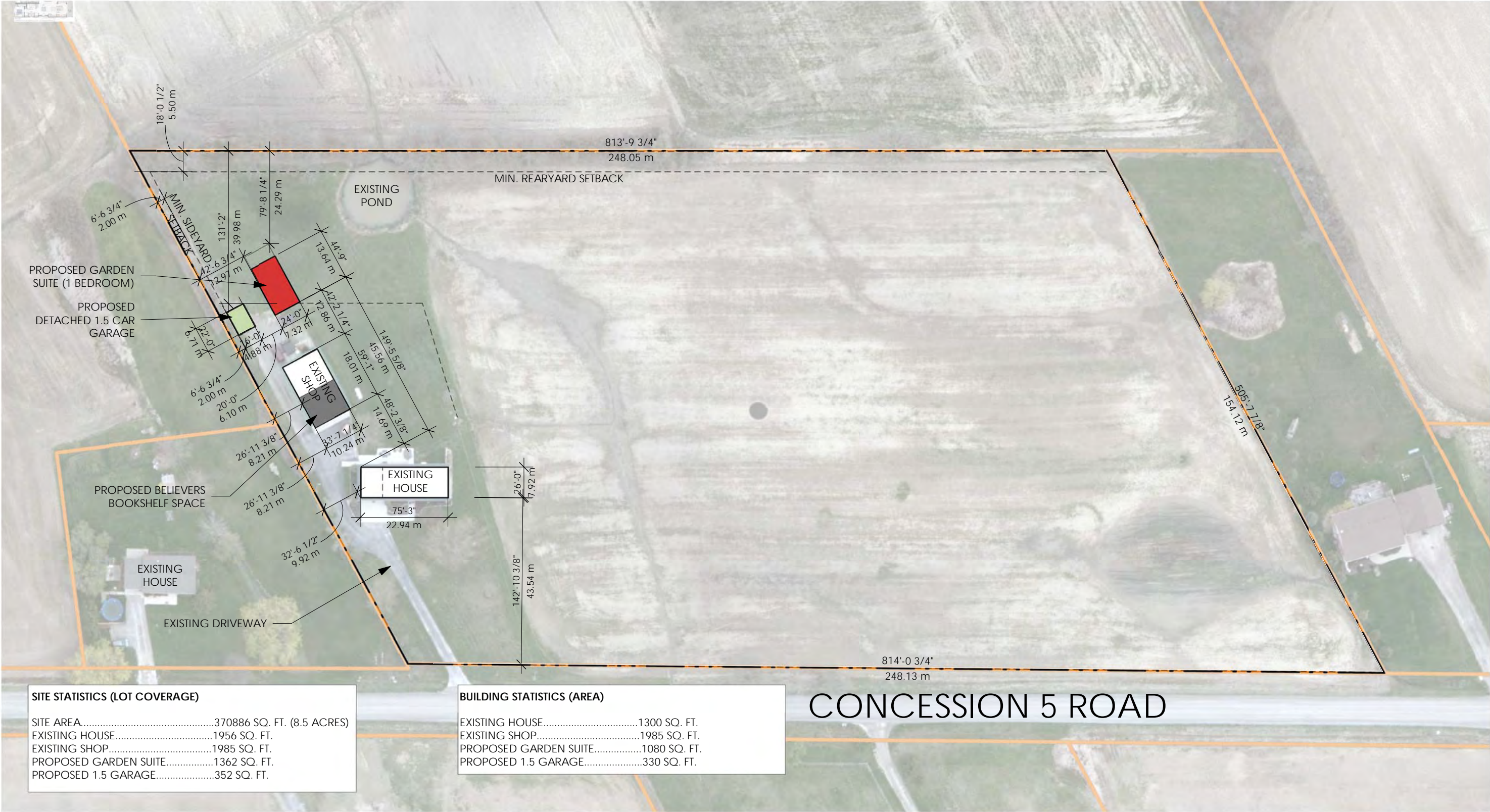
**Dave Heyworth, MCIP, RPP**  
**Manager of Planning**



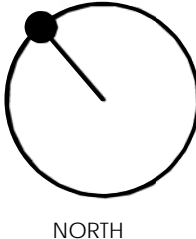
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**Brian Treble, MCIP, RPP**  
**Director of Planning and Building**





SITE LAYOUT



GARDEN SUITE SITE PLAN

9275 CONCESSION 5 ROAD | WEST LINCOLN | ONTARIO

SITE LAYOUT

Date DECEMBER 2022

SP-1

Scale\_1 : 1000



Owner Address	Property Location	
Ed & Cornelia Redekop	9275 CONCESSION 5 RD	Township Lots and Concessions: Caistor
	ARN 260201000341400	Township Caistor
	Street 9275 CONCESSION 5 RD	Lot Lot 16
	Address	ConcessionCon 6
		Full Text Caistor Township Lot 16 Con 6
Cornelia Cell: 905 687 0852		
Ed Cell: 905 687 2587		

1.65 m = Proposed Final Grade

Subgrade base at +/- 0.0 m at toe of the mantle.  
Proposed final grade at distribution pipe to be 1.65 m.

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

**BY-LAW NO. 2023- ##**

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

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

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

1. THAT Schedule ‘A’ Map ‘C2’ to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 6, Part lot 16, Township of West Lincoln, municipally known as 9275 Concession 5 Road, shown as the subject lands on Schedule ‘A’ attached hereto and forming part of this By-law.
2. THAT Map ‘C2’ to Schedule ‘A’ to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule ‘A’, attached hereto and forming part of this By-law from an Agricultural ‘A’ zone to an Agricultural zone with a site specific temporary use number A(T-11).
2. THAT for the purpose of this By-law a garden suite shall be defined as follows:

Garden Suite: A one-unit detached residential structure containing bathroom and kitchen facilities, ancillary to an existing residential structure and is designed to be portable.
3. THAT Part 5 of Zoning By-law 2017- 70, as amended, is hereby amended by adding the following to Part 13.3:

Temporary Use Provision #11	Map #	Parents Zone(s)	Property Description	Permitted Temporary Use	Regulations	Start Date	Expiry Date
T-11	C2	A	Concession 6, Part Lot 16	<i>Garden Suite</i>	As per the parent zone.	March 27, 2023	March 28, 2043

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

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
27<sup>th</sup> DAY OF MARCH, 2023.**

**CHERYL GANANN, MAYOR**

**JOANNE SCIME, CLERK**

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

### **Location:**

The subject lands are located on the north side of Concession 5 Road, situated west of Abingdon Road. The lands are described as Concession 6, Part Lot 16, formerly in the Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara, and municipally known as 9275 Concession 5 Road.

### **Purpose & Effect:**

This By-law has been enacted to permit a garden suite to facilitate common living. This By-law provides for such use for a temporary period commencing March 27, 2023 and expiring March 28, 2043.

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

### **Public Consultation:**

The Public Meeting will be held on February 13<sup>th</sup>, 2023. The Township has not received any written comments to date regarding this application. Any oral or written comments received at the Public Meeting will be considered in the making of the decision by Council.

File: 1601-015-22

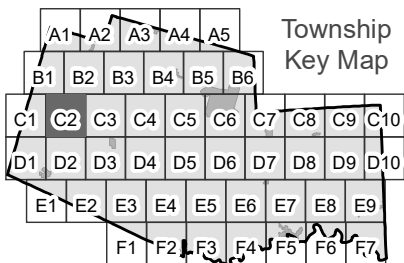
Applicants: Ed and Cornelia Redekop

**A to A (T-11)**

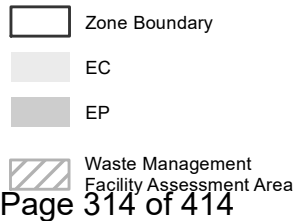
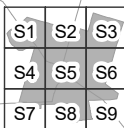
See Map C1

See Map C3

See Map D2



**Smithville Key Map**



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

Map  
**C2**

1:20,000

0 500 m

Last Updated: February 2023

Page 13 of 56



**TOWNSHIP OF WEST LINCOLN  
TEMPORARY USE AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, and authorized by By-law No. 2023-### of the Corporation of the Township of West Lincoln.

BETWEEN: JONATHAN KELLY and LOREEN JOY KELLY  
hereinafter called the OWNER  
OF THE FIRST PART

AND: BINBROOK HOLDINGS LTD.  
hereinafter called the  
MORTGAGEE OF THE  
SECOND PART

AND: THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
hereinafter called the TOWNSHIP  
OF THE THIRD PART

**WHEREAS:**

1. The Owner warrants and represents it is the registered Owner, in fee simple, of the lands described in Schedule 'A' attached hereto and forming part of this Agreement;
2. The Owner desires that the Township allow the establishment of a garden suite (modular unit) on the lands for a period of time permitted in Temporary Use By-law 2023-### passed for that purpose;
3. The Owner acknowledges that the lands are subject to a Temporary Use Agreement pursuant to the provisions of Section 39.1 of the Planning Act, R.S.O., 1990;
4. The Township is of the opinion that it is in the best interest of the Township and its inhabitants for any construction or development on the lands to proceed upon the Owner being required to undertake to make certain arrangements and to give certain assurances with and to the Township for the health, safety, convenience and well-being of the public;

NOW THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00) paid by the Township to the Owner, the Township and the Owner mutually covenant and agree as follows:

**1. DEFINITIONS**

In this Agreement:

- (a) "Chief Building Official" means the Chief Building Official, or designate, in the full-time employ of the Township.
- (b) "Clerk" shall mean the Clerk, or designate, in the full-time employ of the Township.
- (c) "Director of Planning" means the Director of Planning, or designate, in the full-time employ of the Township.
- (d) "Director of Public Works" means the Director of Public Works and Engineering, or designate, in the full-time employ of the Township.
- (e) "Garden Suite" means a temporary dwelling unit as permitted by By-law 2023-### & any renewals thereof.
- (f) "Lands" means the lands described in Schedule 'A' and shown on Schedule "B" attached hereto and forming part of this Agreement.
- (g) "Mortgagee" means any mortgage holder having an interest in the subject lands in Schedule 'A'
- (h) "Owner" means Jonathan Kelly and Loreen Joy Kelly and any and all subsequent owners.

- (i) "Required", where not specified, means required by this Agreement and/or an appropriate authority.
- (j) "Township" means The Corporation of the Township of West Lincoln or any of its authorized full-time employees.

## **2. BUILDING PERMIT**

- (a) The Owner agrees to apply for and obtain a building permit for construction of the works contemplated by this Agreement no later than six months after approval of the plans required pursuant to Clause 2.(c) and acknowledges and agrees that failure to do so will require that the Owner submit and receive approval of a new temporary use agreement relating to the lands reflecting the latest standards and policies of the Township prior to a building permit being issued.
- (b) The Owner acknowledges and agrees that where construction of all works contemplated by the Agreement have not been seriously commenced within six months of the issuance of a building permit, or where construction is substantially suspended or discontinued for a period of more than one year after commencement of construction, the building permit shall be revoked and the site shall be returned to its original condition. If the building can not be completed in that time frame and there are no significant changes (as determined by the Chief Building Official) the Owner may apply in writing for an extension to the building permit. The extension shall only be granted if the Owner has a sufficient reason for the delay in construction (as determined by the Chief Building Official). If there are significant changes to the submitted plans affecting permits required by this Agreement, the Owner shall submit for approval a new Site Plan application related to the lands reflecting the latest standards and policies required of the Township.
- (c) The Owner acknowledges and agrees that the Township shall be under no obligation to issue a building permit on the lands until:
  - (i) Such plans, which in the opinion of the Director of Planning are necessary for the development of the lands, have been approved in writing by the said Director.
  - (ii) Required site servicing, grading and drainage plans have been approved by the Director of Public Works and Recreation.
  - (iii) The Owner has obtained all necessary approvals from any government agency having an interest in the development.
  - (iv) All Municipal taxes in arrears, if any, are paid in full.
  - (v) Adequate sewage disposal system & portable water supply system has been designed and approved by the appropriate approval authority.

## **3. PREPARATION AND SUBMISSION OF PLANS**

The Owner acknowledges and agrees that:

- (a) Any required Grading, Drainage and Servicing plans will be drawn by a Registered Professional Engineer.
- (b) Any required sewage disposal plans will be drawn by Registered Professionals.
- (c) It is the Owner's responsibility to ensure that all plans and development indicated thereon shall be in accordance with the requirements of all applicable laws, by-laws, codes, rules and regulations.
- (d) All plans required by this Agreement shall be submitted by the Owner and receive approval of the Township no later than six months after the passing of a by-law by the Township to enter into this Agreement or no later than six months after approval of an application to amend approved plans and that failure to do so will require, at the discretion of the Director of Planning, that the Owner submit and have approved a new Site Plan approval application relating to the lands reflecting the latest standards and policies of the Township.

## **4. BUILDINGS, CONSTRUCTION AND OCCUPANCY**

- (a) The Owner agrees that any garden suite on the lands will be constructed or installed entirely in accordance with:
  - (i) any plans related to the proposed buildings or structures that may be approved by the Township;
  - (ii) the provisions of the Ontario Building Code, the Township's Building By-law and the requirements of the Chief Building Official;
  - (iii) the requirements of the Zoning By-law, as amended, of the Township;
  - (iv) the requirements of this Agreement & the corresponding Development Agreement.
  - (v) any applicable statute, regulation or code of any other authority having jurisdiction.
- (b) The Owner agrees not to install the garden suite on the lands except in accordance with the terms and conditions contained in this Agreement unless otherwise agreed to and approved, in writing, by the Director of Planning.
- (c) The Owner agrees not to construct or install private servicing until affected government agencies or authorities have formally approved such work.
- (d) The Owner agrees not to occupy or use or permit the occupancy or use of any portion of any garden suite on the lands without first receiving written approval by the Township.
- (e) The Owner understands that the Temporary Use By-law requires that the use of the garden suite must cease at the end of the 20-year period unless a request is received 3 months prior to the end of the 20-year period requesting an extension and Council approves the extension of a subsequent Temporary Use By-law.
- (f) The Owner agrees to permit the occupancy of the garden suite on the lands only by persons named in this Site Plan Agreement, being Ed and Cornelia Redekop.
- (g) The Owner agrees to remove any building, intended for use as a garden suite, from the lands at such time as the occupants named in the Temporary Use Agreement no longer require the use of the garden suite.
- (h) The Owner agrees that this Temporary Use Agreement covers the installation, maintenance and removal of the garden suite, the occupancy of the garden suite, and the \$5,000 deposit against the garden suite.

## 5. NOTIFICATION

Any Notice or Notification pursuant to the terms of this Agreement may be effected by prepared First Class Mail:

- (a) By the Township upon the Owner at its address: 9275 Concession 5 Road, Caistor Centre, Ontario, L0R 1E0, unless otherwise advised.
- (b) By the Owner upon the Township at its address: P.O. Box 400, 318 Canborough Street, Smithville, Ontario L0R 2A0

Service of such Notice or Notification shall be deemed to have occurred 7 days after the date of the mailing of same.

## 6. GENERAL

- (a) The Owner hereby constitutes any successor-in-title to the lands its agent with full authority to enter into any Agreement with the Township to amend this Agreement from time to time.
- (b) The Owner agrees that upon the execution of this Agreement, the lands are charged with the performance of this Agreement.
- (c) The Owner understands and agrees that if the Owner is required to submit and have approved a new temporary use agreement application, the Owner also agrees to have this Agreement replaced by a new agreement, if required.
- (d) The Owner agrees to apply for an extension to the time period permitted in a Temporary Use By-law, a minimum of three (3) months in advance of the expiry date thereof, if the Owner so wishes to have such period of time extended.
- (e) It is understood and agreed that this Agreement and everything contained herein shall ensure to the benefit of and be binding upon the heirs, executors, administrators, mortgagees,

successors-in-title and assigns of each of the parties hereto as the case may be and shall constitute a covenant running with the lands.

- (f) The Owner grants to the Township, its servants, agents and assigns, permission to enter upon the lands for the purpose of inspection of any work referred to in this Agreement and for the purpose of completion of any works in accordance with this Agreement and such entry and inspection shall not be deemed an acceptance of any of the works by the Township or an assumption by the Township of any liability in connection therewith or a release of the Owner of its obligations under this Agreement.
- (g) The Owner understands and agrees that the lands will be forever maintained in accordance with the terms and conditions of this Agreement. Failure of the Owner to do so can result in the Township doing so at the expense of the Owner.
- (h) In the event of failure by the Owner to carry out any provisions of this Agreement (the determination of which shall be at the sole discretion of the Director of Planning) the Township may provide Notice to the Owner of the nature of the failure.
- (i) If the Owner fails to remedy any failure of which it has been notified pursuant to this Agreement within twenty-one days after Notice by the Township, the Township shall have the full authority, power and right to enter upon the lands to employ such workmen and to use such equipment and machinery as is deemed, in the sole discretion of the Township, to be necessary to complete and perform any work that is required to remedy the failure and the Owner agrees to pay the Township the costs to remedy the failure. Such costs shall include legal, planning, engineering or any other professional or administrative costs incurred by the Township. In the event of the failure of the Owner to pay such costs within thirty days of serving Notice thereof upon the Owner, the Township shall have the right to recover such costs by action or in like manner as Municipal taxes.
- (j) The Owner will at all times indemnify and keep indemnified and save harmless the Township from any losses, costs, damages and injuries which the Township may suffer or be put to for or by reason of the construction, maintenance or existence of any work done by the Owner, its contractors, servants or agents on the lands or on any lands adjacent to such lands and such indemnity shall constitute a first lien and charge on the lands in favour of the Township.
- (k) The Owner understands and agrees that there shall be no work performed on or development of the lands except in conformity with all applicable municipal by-laws and Provincial legislation and that this Agreement or approval of plans does not exempt the Owner from any applicable statute, regulation, or code of any other authority having jurisdiction contrary to the requirements of this Agreement or prevent the Township from taking action to rectify any non-compliance resulting from said work or development taking place.
- (l) It is understood and agreed that the garden suite permitted by this agreement shall only be permitted accessory to an existing residential use on the lands as shown on Schedule "B". The owner agrees that any application for consent for severance of the garden suite from the remainder of the lands shall not be supported by the Township, based on current policy.
- (m) The Owner shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any Administrative Tribunal the right of the Township to enter into this Agreement and to enforce each and every term, covenant and condition herein contained and this Agreement or this Clause may be pleaded as an estoppel against the Owner in any such proceeding.

DRAFT



IN WITNESS WHEREOF, the parties hereto have hereunto affixed their respective corporate seals under the hands of their duly authorized signing officers in that behalf.

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

SIGNED, SEALED  
AND DELIVERED

\_\_\_\_\_  
MAYOR: CHERYL GANANN

Date signed:\_\_\_\_\_

\_\_\_\_\_  
CLERK: JOANNE SCIME

Date signed:\_\_\_\_\_

OWNER:

\_\_\_\_\_  
Signature – Jonathan Kelly

\_\_\_\_\_  
Signature –Loreen Joy Kelly

Date signed: \_\_\_\_\_

MORTGAGEE:

\_\_\_\_\_  
Binbrook Holdings Ltd.

Print Name and Title:\_\_\_\_\_

Date:\_\_\_\_\_

**SCHEDULE 'A'**

A temporary use agreement between Jonathan Kelly, Loreen Joy Kelly, Binbrook Holdings Ltd., and the Corporation of the Township of West Lincoln.

All and Singular that certain parcel or tract of land, situation lying and being composed of Concession 6, Part Lot 16, formerly in the Township of Caistor, now in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 9275 Concession 5 Road.

DRAFT

Schedule ‘B’ - Drawings

DRAFT

**DATE:** March 6, 2023

**REPORT NO:** PD-11-2023

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

**CONTACT:** Gerrit Boerema, Senior Planner  
Dave Heyworth, Manager of Planning  
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. A second public meeting was held on January 16, 2023 to seek public input on a revised proposal and zoning amendment application which now requests:
  - Permission for 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
  - Permission for ingress and egress to the site through an existing lane/driveway, with a width of 3.3 metres for travel in two directions
  - Clarification that Section 3.12.2 d) of the bylaw requiring driveways not exceed 50% of a required yard does not apply.
  - Clarification that maximum garage width for an attached private garage does not apply.
- The comments raised as part of the public meeting and discussion of the second technical report were focused on urban design, stormwater management and vehicles crossing onto neighbouring properties.

**OVERVIEW (Continued):**

- Based on the full planning review, staff can recommend support of this application. As there is a commercial component to this development, and the subject property is within the site plan control area, site plan approval will be required and can address issues around stormwater and snow management, vehicle movements and urban design on the property.

**RECOMMENDATION:**

1. That, Recommendation Report PD-11-2023, regarding “197 Griffin Street Application for Zoning Amendment Owner – Christoph Arnold, Agent – NPG Planning Solutions File No. 1601-005-22”, dated March 6, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required, and;
3. That, the application for Zoning Bylaw Amendment 1601-005-22, BE APPROVED as found in Attachment 5, and that staff circulate Notice of Decision in accordance with the Planning Act.

**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 a residential unit 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. However, as a result of comments made at the initial public meeting on April 11, 2022, the proposal and zoning bylaw amendment request was revised in terms of exterior design and the removal of the detached garage with a proposed dwelling unit on the second and third storeys. This revised concept was presented at a second public meeting on January 16, 2023. The revised concept continues to have four residential units and one commercial space, all located within the principle building.

The zoning modifications required to the existing Commercial ‘C1’ zoning are as follows:

- 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.

Following the second public meeting there were still concerns regarding the urban design of the building, stormwater runoff, snow management and vehicles crossing over to the abutting property to the south. Staff are recommending support of the application as the remaining issues can be resolved in a required site plan approval application.

### **CURRENT SITUATION:**

Staff have completed a full 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 redevelopment is providing a total of four residential units and one commercial unit and is a form of intensification within the built up core of Smithville and conforms to the Provincial Policy Statement and Growth Plan. In total, three additional units are being added.

#### **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 and would meet the general intent of the 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; promoting new development in appropriate locations at appropriate scales; ensuring new development is compatible with existing development; enhancing and encouraging the maintenance of commercial and residential buildings and encouraging 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 which require: 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; developments are required to be on full municipal water and sewer services; and are to be subject to site plan control.

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.

Staff have completed a 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.

The existing house was built in the 1920's and contributes towards the historical character of the downtown core. The original development proposal for this site was a modern design, but now has been revised in a way that is more sympathetic to the historical character of the downtown core and adjacent housing.

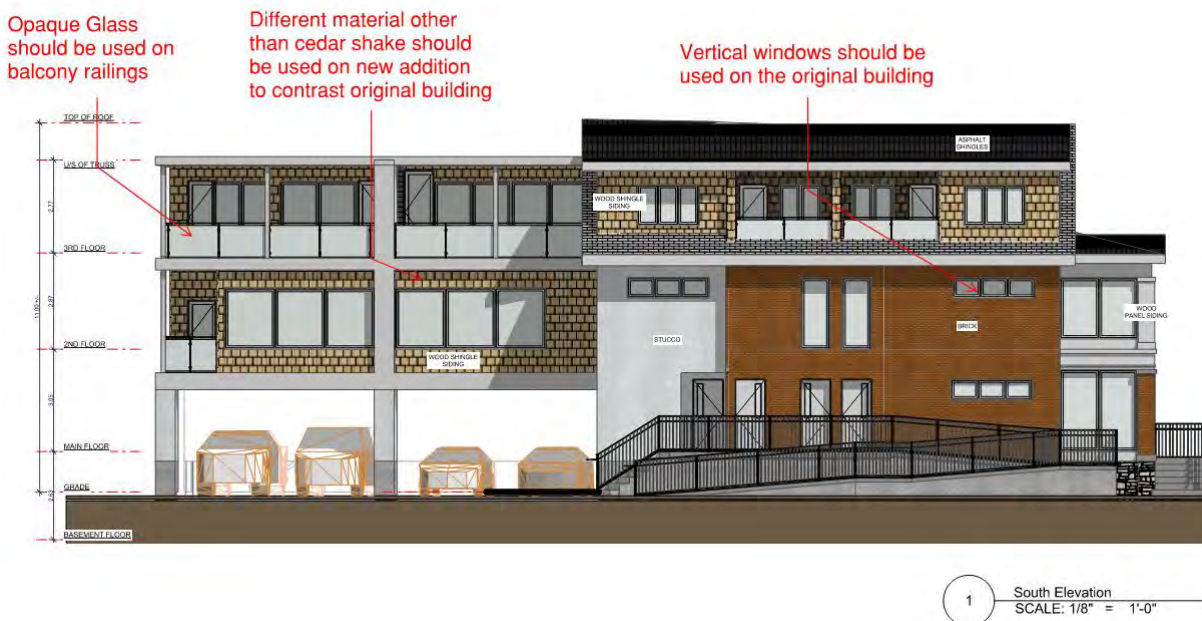
Staff have reviewed the proposed façades in more detail to determine its alignment with the Township's Official Plan and the Urban Design Manual and can offer the following comments:

- The façade of the building could potentially be improved through greater architectural cohesion. Simplifying the alterations, including the rooflines, building materials and window sizes could enhance the historical character of the building differentiating the original verses the new.
- Use of siding or cedar shakes as an alternative to stucco.
- Window redesign for original building does not compliment the original character. The use of more traditional vertical windows, not horizontal on the sides of the existing building, and more traditional windows at the ground floor front of the building could help differentiate original from the new.
- Use of opaque glass for the new balconies.

These proposed preliminary staff thoughts on possible changes have been identified on the elevation drawings below:







Staff strongly suggest that these changes be considered and appropriate alterations be made as part of the site plan process, however, staff recognize that through recent changes to the Planning Act with Bill 23, urban design is difficult to implement. Good urban design and built form is especially important in the downtown core, and in prominent locations such as the subject property. Staff want to ensure that this project, one of the first intensification development within Smithville, is attractive and sets an example for future intensification and infill applications.

### 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 result in four accessory apartments and a principle commercial space on the ground floor, all within the main building, with the existing detached garage to be removed and a new addition onto the existing building. 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 table below provides an overview of the zoning exceptions now being requested:

Bylaw Section	Required	Proposed	Notes
<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 four accessory units and main commercial unit and zoning relief for parking spaces is no longer required.

### 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 would 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 permitted a refund.

	Zoning and Official Plan Combined	Zoning Bylaw Amendment	Site Plan
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:

The Township has received two written submissions from the public as a part of the first public meeting, as well as one second round of consultation. The concerns regarding privacy raised from the residents of 108 West Street appear to have been resolved through the re-design of the development and the removal of the proposed three storey accessory building.

The owners of 195 Griffin Street have provided both oral and written 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 are concerns regarding snow management and stormwater management.

Staff do note that the majority of both 197 and 195 Griffin Street are already covered in asphalt parking and driveway and that the property line runs down the centre of the driveway. 195 Griffin Street has an easement over 197 Griffin Street to permit access and vehicle manoeuvring. 197 Griffin Street does not have a reciprocal easement over 195 Griffin Street and therefore they would not be entitled to use 195 Griffin for access. The changes to 197 Griffin street, in the opinion of staff, may not significantly change this existing situation, however, stormwater management, including snow management, will be further reviewed as part of a future site plan application.

### **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. A second public meeting was held where a number of remaining concerns were identified. 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 four accessory dwelling units (all four units now within the main building) and a commercial space.

Staff believe that the remaining concerns regarding stormwater management and urban design can best be dealt with through a future site plan application. A site plan agreement is still required as a component of this development contains ground floor commercial. Bill 23 now exempts residential developments with 10 or less units from having to obtain site plan approval, but still allows site plan for commercial development.

Staff are recommending support of the zoning amendment application as found in the draft bylaw in Attachment 5.

### **ATTACHMENTS:**

1. Location map
2. Revised Site Plan
3. Revised Elevation Drawings
4. Public and Agency Comments
5. Draft Zoning Bylaw Amendment

**Prepared & Submitted by:**

**Approved by:**



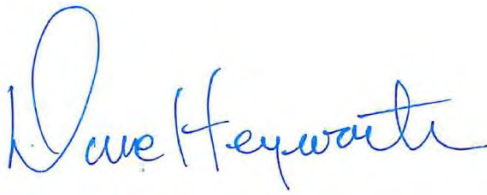
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**Gerrit Boerema, MCIP, RPP**  
**Senior Planner**



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**Bev Hendry**  
**CAO**



---

**Dave Heyworth, MCIP, RPP**  
**Manager of Planning**



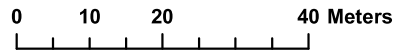
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**Brian Treble, MCIP, RPP**  
**Director of Planning & Building**






Location Map  
197 Griffin Street



Legend

 Subject Property



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%

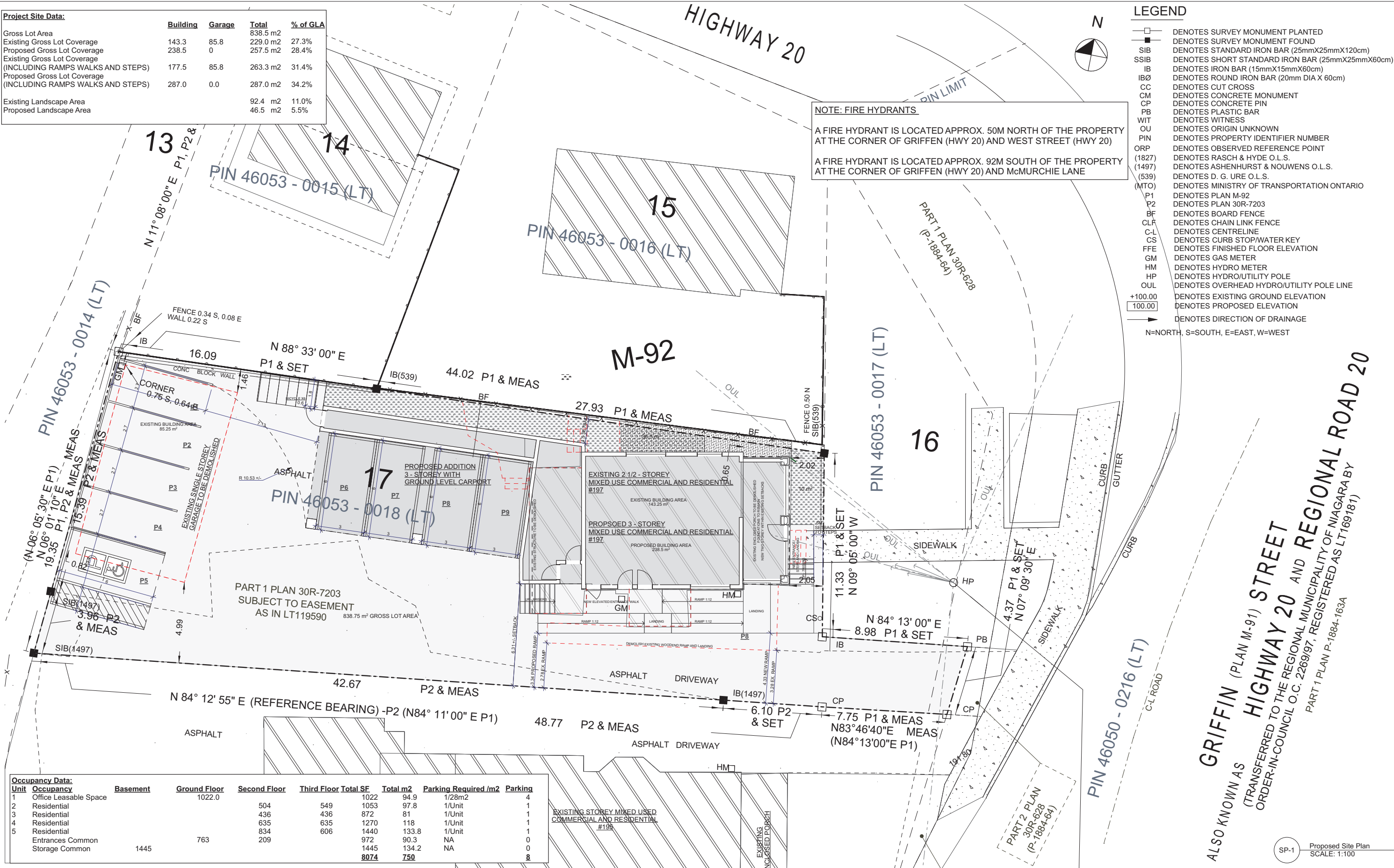
LEGEND

□	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

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]

Konsept  
30 NIAGARA STREET UNIT #1  
WELLAND, ONTARIO L3C 1H9  
T 905.682.8534  
E info@konsept.ca

Page 334 of 414

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

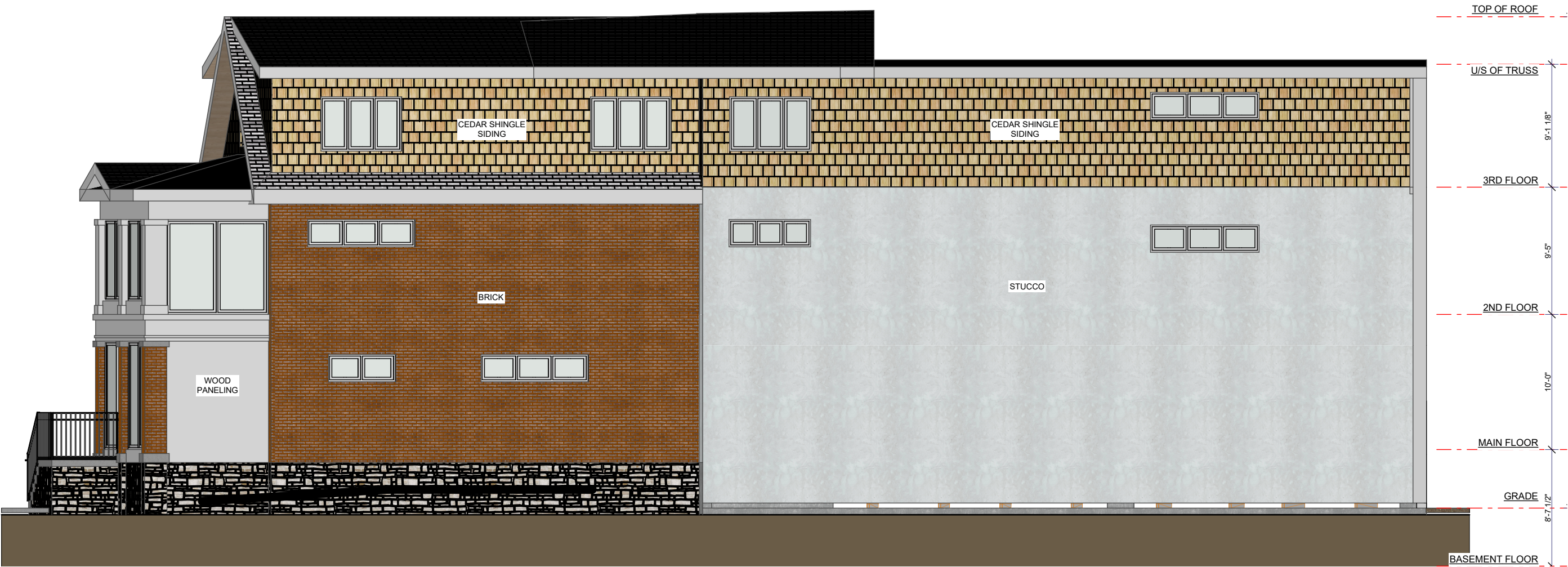
Drawing Number  
SP-1





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



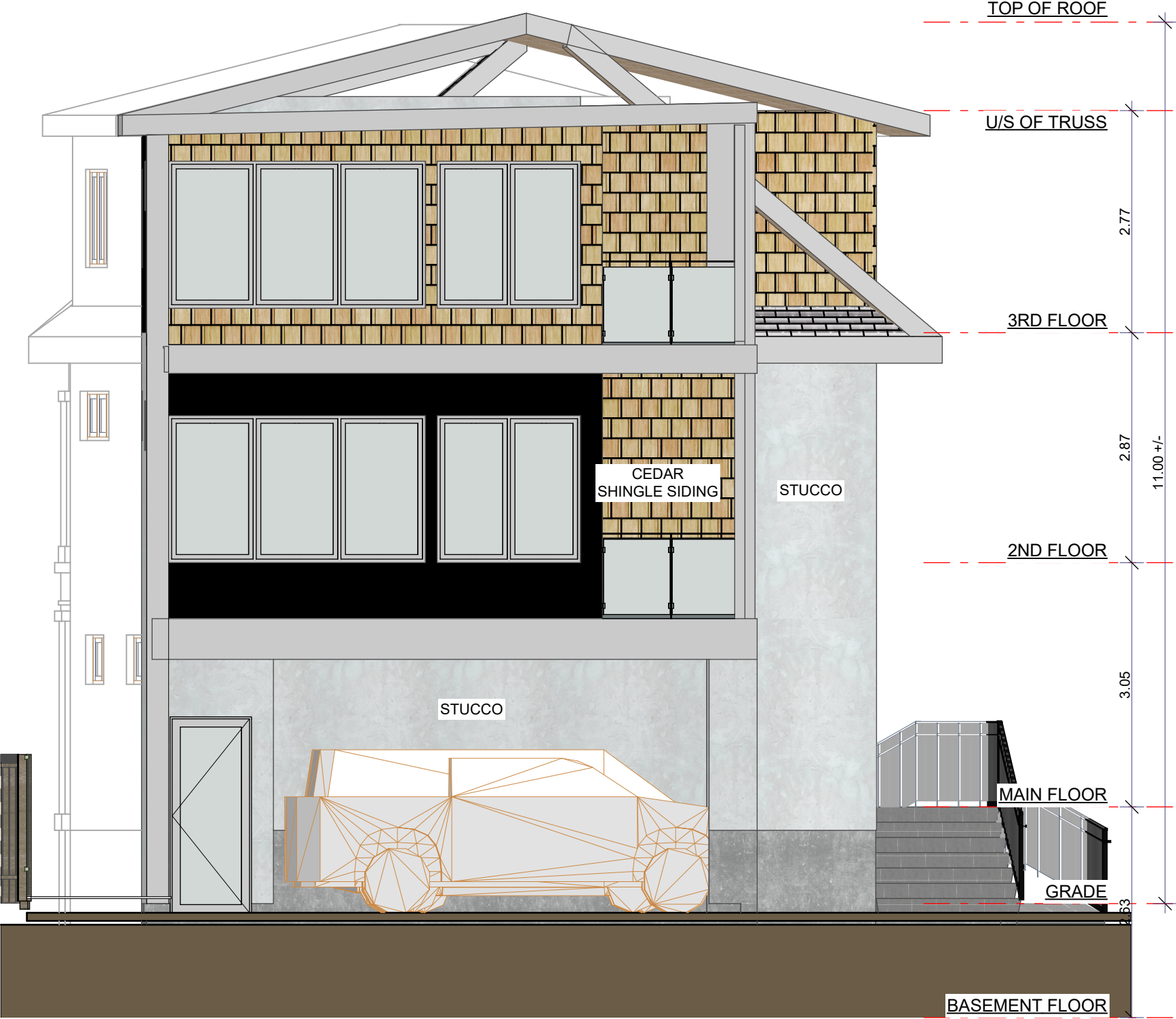
1 North Elevation  
SCALE: 1/8" = 1'-0"



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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To Whom It May Concern,

I'm writing to table my concerns about the proposed alternations to buildings at 197 Griffin Street. I live at 108 West Street, so my home is directly adjacent to this property.

My primary concern is the proposal to add two stories to the garage at the back of the property. Because of the orientation of the properties, this garage is built directly behind my property. The addition of two stories will deprive my backyard and my house of the natural light from the South that comes in all year and throw the backyard into constant shade. If this is allowed to pass, I will be facing a 3-storey building immediately on the South property line towering over my yard and home. I also have concerns about privacy as the plan included a window that is facing the back of my house and will look directly down into my backyard. I don't think this proposed change gives proper consideration to my concerns as a homeowner as they are completely written off in the report the developer submitted. Guidelines have been put in to protect the residential buildings adjacent and behind properties. "Ensure built form compatibility and transition of building heights with adjacent detached and semi-detached dwellings by providing a maximum 45-degree angular view plane projected from the rear property line" Though my building is not behind the property, I think these guidelines should be considered as the property is directly behind mine. The proposed secondary building will not ensure compatibility with my home and will loom over my property and home. The secondary building already does not follow the guidelines with regards to setbacks and further allowances should not be given as the proposal will negatively impact my property.

My secondary concern is that the proposed buildings are not in keeping with the character of the downtown core. The buildings adjacent to these two are all homes built around 100 years ago and very modern-style buildings are not in keeping with the character of these homes or the desired character of the Smithville downtown. One of the guidelines from the Smithville Urban Design Manual states that "Mixed-use buildings should be compatible in design and massing with adjacent buildings." The proposed design of this property is completely different from the surrounding buildings. The plan is to take a century home and make it into a modern "box." When this design may be suitable in some places, it will not suit the heritage aesthetic that the Smithville Urban Core is aiming for. This proposal will not "protect and enhance the character of the historic Downtown," but instead will replace one of the historic buildings in the downtown with a contemporary design that's not in keeping with Smithville's character. Sincerely,

Kenneth Kranendonk

108 West Street, Smithville, ON

## Gerrit Boerema

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**From:** CP Proximity-Ontario <CP\_Proximity-Ontario@cpr.ca>  
**Sent:** March 9, 2022 6:47 PM  
**To:** Gerrit Boerema  
**Subject:** RE: Notice of Public Meeting for Zoning Bylaw Amendment - 197 Griffin Street/RR20/14 - File No. 1601-05-22

Good Afternoon,

**RE: Comments on File No. 1601-05-22, 197 Griffin Street/RR20/14, Smithville, ON, within 500m of CP Rail line**

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

Thank you,

CP Proximity Ontario



**CP Proximity Ontario**  
**CP\_Proximity-Ontario@cpr.ca**  
7550 Ogden Dale Road SE, Building 1  
Calgary AB T2C 4X9

---

**From:** Gerrit Boerema <gboerema@westlincoln.ca>  
**Sent:** March 9, 2022 7:28 AM  
**To:** 'Development Planning Applications' <devtplanningapplications@niagararegion.ca>; 'Busnello, Pat' <pat.busnello@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; 'Sue Mabee' <Sue.Mabee@dsbn.org>; Clark.Euale@ncdsb.com; Young, Katie <Katie.Young@niagararegion.ca>; CP Proximity-Ontario <CP\_Proximity-Ontario@cpr.ca>; Ron.Etchen@mpac.ca; tedc@metisnation.org; consultations@metisnation.org; pontdj@hotmail.com; jocko@sixnations.com; hdi@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; megan.devries@mncfn.ca; peter.epler@mncfn.ca; lonnybomberry@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@nrnc.ca; executivedirector@fenfc.org; Jennifer Bernard <jbernard@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Tiana Dominick <tdominick@westlincoln.ca>; Lyle Killins <lkills@live.com>; Beverly Hendry <bhendry@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Fred vanderVelde <fredv@royalpage.ca>; West Lincoln Chamber

Attachment 5 to PD-37-2022

<westlincolnchamber@bellnet.ca>; Jesse Auspitz <jauspitz@npgsolutions.ca>

**Subject:** Notice of Public Meeting for Zoning Bylaw Amendment - 197 Griffin Street/RR20/14 - File No. 1601-05-22

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Good Morning,

Please find attached the notice of public meeting for 197 Griffin Street, Smithville ON, File No. 1601-05-22. More information regarding the application can be found in the link below:

[https://www.dropbox.com/sh/2zaelbfuy8vlke4/AAC5lcX\\_yYIMcN7N-v3FoiDya?dl=0](https://www.dropbox.com/sh/2zaelbfuy8vlke4/AAC5lcX_yYIMcN7N-v3FoiDya?dl=0)

A subsequent site plan approval application is proposed to be submitted following a decision on the zoning amendment.

If you have any questions please let me know.

Gerrit,



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COVID 19 Update March 1, 2022 – Beginning March 1st, the Township of West Lincoln is continuing to implement next steps in the Province's Next Phase of Reopening. Please read the latest update on our [website](#)

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----- IMPORTANT NOTICE - AVIS IMPORTANT -----



**Gerrit Boerema**

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**From:** Young, Katie <Katie.Young@niagararegion.ca>  
**Sent:** April 1, 2022 10:59 AM  
**To:** Gerrit Boerema  
**Subject:** RE: Notice of Public Meeting for Zoning Bylaw Amendment - 197 Griffin Street/RR20/14 - File No. 1601-05-22

Good morning Gerrit,

I wanted to confirm to you that the Region will have no comments for the Zoning By-law Amendment application at 197 Griffin Street; however, will require fees and circulation for the future Site Plan application.

If you have any questions, please let me know.

Thank you,

**Katie Young, MSc (PI)**

**Development Planner**

Planning and Development Services Department

Niagara Region | [www.niagararegion.ca](http://www.niagararegion.ca)

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

P: 905-980-6000 ext. 3727 Toll-free: 1-800-263-7215

E: [katie.young@niagararegion.ca](mailto:katie.young@niagararegion.ca)

---

**From:** Gerrit Boerema <gboerema@westlincoln.ca>  
**Sent:** Wednesday, March 9, 2022 9:28 AM  
**To:** Development Planning Applications <devtplanningapplications@niagararegion.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>; Nikolas Wensing <nwensing@npca.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; Sue Mabee <Sue.Mabee@dsbn.org>; Clark.Euale@ncdsb.com; Young, Katie <Katie.Young@niagararegion.ca>; CP Proximity-Ontario <CP\_Proximity-Ontario@cpr.ca>; Ron.Etchen@mpac.ca; tedc@metisnation.org; consultations@metisnation.org; pontdj@hotmail.com; jocko@sixnations.com; hdi@bellnet.ca; traceyghdi@gmail.com; fawn.sault@mncfn.ca; megan.devries@mncfn.ca; peter.epler@mncfn.ca; lonnybomberry@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@nrnc.ca; executivedirector@fenfc.org; Jennifer Bernard <jbernard@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; John Schonewille <jschonewille@westlincoln.ca>; Tiana Dominick <tdominick@westlincoln.ca>; Lyle Killins <lkillins@live.com>; Beverly Hendry <bhendry@westlincoln.ca>; Ray Vachon <rvachon@westlincoln.ca>; Fred vanderVelde <fredv@royalpage.ca>; West Lincoln Chamber <westlincolinchamber@bellnet.ca>; Jesse Auspitz <jauspitz@npgsolutions.ca>  
**Subject:** Notice of Public Meeting for Zoning Bylaw Amendment - 197 Griffin Street/RR20/14 - File No. 1601-05-22

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

Good Morning,

## Attachment 5 to PD-37-2022

Please find attached the notice of public meeting for 197 Griffin Street, Smithville ON, File No. 1601-05-22. More information regarding the application can be found in the link below:

[https://www.dropbox.com/sh/2zaelbfuy8vlke4/AAC5lcX\\_yYIMcN7N-v3FoiDya?dl=0](https://www.dropbox.com/sh/2zaelbfuy8vlke4/AAC5lcX_yYIMcN7N-v3FoiDya?dl=0)

A subsequent site plan approval application is proposed to be submitted following a decision on the zoning amendment.

If you have any questions please let me know.

Gerrit,



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COVID 19 Update March 1, 2022 – Beginning March 1st, the Township of West Lincoln is continuing to implement next steps in the Province's Next Phase of Reopening. Please read the latest update on our [website](#). The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

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

**BY-LAW NO. 2023- XX**

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

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

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

1. THAT Schedule 'A' Map 'S5' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Lot 17, Plan M92, in the former Township of South Grimsby, in the Township of West Lincoln, Regional Municipality of Niagara, municipally known as 197 Griffin Street, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'S5' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Core Commercial 'C1' zone to a Core Commercial 'C1-221' zone with site specific exceptions.
3. THAT Part 5 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:  
C1-221  
Permitted Uses:  
As per the parent zone.  
Regulations:  
As per the parent zone, except:
  - maximum *ground floor area* for *accessory dwelling unit* entrance – 75 m<sup>2</sup>
  - Minimum width of driveway for double traffic lane for travel in two directions for residential and non-residential uses – 3.3 m
  - No maximum driveway coverage for the required side and rear yards
  - No maximum garage width for private garages within the rear yard
4. THAT all other provisions of By-law 2017-70 continue to apply.
5. AND THAT this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED THIS  
27<sup>th</sup> DAY OF MARCH, 2023.**

---

**MAYOR CHERYL GANANN**

---

**JOANNE SCIME, CLERK**

## **EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-XX**

### **Location:**

This By-law involves a parcel of land located on the west side of Griffin Street, legally described as Lot 17, Plan M92, in the former Township of South Grimsby, in the Township of West Lincoln, Settlement area of Smithville, municipally known as 197 Griffin Street.

### **Purpose & Effect:**

The subject lands were zoned Core Commercial 'C1' and have been rezoned to Core Commercial 'C1-221' with site specific exception to allow for a maximum ground floor area for the accessory dwelling unit entrance of 75 square metres, a minimum driveway width of 3.3 metres, and that the maximum driveway coverage for the required side and rear yard of 50% does not apply.

### **Public Consultation:**

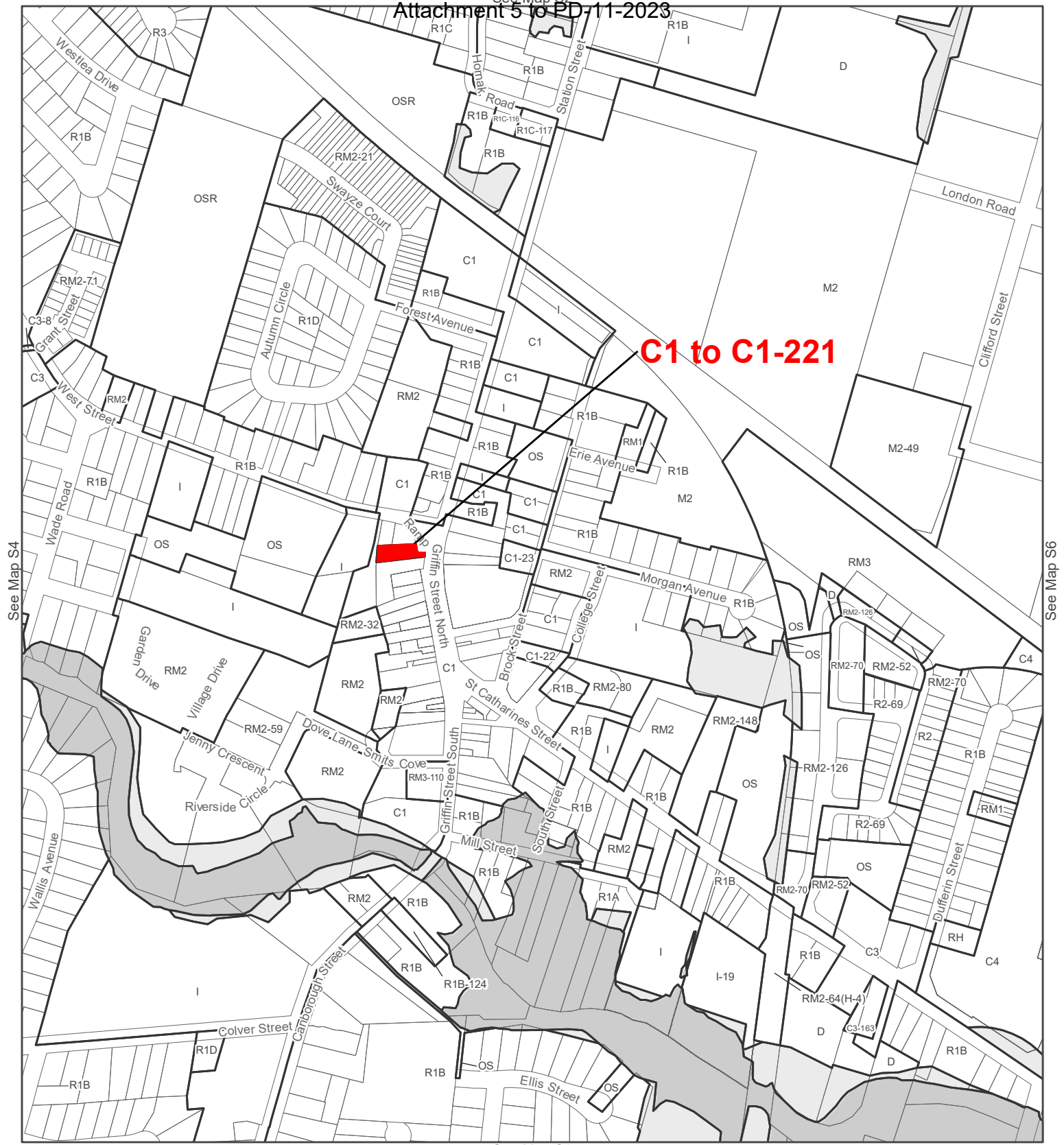
Two Public Meetings were held on Monday April 11, 2022 and Monday January 16<sup>th</sup> 2023. The Township received three written comments and three oral comments from members of the public in regards to this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-005-22

Applicants: C A Real Estate Holdings Inc.

DRAFT

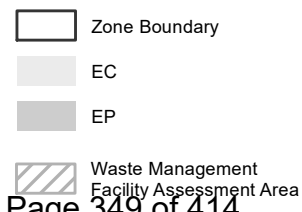
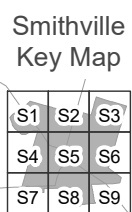
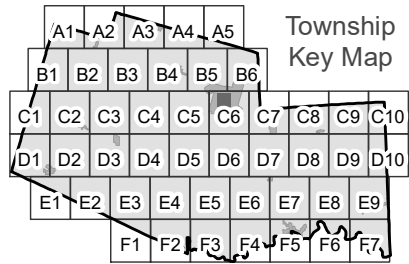
See Map S2



See Map S4

See Map S6

See Map S8



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

Map **S5**

1:6,000

0 150 m

Last Updated: February 2023

Page 52 of 56



**DATE:** March 6, 2023

**REPORT NO:** PD-07-2023

**SUBJECT:** **Recommendation Report – By-law Enforcement and Land Use Planning Update – Grimsby Airpark**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- On October 12, 2021, the Township of West Lincoln was notified that a petition had been prepared and signed by many residents from both West Lincoln and Grimsby and had been addressed to Mayor Jeff Jordan and Harry Schlange (Grimsby CAO) (See attachment 1).
- Former Township Mayor Dave Bylsma met with and spoke to numerous residents and was in direct communication with representatives of the Town of Grimsby as well.
- Further, Dean Allison, MP, was also approached and spoken to about the resident concerns since federal government regulations of Transport Canada apply to regulate air parks such as this one.
- More recently Township staff and Mayor Ganann have met with residents and discussed the file with Town of Grimsby staff and have been in contact with Dean Allison's office.
- Generally, as Township staff understand the situation, the Grimsby airpark is a legal use in the Town of Grimsby on lands zoned for an air park. The use must comply with Transport Canada regulations. Local rules and regulations, including zoning, are limited in their authority as federal regulations overrule Provincial and Local municipal documents.
- Township By-law and Planning staff provide this update to inform the Committee and Council that staff are now in direct communication with Transport Canada staff about all of the concerns that have been raised to date. It is clear that the Grimsby airpark management and a local Noise Committee should be the first point of contact. Should that not be successful then an online contact/complaint form as illustrated by attachment 2 to this report is to be completed according to Transport Canada officials.
- There is little more that Township staff can do except help to facilitate connection and responses.

### **RECOMMENDATION:**

1. That, Recommendation Report PD-07-2023, regarding “By-law Enforcement and Land Use Planning Update – Grimsby Airpark”, dated March 6, 2023, be RECEIVED; and,
2. That, staff continue to brief Committee and Council, as required, and to offer facilitation services to local residents who remain concerned, including those West Lincoln residents who abut the airpark. This could include contacting Transport Canada, as required.

### **ALIGNMENT TO STRATEGIC PLAN:**

#### **Theme #4 and 5**

- Local Attractions
- Community Health and Safety

### **BACKGROUND:**

Ongoing complaints have been received from time to time relating to the Grimsby Airpark. There have also been complaints from time to time about a new airstrip at 8059 Twenty Road in West Lincoln as well. Both have expanded in recent years and both have resulted in the Township receiving compatibility complaints over the last several years.

The Township of West Lincoln and the Town of Grimsby are limited in what a local municipality can do since local rules and regulations are trumped by Federal jurisdiction. Staff are, however, in direct contact with Transport Canada Enforcement officers which might help facilitate concerns.

### **CURRENT SITUATION:**

The October 2021 petition identifies nine reasons why the airpark should not be operating on the lands in Grassie, on the north side of Mud Street. The nine concerns were as follows:

- 1) It is inconsistent with the Green Belt and its land use policies.*
- 2) It negatively impacts property owners in TWO municipalities.*
- 3) The property is not large enough to support this largely recreational activity without adversely affecting long-time TAX PAYING residents and livestock operations. It depends on adjacent properties in order for its planes to attain a safe flight altitude.*
- 4) It will negatively impact the ability of the municipalities of Grimsby and West Lincoln in forward looking planning given its proximity to current built up areas and the ridge.*
- 5) It has proven itself unwilling to operate in a manner that positively contributes to the area and is inconsiderate of its neighbours. Emails and phone calls go unanswered. No complaint process has been put in place.*
- 6) It is a PRIVATELY owned operation that offers little in the way of economic benefit to either municipality or the region at large.*

7) *The property's zoning should never have been changed from RURAL to UTILITY without public consult, GreenBelt Policy relating to land use and the Official Plan which designates that all properties within this area are to be retained for agricultural purposes.*

8) *They have used the property for other events like drag racing. These illegal events had no insurance, no facilities, no security and no medical response teams. If we understand correctly, they even told the police investigating the drag racing that they had no jurisdiction on the property because it was an airpark regulated under federal jurisdiction. The police not knowing better did not pursue charges.*

9) *Recreational activities should not trump the rights of TAX PAYING property owners in any manner that affects their SAFETY, ENJOYMENT of PROPERTY and PRIVACY.*

More recently, a document entitled “Grimsby Airpark – Historical context, Existing Policy and Recommendations” was provided to multiple parties (see Attachment 1). Township staff have recently contacted Transport Canada staff who have confirmed that on site meetings and discussions with the Airpark Management Team have occurred.

It is recommended by Transport Canada staff that complaints should be directed to Airpark Management. Former Transport Canada Enforcement Officers were helpful in connecting Township staff with the new contact at Transport Canada who has been very knowledgeable on this file.

#### **FINANCIAL IMPLICATIONS:**

Any incurred fees for staff investigation will be expensed to the general Operating by-law enforcement account.

#### **INTER-DEPARTMENTAL COMMENTS:**

Contact with the Town of Grimsby Planning staff and by-law enforcement staff have occurred on numerous occasions and will remain ongoing as required.

Correspondence with Transport Canada, as received on February 10, 2023 states as follows:

*Good afternoon Brian,*

*Thank you for your email of February 8, 2023. Your correspondence has been forwarded to me from the Hamilton Transport Canada Office for a response.*

*Transport Canada (TC) focuses on the safety and security of the aviation system in Canada. Through the development and administration of policies, regulations, and programs, the department strives to work with partners and stakeholders to achieve an efficient, effective, and environmentally responsible transportation system. In doing so, the department exercises its authority through the Aeronautics Act and the Canadian Aviation Regulations (CARs). The CARs are available to the public at the following website:*  
<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/>.

*Various concerns reported to the department have been reviewed by our subject matter experts and as a result, an on-site inspection was conducted with the management team of the aerodrome.*

*Upon discussing the concerns with the management team, department officials were advised of the following:*

- 1. A noise committee was established between the Grimsby Airpark and concerned citizens in December of 2020 due to the noise complaints received. In response to the noise and operational concerns raised by community members, two meetings were held and various changes in procedures were subsequently implemented. One example includes the requirement of pilots to reach 1000' above ground-level on the runway heading before any turns can be initiated.*
- 2. The noise committee email inbox is regularly monitored by management, and complaints are investigated accordingly.*
- 3. The proximity of the aerodrome to built-up areas, its relative safety measures and potential to impede on future plans of the nearby communities was examined. TC technical experts reviewed the proximity of the aerodrome's location both on-site and via satellite imagery. There were no regulatory concerns identified.*
- 4. The use of the aerodrome for other events was raised. TC was advised that under the current management team, requests for the use of the aerodrome by third parties has been denied due to the excessive noise generated.*

*As a result of the department's follow up on the matter, there were no contraventions to the CARs identified. Noise management is a complicated and often difficult issue faced by air operators and communities around the world. It is an issue that must be managed while ensuring that aviation safety is not compromised. Transport Canada's experience has shown that noise issues are most effectively addressed at the local community level. Therefore, it is encouraged that concerns continue to be directed to the aerodrome operator directly.*

*Thank you for writing.*

A Transport Canada complaint form (Attachment 2) can be found at the following link, <https://tc.canada.ca/en/aviation/civil-aviation-contacts-offices/civil-aviation-communications-centre-contact-form>.

## **CONCLUSION:**

Township Planning and By-law staff are now bringing this report forward to keep Committee and Council aware of the ongoing discussions surrounding this previous and ongoing by-law complaint that impacts residents in West Lincoln.

This report is provided for the information of Committee and Council.

**ATTACHMENTS:**

1. Attachment 1 - Grimsby Airpark Petition & Grimsby Airpark Existing Policy
2. Attachment 2 - Contact/Complaint Form, Transport Canada

**Prepared & Submitted by:**

**Approved by:**



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



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**Bev Hendry**  
**CAO**



**Grimsby Airpark – Historical Context, Existing Policy and Recommendations**

## Historical Context

The Grimsby Airpark used to be a privately owned and operated hobbyist operation. Many years ago, it had a modest training facility that failed as a business.

Air traffic was largely minimal and most pilots were respectful of our rights to safety, enjoyment of property and privacy. They largely kept out over the fields. Despite the airpark organizing in 1978, there were many homes and livestock operations in the vicinity prior to that. This airpark was only tolerated because of the minimal amount of traffic it presented. Prior to the year 2000 landing/take-off events were only a few per week. Between the years 2000 and 2015, prior to new ownership, the number of landing/take-off events were approximately a modest 520 per year or 10 per week.

## Fast forward to the Present.....

This Airpark has now been sold to a company that is now operating a flight school out of that location. As a result, we have been faced with significantly increased traffic, some of which are flying as low as SEVENTY FIVE feet over our homes depending on how close one is located to the airport. Even kilometres away they pass over our homes in some cases as low as ONE HUNDRED feet. Late night/Early morning activity is not uncommon. Imagine a plane barnstorming your home at 100' at 6am or planes passing over your lifelong home every 4-5 minutes for hours at a time! Sometimes they are so loud you have to stop talking, they rattle windows, you can hear them in basements or with ear protection on.

The Grimsby Airpark exists on roughly 100 acres compared to the 300+ acres the Niagara District Airport occupies that offers these very same services. Twenty minutes away, the Dorothy Rungeling Airport in Welland Ontario resides on 400+ acres. At approximately 100 acres The Grimsby Airpark was never intended to be a high volume facility. The new operation represents a **change in use** that area residents do not support and that is resulting in damages. On some days we are dealing with over a 100 landing/take-off events.

It should also be noted that, with respect to land use for an airpark, this airpark fails in many regards in ways that puts pilots and those on the ground in harms way. Wildlife refuges, ponds, open fields, parks, cattle paddocks, poultry factory farms, hog farms and landfills all exist within Primary, Secondary and Special Zones per TP1247 PART 3. The level of risk ranges from POTENTIALLY HIGH to POTENTIALLY MODERATE. Regardless, that represents more risk than the local residents are prepared to accept for this largely **RECREATIONAL** activity. These concerns were not as prevalent beforehand due to the low number of flights, however now this is not the case.

In early 2021 a noise committee was established that included a Grimsby councillor (Dorothy Bothwell) and the Mayor of West Lincoln (Dave Bylsma). This committee only met once. It was reported that recommendations were drafted. Despite inquiries, we were never apprised of these recommendations. Despite numerous complaints from many affected property owners we never received a response from airpark management.

In the 3<sup>rd</sup> quarter of calendar year 2021, out of frustration and at the request of our TAX PAYER GROUP, a meeting was called by our MP Dean Allison, Mayors of West Lincoln and Grimsby and our MPP Sam Oosterhoff with airpark management. As a result of this meeting, in October 2021, it was reported by the airpark that they would re-engage the noise committee, implement a 1000' rule (pilots to attain 1000' before banking or entering descent at 1000') and make the airpark PPR (Prior Permission Required). In the interest of being reasonable, despite reservations, we as a Group decided to give this a chance.

Unfortunately none of the above responses resulted in any improvement. The outcome of this as of the 1st week of January 2022, a full YEAR after the initial engagement and four months after the multi-governmental meeting with the Grimsby Airpark, has been:

- a) No decrease in flight activity. On those days nice enough to fly during these winter months, planes continue to repeatedly passed over our homes and properties at unsafe altitudes.
- b) Planes disregarding the 1000' rule and our homes continuing to be barnstormed.
- c) Emails to the airpark going unanswered.
- d) The noise committee not re-initiated as promised.

It should be noted that the bulk of the offensive activity is related to flight training. Airpark property management knew this was the case when offering to make the airport PPR. It was never pilots from other airparks causing the problems. It was the very pilots/trainers that operated out of this airpark.

On one occasion one member of our Group was finally able to get a response from the airpark and was offered an "if you don't like it move" ultimatum by the manager Gary Plummer.

Naturally, we are all very concerned what this will mean when the weather gets nicer. Especially if the attitude expressed above prevails.

Additionally, it would appear that this PRIVATELY owned Airpark is taking advantage of the Jurisdictional Immunity it enjoys.

On at least one occasion events like unsanctioned and unsafe drag racing have been held on this site. Police were called and the organizers cited federal jurisdictional immunity preventing law enforcement from enforcing the laws we all live by.

We also have reason to believe other non-aviation related activities are taking place there specifically being the storage of unrelated property and the operation of a Works Yard for a Property Management Company per signage that is clearly visible from the road.

In summary, our concerns are related to:

a) Our Rights to safety, enjoyment of property and privacy continue to be stripped away by a PRIVATELY owned recreational company and pilots that continue to fly their planes over our properties at altitudes that according to current CARAC policy would be considered unsafe elsewhere.

b) Our Rights to Fair and Equal Treatment under the law and the fact that we are not offered the same protections afforded to property owners who reside farther away from this airpark under the current policy.

Again this PRIVATE enterprise offers zero economic value to the community, is not owned by any level of government and is not of national interest. It is simply a facility that allows recreational pilots a place to execute and learn their hobby at our collective expense.

We are not aware of any other recreational activity that is allowed to impose itself in this manner on Tax Paying property owners as is the case here. Please know that there are other facilities available that offer these services that are more ideally suited for this activity in the Region.

Please know that in close proximity to this airpark, West Lincoln has developed a hamlet which may experience additional growth. Grimsby has established a hamlet along Grimsby Mountain Road that is also affected by this traffic. That is in addition to all of the homes and farming/livestock operations that have existed in the area, many of which were present before the airpark was first licensed, on a much smaller scale, to operate on this location. The Town of Grimsby has also made significant investment in its recreational property Southward Community Park just down the road. This park falls into the Secondary Hazard Zone per TP1247 Part 3.

The negative impact this has had on numerous residents has been widespread ranging from PTSD like symptoms, lost sleep, severe anxiety, loss of enjoyment and of course concern that at any time one of these planes could fail and a crash occur. One person has already been injured from an aircraft crash originating from this airpark.

Several months ago, a plane that was destined for the Grimsby airpark for circuit training purposes crash landed on the 407. We have witnessed bird strikes and close calls that we know go unreported. Again, please review the impact statements to get a sense of our frustration and concern.

This is a photo of a plane that crashed next to Ruby Wilcox's former lifetime residence on Kemp Road, Grimsby.



The plane pictured below crash landed on the 407 just a couple of months ago. Thankfully, no innocents were hurt. It was on its way to Grimsby Airpark where it was scheduled to continuously fly for hours over our homes/properties at altitudes that would be considered unsafe elsewhere. All this for a recreational hobby! I know my hobbies don't put people at risk in their homes.



### **A Few Points on Current Regulatory Policy**

For your convenience, please find these brief notes on current policy and how they contribute to this situation.

#### **1) Minimum Flight Altitudes:**

Currently rules are in place restricting flight altitudes of 1000' over built up areas (houses, buildings, persons present) or 500' over areas that are not built up (expansive fields, undeveloped terrain). We understand that this policy was designed to allow the pilot an opportunity to recover and avoid personal property in the event of a bird strike, malfunction, health issue or any other mishap that can occur. This policy makes sense.

The following is what does not make sense. Exempt from the above rules are the take-off and landing phases of flight. Please note that landing and take-off phases of flight are, for reasons that should be obvious, statistically the highest risk phases of flight.

Every time a plane barnstorms our homes/properties and Transport Canada investigates they use this exemption to justify this behaviour. The response from Transport Canada has traditionally been that as long as the pilot is landing or taking off they can fly at whatever altitude they want, wherever they want!

***We hope you are asking yourself the following questions:***

***a) Why would government policy allow for a pilot to fly/land/take-off over a PRIVATE Home/Property that is not controlled/owned by the airport at altitudes that are otherwise restricted over other properties for reasons of SAFETY?***

***b) How is it possible that one CANADIAN Tax Payer is afforded protections under the law and another afforded NOTHING under the very same policy document?***

#### **2) Inter-Jurisdictional Immunity**

Inter-Jurisdictional immunity exists that prevents the province, municipality and region from enforcing laws and policies on airports such as this even if they are PRIVATE enterprises and of zero national interest.

This immunity extends to building, land change/use, noise etc. It would appear that once a property is licensed as an airport, even if it is PRIVATELY owned and of no significance whatsoever, that regional, provincial and municipal authorities have little recourse in terms of enforcement of their respective laws on those properties.

This has caused other municipalities much grief and material legal costs. Take Burlington Airport for example and its landfill disposal efforts. This was all done in the name of expansion which never occurred. It was largely accepted that the tipping fees, which were in the millions of dollars, were the real reason behind that activity. The end result for the city of Burlington was expending hundreds of thousands of dollars in legal fees and significant hardship on local property Tax Payers. This occurred only because of the immunity that is for some reason afforded to these private businesses by the Federal government and subsequent abuse by the property owner. We are hopeful that you are seeing the disconnect here.



## **Our Recommendations and Request for Change**

It's always easy to complain, so we have given some thought to what we consider to be practical solutions to these problems. As the Legal property owners of the lands in question, we feel that they are appropriate and respect our Rights to Fair and Equal treatment under Federal Laws and Government policy as they pertain to our Rights to Safety, Enjoyment of Property and Privacy.

### **1) Control of Land Required to Facilitate 1000' Altitude**

Privately owned for-profit airparks that are of zero national interest should be required to either acquire through lease or ownership the land necessary to accommodate a pre-landing/post-take-off phase of flight altitude of 1000'.

This policy change would introduce consistency within the measures currently employed to protect the general population. All CANADIANS are afforded equal treatment under the rule of law. Government policies can not discriminate. In this particular case we as a Group do not have the same protections afforded other CANADIAN Tax Payers. Canadians other than us are afforded visa vis government policy a minimum flight altitude of 1000' over their personal properties. For some reason, Tax Paying property owners in the vicinity of airparks, even if they are kilometres away, regardless of who was there first are not afforded these very same protections.

If this policy change were implemented, many of our issues would be resolved. It would provide a mechanism whereby if neighbours accepted the risks a facility of this nature could co-exist. It would also provide for the implementation of understandings that would be enforceable. It would recognize that area property owners have rights that deserve to be respected.

Frankly, we do not understand how this allowance to fly/land/take-off over someone else's personal property during the most dangerous phases of flight ever came into existence. However, that doesn't mean it can't or shouldn't be corrected. We use the term correction, because it is our opinion that this policy should never have been introduced in the first place and that when this policy was originally developed area property owners were not considered in the process. We are pretty certain the only people that had input were pilots and they were simply securing their own interests at our expense. As it stands right now our properties are being used as extensions of this air park to the benefit of the for-profit private largely recreational enterprises that operate out of it.

We understand that federally owned airports that are of national interest like Pearson International, would be exempt for obvious reasons.

Many of us on this list are business owners ourselves. Our business operations would never be allowed to impose on someone else's rights to safety, enjoyment of property and privacy for all the right reasons. The same common-sense restrictions should exist with small private airpark businesses.

### **2) Re-consider Inter-Jurisdictional Immunity**

While we appreciate that in the case of airports that are of national interest and importance the Federal government is required to be the governing body and Inter-Jurisdictional Immunity afforded, we don't understand why small privately owned recreational airparks of zero national and economic importance are also afforded the same protections. We understand the regulatory end of it, but we just don't understand the immunity aspect. What has been witnessed in a number of jurisdictions, for example Burlington, is that these airparks use this immunity to insulate themselves from local, regional and provincial laws to the detriment of those levels of government and their tax payers. Providing PRIVATE enterprises this level of immunity from governance of other levels of government is fraught with problems as has been discussed here already with the Burlington Airpark case and our own personal experiences with Grimsby Airpark.

Additionally, we find it disturbing that a property owner can apply to have their property licensed as an airport and there is nothing the local, regional and provincial governments, or neighbours for that matter, can do about it even if the use as an airport contravenes local land use rules. We find it disturbing that PRIVATE airparks can with immunity build, alter the land, contravene noise and nuisance laws contrary to all levels of government policy that is put in place for others. There is something wrong with that.

We respectfully request that in the case of small privately owned airports such as the one in Grimsby, Inter-Jurisdictional immunity be re-considered such that immunity to *change of use*, local building, noise and land management policy are no longer provided for..

### **3) Restrict Air Traffic at Grimsby Airpark**

Lastly, we respectfully request, if the above two recommendations can not for some reason be accommodated, that flight activity at this airpark be heavily restricted, given the ***change of use*** the NEW operation represents, to that which it was while operating under the previous owners (520 per year) and the training activity halted.

As mentioned earlier we are being exposed to planes barnstorming our homes and properties every 4-5 minutes for hours on some days. This is surely something that no Tax Payer should be expected to endure to support the operation of a PRIVATELY owned for profit business that is in this case largely recreational, of ZERO economic benefit to all levels of government and is of ZERO national interest.

## **TAX PAYER IMPACT STATEMENTS**

### **Branko Kuruc 219 Woolverton Rd. Grimsby**

The increased traffic represents safety and noise issues. This airport should be re-located.

### **Glen&Kathy Worstencroft 3425 South Grimsby Rd. 11 Grassie.**

I am very concerned. The type of airport they are changing to, should not be in a residential area. I want to help stop it.

Yes, I am in west Lincoln, just down road 12 on the opposite side of Mud from you.

This planes pass directly over my house, last on the left before the train tracks.

They pass right over at a very low altitude. It is a scary feeling knowing that some of these pilots are in training! I do feel unsafe.

As far as enjoyment of property goes? It's gone way downhill. Can't even enjoy an outdoor BBQ with friends because of the noise!

And regarding privacy, yes I feel like I'm being watched whenever they fly over whether I'm outside doing yard work, or practicing my golf swing.

It's becoming more and more stressful as time goes on.

I've made numerous calls to the town of Grimsby bylaw enforcement officer to see if the airport must be breaking some kind of noise laws. Just called yesterday and left a message, waiting to hear back.

And one more thing. What about the negative effect all this is having on the resale value of our homes?! It must be devaluing, who wants to buy a house that's in the path of runways of a busy airport?

I'm mad as hell about it. Sorry, I think it's even having an affect on my mental health as well.

### **Rick and Michelle Nordeman, 237 Inglehart Road, Grimsby**

Michelle and I have lived at 237 Inglehart Road for 3 years and the air traffic has increased significantly over that time. Many of the planes from the Grimsby Airport are flying directly over our homes at very low altitudes which makes us feel unsafe and like we are being watched. Many are also extremely loud to the point that we can't even hear each other speak. When training, the same plane takes off and lands repeatedly every 4-5 minutes making it very difficult to enjoy our backyards. Please, something needs to be done to address these concerns

### **Max, Linda, and Leah Smith. 7876 Mud Street E. Grassie, ON.**

We are very concerned. We have been dealing with these people since last August 2020. You have 100% of our support.

We lived here for 20 years across from the airport and never had any issues with the airport until the new owners moved into our community and took over. They show their ignorance daily.

We have been harassed and bullied, especially when putting in a complaint into the Grimsby By-Law Officer several times within the last 14 months, and didn't get any response back. They then changed their flight path to over our house. People are afraid to put a complaint in because they are afraid they will be harassed.

This airport has caused nothing but trouble. It has caused much anxiety, stress, and physical/mental health issues.

My husband has been diagnosed by the Doctor with PTSD which occurred at the beginning of all of this last August. We have to wear double hearing protection due to the noise, there are vibrations inside our home when they fly over, and we are worried about the health effects this is causing. This airport needs to be shut down so we all can enjoy our properties once again.

Thank God, for our Mayor, Dave Bylsma for being 100% with us, he has been supporting us since last August 2020.

Thank you,

### **John Taylor, Marie Taylor Kristine Taylor John Michael Taylor Katherine Taylor 3531 South Grimsby Road 12 Grassie**

I am concerned about the issues at the air park. The noise from some of the planes is awful during take offs, particularly when they simply go up turn around land and take off again, sometimes as many as 10 – 12 times in a row, basically every 5 minutes, you cannot sit outside at times because of them! Another

concern is the height of the planes. I personally have seen the planes below 100 feet crossing over the houses on South Grimsby Road 12. Just this week I noticed a plane crossing over my back yard below 100 feet and that plane had to pull up to miss the houses on Mud Street. Something must be done for the safety of the residents trying to live a quiet peaceful life without what I can only assume is harassment by these individuals as the disturbances have escalated since the first complaints.

**Mary and Kyle Newton 8010 Mud Street, Grassie On L0R 1M0**

The planes are coming in to land extremely low. I drive school bus and have noticed how low the planes are flying in. I was on my way home from my bus route the other morning and had a plane come in for a landing. I was surprised as to how low the plane was on approach. A little unnerving to say the least. I too have had my home "barn stormed". The event that stands out is an evening I was up at around 2-2:30 in the morning. There was a plane looping around my house for what seemed like an hour. I drive school bus and need to have a good nights sleep since I'm up at 5:30am to get ready for work. I believe this happened during the spring or early summer of 2020. I was livid! I do have a hard enough time sleeping now I have to worry about some pilot practicing manoeuvres the wee hours of the morning over my home. Glad the drag racing was mentioned. I couldn't enjoy a beautiful Sunday. Made Mud Street even more dangerous to walk on while the cars attending the event had no consideration to the residents and used the street to warm up. I too called Grimsby town hall and complained. Last I heard the bylaw officer was looking into it. We built our dream home here 22 years ago. We love there area for the peace and quiet and didn't mind the small quite airport and the occasional freight train. We didn't sign up for what is going on with the airport now. We pay too much in property taxes to put up with this type of "poor neighbour". I'm sure the owners of the airport wouldn't put up with what we are enduring as home owners. Thank you for what you are doing! Sincerely, Mary Newton

**Lisa Blythe. 3568 South Grimsby Rd. 12**

Hi my name is Lisa Blythe I live at 3568 South Grimsby Rd. 12

I'm in 100% agreement to stop the airport from doing anything more than what the small Grassie airpark did.

I'm the 8th Generation to live in Grassie, Grew up on the family fruit farm. Lived in the same place for the last 52 years and was here long before any airport went in.

The differences between the two airstrips are the following:

Old Grimsby Airpark

3-4 planes during the week day

6 or so maybe on the weekend

Planes would follow a flight plan and NOT go over the residential houses.

Small planes, small engines, small sound.

NEW Grimsby Regional Airport

25 plus planes during the week day

Extremely busy on the weekends probably 75 plus planes landing and taking off continuously

Start flying as early as 7:00 am and well past dark.

Larger planes, bigger engines, extremely loud sounding engines

Planes constantly taking off, circling landing, taking off, circling landing.

Can't enjoy the back yard, planes low flying over our house

When the louder engine planes take off We can't talk to someone that's standing right beside you. It's terrible and extremely frustrating.

Now they started allowing exotic, modified, fast, loud cars to race on Sunday afternoons doing 1/4 mile times.

This airport is in the Hamlet of Grassie and should not be allowed or located in a residential area. Way back when the airport was much smaller and should never have been allowed to grow into what it is today. There were many of us here that were here before.

**Mike and Susanna Ferreri, 233 Inglehart Road, Grimsby, Ontario**

I am very concerned about safety and noise, and lack of peacefulness around my area. It is very disturbing and disruptive to our quality of life. There are a lot of big birds like turkey vultures in this area. I have seen near misses.

It also is agitating my pets and livestock waking them up when ever they fly by so low and loud and the noise is unbelievable for such small planes.  
I am kilometers away and instead of keeping out over fields fly over my home at less than 100'. Almost like they are doing it on purpose.  
The new owner is not helpful.

**Jamie Campbell. 278 Allen Rd, Grimsby**

I agree totally this unused airport has now become a hazard and nuisance, we can not sit out on a weekend and have a conversation with out having to wait for the noisy plane to pass only to return 15 minutes later. These planes now fly right over our home and property, when the airport was open previously (several years ago), the planes which were not frequent flew over the bush, not our heads!  
Thank you for taking this initiative.

**Shelly Penny, 120 Elm Tree Rd W, Grimsby L3M 4E7**

We, Jeff & Shelley Penny, would like to join your petition please. We would rather not have more air traffic over our home. The low altitude these planes fly at represents a risk to our safety, our right to enjoyment of our property and our right to privacy.

**Carmen Biljan. 210 Kemp rd West. Grimsby, Ontario**

We should file a class action lawsuit against Grimsby, the Federal Government and the Grimsby Air Park. The noise level has to increased 1000 percent. They fly right over our farm at 210 Kemp rd West. The management is unresponsive to our concerns. Every time we complain it gets worse like they are penalizing us for complaining.  
We really need to do something ASAP  
Let's get started  
Carmen Biljan

**Jill and Tony Abbot, 213 Inglehart Road, Grimsby, Ontario**

We are writing this letter to address our concern with the noise and air traffic from the Grimsby Airpark. We are concerned about our safety as the planes travel at very low altitudes and in some cases almost appear to be out of control perhaps due to wind. Winds can be very extreme in this area.  
Also , when outside and attempting to relax on our back deck/garden we are subject to the frequent droning noise and shadows of low flying planes taking off and landing from this air strip. This noise continues to be a disturbance while inside the house especially when these planes choose to turn direction overtop of our dwelling. The vibration can actually be felt when inside. We will also note at this time that these flights are not specific to a certain time of day but continue morning, afternoon and evening and have also been heard well after night fall at times. Is there no rest/downtime for these flights?  
Although we respect the fact that people enjoy their flying, it should not be detrimental to our safety and the enjoyment of our own personal property. Our hope is that you as mayor will take the lead as requested to see that this situation is rectified and represent the concerns of all of us tax payers who deserve better.

**Scott Phillips, 3557 South Grimsby Road 12, Grassie, Ontario, L0R1M0**

This airpark never used to be a problem. Now it has become a big problem and safety concern.

**Andy Gould and Crystal Angers, 218 Inglehart Road, Grimsby**

MAKE IT STOP! WE ARE TAX PAYERS AND HAVE RIGHTS!

**Mike and Nattie Rehner, 270 Inglehart Road, Grimsby**

We are against the expansion of the local airport. The increased air traffic presents increased safety risk given the extremely low altitudes and results in noise, pollution, and privacy concerns. There are no benefits of this expansion to our neighbours and local community, only detriments. This needs to be stopped.  
Mike and Natty Rehner

**Tony and Sandy Viveros, 205 Inglehart Road, Grimsby, Ontario**

Please know that we are extremely concerned about the air traffic generated by the new owners of the Grimsby Air Park.



I have lived in my home since 1998 and the problem has been getting worse since the purchase. It is obvious that if an incident like a bird strike occurred they would have no chance to recover. Please know migratory birds are common in this area. We have witnessed impacts. At any rate they should have more respect for our safety and privacy. There are a lot of fields they can fly over if need be. Actually it would be better for all concerned if this air park did not exist. It doesn't belong here and would be better suited farther south on a bigger property away from homes. There are days that they start about 6 a.m., carry on all day at about 5 minute intervals and are so low to the houses, it is unnerving. So low that we can almost see the pilot. We can feel vibrations in our home which is unacceptable. I hope that this situation can be resolved soon.

**Greg and Rita Middleton, 241 Inglehart Road, Grimsby**

The new owners of this airpark have ZERO regard for their neighbours. If the pilots and management were concerned about safety they wouldn't fly directly over homes that are km's away at less than 100'. This airpark needs to be re-located where it won't put people and property at risk. Where it won't have to depend on property they don't own to attain a safe flight altitude. It has no business operating in this built-up area. This problem will not go away and will only get worse when more development inevitably occurs here.

**Tino Cipans, 179 Inglehart Road, Grimsby**

This airpark should never have been allowed in the first place. Ruby Wilcox hated it especially when they chopped her trees down after she told them no. Two planes have crashed their already.

**Joe Deluca – President– Gizio Club, 288 Kemp Road, Grimsby**

I own/run a business and have made significant investment in this community in a manner that results in significant municipal taxes and provincial/federal taxes. I employ people in this area. I have to jump through hoops to plant trees and install a community soccer field, yet this privately owned company is allowed to ruin our business and do whatever it wants. How am I supposed to host a wedding with noisy planes flying over our property in a way that is dangerous and inconsiderate. These recreational pilots are ruining this area and this air park needs to be re-located.

**Carleigh & Jordan Hochheimer, 442 Mud St West, Grassie L0R 1M0**

We are concerned with the increased traffic, increased noise, and not only the safety of us but of our two small children. Not only are the planes an issue flying directly above our house CONSTANTLY, but a few weeks ago they had a drag racing competition there and the increase in traffic was insane. We had cars flying down our road WAY above the speed limit with zero concern or regard to anyone or anything. How am we supposed to feel safe raising our family when the owner doesn't care about anyone's safety? This is not ok and these issues need to be corrected.

**Robert and Lacy Stull 3577 S. Grimsby Road 12, Grassie**

Unsafe and noisy aircraft originating from this airpark.

**Walter Vanderholk, 489 Allen Road, Grassie, Ontario**

Unsafe and noisy aircraft originating from this airpark.

**María Kuiper, 198 Mud Street, Grimsby, Ontario**

Unsafe and noise all nights. Causing me migraines.

**Misaru Suzuki 3556 South Grimsby Road 12, Grassie, Ontario**

We are concerned about our safety, noise and quality of life.

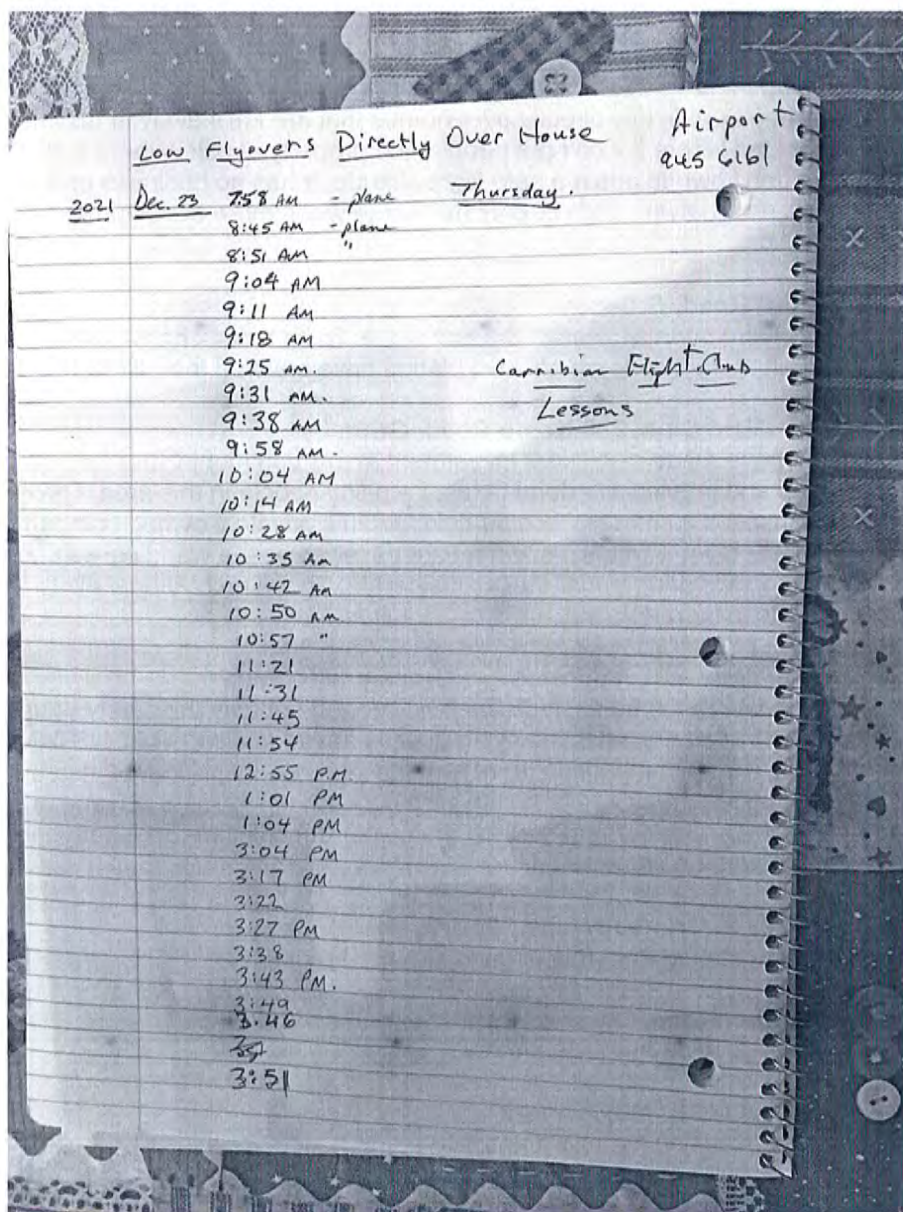
**Shawn Comeau, 3588 S. Grimsby Road 12. Grassie, Ontario**

I have witnessed planes flying so low I thought it was going to hit Max Smiths house. This has happened far more than once. It looked like they were doing it on purpose.

**Chris Moffat, Grassie Road**

Even at some distance from this airpark these planes fly extremely low often banking over our barns and livestock causing them grief. We are concerned for our safety, the well being of our livestock and the peace that typically comes from living in the country. My family's home has been here a lot longer than this airpark ever was!

Here is a sample of what we have to deal with in terms of traffic. Imagine your home barnstormed continuously every few minutes for hours on end!



To: Mr. Dean Allison – MP Niagara West

From: The Town of West Lincoln

Date: 1/28/2022

Subject: Grimsby Regional Airport

Dear Mr. Allison,

Please find this communication on behalf of the Town of West Lincoln and Tax Payer constituents who reside in the area of the Grimsby Airpark.

As you are aware, the changes with respect to the operation of this formerly small and lightly used air park have presented us with challenges that we strongly feel need to be addressed.

We appreciate the time that you and your office have provided us in our resolution efforts back in October 2021. Please know that we as a Group have responded in a good faith manner hoping that the outcome of that meeting would translate into something positive. Please know that more than four months have passed and nothing positive has resulted from your efforts. In fact we have reason to believe that things will actually get worse as we head into the spring and summer months.

As a result, we are hopeful that you can, as we discussed four+ months ago, reach out to the Minister of Transport Canada on our behalf. We have provided a draft letter for that purpose for your convenience. Any recommendations you have with respect to changes to this letter are welcome. Additionally, we have supplied a document entitled “Grimsby Airpark – Background, Issues and Recommendations”. Contained within it is some historical context, discussion on current policy and recommendations we believe are reasonable and fair to all those affected.

In short as you are aware, our concerns include but are not limited to:

- 1) Our Rights to Safety, Enjoyment of Property and Privacy that are currently being compromised.
- 2) How Our Rights to Equal Treatment under the laws and policy of the Federal government have been disregarded.
- 3) The impact that the continued operation of this airpark in this manner will have on our ability to grow our already established hamlet next door to this property.

Again we appreciate your time and support in this matter and are hopeful that we can continue the dialogue necessary to see this matter resolved satisfactorily.

Kindest Regards,

The Town of West Lincoln and its' Tax Payers.

To: The Minister of Transport Canada, Mr. Omar Alghabra

From: MP – Niagara West, Mr. Dean Allison on behalf of the Town of Grimsby and a Growing Group of Tax Payers

Date:

Subject: Issues with PRIVATELY owned and operated Grimsby Airpark, Current Airpark Regulations and Inter-Jurisdictional Immunity

Dear Minister Alghabra,

Please find the attached discussion and recommendations. It outlines the issues that currently exist between a PRIVATELY owned and operated airpark (Grimsby Regional Airpark), numerous Tax Paying citizens in the area of the airpark and the Town of Grimsby.

It also discusses possible resolutions that we as a Group hope will be considered. There is much more to this than recorded, however we respect your time, so we have tried to keep this communication as brief and concise as possible.

We are hopeful that upon review of this information you recognize that our RIGHTS to Equal Treatment under Governmental Law and Policy and that our RIGHTS to Safety, Enjoyment of Property and Privacy have been compromised and that they need to be respected, protected and preserved.

We look forward to further discussion of this at your earliest convenience and trust you will advise Mr. Dean Allison, our MP of West Niagara, accordingly.

Of course feel free to contact me directly.

On behalf of a growing list of concerned Tax Paying property owners, thank you for your attention to this important matter.

Greg Middleton,



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# Civil Aviation Communications Centre contact form

From: [Transport Canada](#)

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Address:

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Province:

- None - 

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Message

- Member of the indusry
- Member of the public
- Follow up on previous enquiry
- New enquiry / comment

Pilot licence number (if applicable):

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Date of birth (mandatory if medical fle):

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**PLANNING & DEVELOPMENT DEPARTMENT  
MEMORANDUM**

**To:** Council & Clerk

**From:** Brian Treble, Director of Planning and Building

**Date:** March 6, 2023

**Subject:** Proposed Township Official Plan Amendment to Implement Provincial Changes (Bill 109, 23 and others) as first outlined in staff report PD-082-2022 dated December 12, 2022

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Dear Council,

On December 12, 2022, staff presented report PD-082-2022 that highlighted some of the new planning requirements of Bill 23 and 109. Many of these new rules require amendments to the Township Official Plan. Staff asked for and obtained permission in that report to proceed with required policy changes. Many municipalities are including more extensive support, review and justification for planning applications, as part of the pre-consultation exercise such that the formal applications are complete and thoroughly justified before submission. This should then mean that the formal planning approval process should be more streamlined.

Given the extensive nature of the changes being proposed, staff provide this memo and draft amending document so that Committee and Council have an idea of likely changes prior to public consultation.

Keep in mind that this is still a work in progress and will continue to be reviewed by staff, and agencies, but should be good place to start the public consultation process from.

This memo and attachment are provided so that Committee and Council have advance knowledge of the extensive nature of the proposed amendments and why staff will be commencing a public consultation process.

Attachments:

1. Draft Amendment to address Provincial changes including Bill 109 and Bill 23

Respectfully Submitted,



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Brian Treble, MCIP, RPP  
Director of Planning and Building

# **DRAFT AMENDMENT TO ADDRESS PROVINCIAL CHANGES** **INCLUDING BILL 109 AND BILL 23**

## **SECTION 18**

### **IMPLEMENTATION**

#### **18.1 General**

- a) The designations shown on Schedule 'B-1' to 'B-4', 'C-1' to C-6', 'D', 'E-1' to 'E-3' and Schedule 'F' to this Official Plan are to be interpreted in a general fashion and are not to be precisely scaled. Where roadway or natural features such as water courses identify a distinct separation between designations such boundaries shall be used to provide a distinct interpretation of the boundary, of the designation. Minor refinements to the boundaries of the designations in association with development applications shall not require an amendment to this Official Plan.
- b) This Official Plan is required to conform to the Township Official Plan and shall be "consistent with" Provincial Policy Statements.
- c) The Urban Area Boundaries as delineated in the Township Official Plan are fixed, and shall only be changed by Amendment to the Township Official Plan.
- d) The boundaries of Hamlet Settlement Areas are generally fixed, however, accessory uses to any permitted use may extend into adjacent lands designated Agricultural without an amendment to this Plan, but subject to a Zoning By-law Amendment.
- e) This Official Plan will be implemented by means conferred upon Council by the Planning Act, the Municipal Act and such other statutes as may be applicable. In particular, this Plan shall be implemented by the Zoning By-law, neighbourhood plans, site plan control, subdivision and part-lot control, consents to severances, the property standards by-law, demolition control, provision of municipal services, public works, energy conservation and any other application legislation.
- f) In order to ensure that the policies of the Official Plan are being implemented, the following controls will be regularly reviewed:
  - i. The Zoning By-law;



- ii. Subdivision and Part-Lot Control;
- iii. Site Plan Control and Design Guidelines, and;
- iv. All other practices and procedures involved in processing development applications.

## **18.2 Zoning By-law**

- a) Following adoption of this Plan, it is intended that a comprehensive Zoning By-law will be enacted by the Township Council to establish development standards and control growth within the Township. Such Zoning By-law is to be updated from time to time and must be reviewed within three years of the completion of an Official Plan 5 Year review.
- b) It is not intended to zone each area for the ultimate use as designated on Schedule 'B-1' to 'B-4', 'D', and 'E-1' to 'E-3' - Land Use Plan. Certain areas designated for residential, commercial or industrial uses may be zoned as an interim measure in an agricultural, holding or development zone and when such areas are deemed necessary for development, they will be rezoned in an appropriate category to permit the uses set forth in this Plan.
- c) By-laws may be passed, subject to the policies of Section 17.14 of this Plan, to amend the Zoning By-law and to permit the extension and enlargement of existing uses of any land, buildings or structures which do not conform with the land use classification of the Official Plan and of the Zoning By-law. Such an amending by-law passed pursuant to Section 34(10) of The Planning Act, R.S.O. 1990, shall be considered in conformity with the Official Plan if it complies with the policies contained in Section 17 of this Plan.
- d) An amendment to the Zoning By-law is required to permit the establishment of areas for uses other than those included in the initial implementing Zoning By-law. In considering an amendment to the Zoning By-law with a view to zoning additional areas for a particular use or changing the zoning of a particular area, the Council shall have due regard to the policies in this Plan and Schedules 'B-1' to 'B-4', 'C-1' to C-6', 'D', 'E-1' to "E-3' and Schedule 'F'.
- e) By-laws may be passed to protect significant archaeological sites by prohibiting any use of land and the erecting, locating or using of any class or classes of building or structures on land that is the site of significant archaeological resources as per Section 34(1) 3.3 of The Planning Act R.S.O 1990.

## **18.3 Conditional Zoning**

**18.3.1** In accordance with Section 34 of the Planning Act, Council may, through a zoning amendment, impose one or more conditions on the use, erection or location of lands and/or buildings and structures that may be fulfilled subsequent to approval of the amendment and must be fulfilled prior to the issuance of a building permit for development. Conditions that may be imposed through a zoning by-law amendment shall be consistent with prescribed Provincial regulations and may include: a requirement to implement measures identified through the zoning amendment review, the provision of services and infrastructure and the protection of natural resources, built environments, sustainability, energy efficiency, and public health and safety.

**18.3.2** Council may require the owner of land subject to a zoning amendment to enter into an agreement to implement, maintain and/or enforce a condition of zoning approval or to provide a time limit for completion of such conditions. The agreement will be registered on title against the lands and will be enforced against the present and subsequent owners

#### **18.4 Cash-In-Lieu of Parking Requirements**

- a) Council may enter into agreements with landowners exempting the owner, to the extent specified in the agreement, from the requirements of providing or maintaining parking facilities.
- b) In accordance with the Planning Act R.S.O. 1990, such an agreement should contain provisions requiring the land owner to make one or more payments of cash to the municipality in lieu of providing parking as established by Clause (a) above, a schedule of payments should also be established
- c) The agreement shall be registered in the Registry Office.
- d) When all monies agreed upon have been paid to the Township, the landowner may request that the Town Clerk provide a certificate, in registerable form, certifying that all monies have been paid or that the agreement has been terminated.

#### **18.5 Temporary Use By-law And Garden Suites**

##### **18.5.1 Temporary Use By-law**

Council may, in a by-law passed under the Planning Act, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. Such a by-law may

be in effect for a maximum period of three years for all temporary uses, except garden suites. Garden suites may have by-laws passed to be in effect for up to twenty (20) years from the date of passage (*Amended by OPA 61, 2021*). Council may extend the term of the by-law, by further by-law amendment, for a maximum additional three (3) year term.

Council shall satisfy itself that the proposed use is temporary, and will not create detrimental effects on the surrounding area. Temporary uses not allowed by the applicable policies of this Plan will not be permitted. Temporary uses, buildings and structures that are not farm-related shall not be permitted in the Unique or Good General Agricultural Areas.

Upon expiry of a Temporary Use By-law, uses permitted by that By-law must cease and cannot be considered as non-conforming uses. The type of uses envisaged by Council as requiring a temporary use by-law include, but shall not be limited to: temporary use of a mobile home as a dwelling unit, or the existence of two homes on one lot while one of the homes is under construction.

#### **18.5.2 Garden Suites**

A garden suite shall be defined as a one-unit detached residential structure containing bathroom and kitchen facilities, ancillary to an existing residential structure and is designed to be portable and temporary.

- a) In considering such proposals for a garden suite, the following shall be considered:
  - i. The unit shall only be used on a temporary basis in conjunction with an existing dwelling on the same lot;
  - ii. The lot size/layout in terms of accommodating the garden suite without unreasonable loss of private outdoor amenity area;
  - iii. Compatibility of the garden suite with the surrounding neighbourhood in terms of general form, privacy, shadowing and separation distance;
  - iv. Adequacy of site access and on-site parking
  - v. The unit is not placed in the front yard of the lot or the required front yard required by the Zoning By-law;
  - vi. No additional access is provided to the lot from a public road;
  - vii. Placement of the unit is not exclusively removed from the existing dwelling;

- viii. The proposed site is capable of accommodating an approved septic and water supply system as determined by the Township of West Lincoln, or verification that adequate municipal services can be provided on this lot.
- ix. The location of such unit shall be in accordance with the Minimum Distance Separation Formulas where the use is proposed near any livestock operation.
- x. The main dwelling unit and the proposed garden suite are clustered in the same general location on the property.

## **18.6 Site Plan Control**

- a) All of the Township of West Lincoln shall be considered a site plan control area pursuant to Subsection 41(2) of The Planning Act, R.S.O. 1990. Land uses which are exempt from these provisions would be:
  - i Single detached, semi-detached and duplex dwellings and group homes, except where such dwellings are located on the same lot as another dwelling.
  - ii Agricultural buildings and structures with the exception of agri-tourism uses, commercial farm markets, permanent or mobile farm help houses and greenhouses.
  - iii Any building or structure erected for the purpose of flood or erosion control by the Township or Niagara Peninsula Conservation Authority.
  - iv Any building or structure exempted under the Planning Act.
  - v Any building or structure accessory to the uses stated above.
  - vi Notwithstanding (i) and (ii) above, single detached dwellings or mobile homes used for farm help houses shall be subject to site plan control to regulate the location of the dwelling, preferably in close proximity to main farm buildings. In no case shall a road widening be required as a condition of site plan approval for a help house.
  - vii Notwithstanding Policy 10.4.3 within Environmental Protection Areas, Environmental Conservation Areas, Fish Habitat, and adjacent lands as set out in Table 10.2 all uses shall be subject to site plan control to ensure that the objectives and policies of Section 10 are met. An applicant for site plan approval shall be required to submit a scoped Environmental Impact Study.
- b) Council shall enact a site plan control by-law to designate those lands which

it considers desirable as site plan control areas.

- i Pursuant to Section 41(4) of The Planning Act, R.S.O. 1990, all development within such areas designated by Council as a site plan control area, shall require the approval of Council or a delegate of Council of one or all of the following as Council may determine based on the merits of each application:
  - i. Plans showing the location of all buildings, structures, facilities and works to be constructed in conjunction with the development.
  - ii. Drawings showing plan and elevation of each building to be constructed including apartment and multiple-residential buildings.
  - iii. That the site plan drawings include design criteria, design measures, or architectural controls as determined by Township Council or their delegate as they related to the sustainability of proposed development within the Urban Area of Smithville.
- c) Council may, in its Site Plan Control By-law, delegate approval authority to a designated member of staff and may require the following in order to ensure the orderly development as part of the Site Plan Approval Process:
  - i As a condition to the approval of plans and drawings referred to in (b) above, Council may require one or more of the following including road widenings abutting the property; access ramps; signage; vehicle loading, parking, walkways and surfacing of such areas; lighting; landscaping; refuse storage facilities; easements for municipal purposes; and site grading and drainage facilities. The owner shall enter into an agreement with the Township ensuring the provision of all buildings, structures, facilities and works required under Subsection 17.6 hereof.
  - ii Pursuant to Subsection 41(9) of The Planning Act, R.S.O. 1990, local road widenings may be required to the extent shown on Schedule "C" - Major Roads Plan as a condition of development of any lands within a designated site plan control area abutting any local road indicated on Schedule 'F' - Major Roads Plan.
  - iii Required road widenings will be taken along the side of the road the subject lands are located on equal to a maximum of one-half the required road widening except where topographic features dictate otherwise. Road widening requirements adjacent to Regional Roads will be added by amendment to this Plan subsequent to the completion of the Regional Roads Right-of- Way Study.



- iv Council may adopt guidelines to establish specifications for site works. Alternatively, Council may delegate, by by-law, the adoption of such guidelines to the Director of Planning and Building. Site plan guidelines may establish minimum standards for site works
- d) Site Plan agreements, ensuring the provision of certain items and ensuring development proceeds in accordance with the approved plans, shall be executed and may be registered on title. Agreements may include, but not be limited to, the following items:
  - i. Access ramps, curbs and signage.
  - ii. Parking, loading and driveway areas and their surface treatment.
  - iii. Pedestrian walkways and ramps, including surface treatment lighting.
  - iv. Walls, fences, landscaping and buffering.
  - v. Garbage storage facilities.
  - vi. Easements for the construction and maintenance of public services and utilities.
  - vii. Grading and site drainage.
  - viii. Site servicing.
  - ix. Road widenings.
  - x. Exterior design including, but not limited to, character, scale, appearance and design features of buildings and their sustainable designs.
  - xi. Sustainable design elements on adjoining municipal roads such as, but not limited to, trees, shrubs, hedges, plantings, pavement, furniture, curb ramps, and bicycle parking facilities.
  - xii. Facilities designed to have regard for accessibility for persons with disabilities.
  - xiii. Facilities for lighting, including floodlighting, of the land or any buildings or structures thereto.
  - xiv. Conveyance of part of the land to the municipality to the satisfaction of and at no expense to the Township for a public right of way, where

such right of way is shown or is described in this Plan.

xv. Protection for natural heritage resources. The Planning Act, as amended from time to time, may alter these requirements. Such changes shall not require an amendment to this Plan.

- a) A building permit shall be issued in respect of any development in the site plan control area only where the plans required have been approved by the municipality and the required agreements ensuring the provision of certain items and ensuring that development proceeds in accordance with the approved plans are executed.
- b) The Township may grant a conditional site plan approval by imposing one or more conditions through the granting of approval of site plan drawings and the execution of a site plan agreement. These conditions may include, but are not limited to, completion of certain studies and drawings, implementation of recommended measures in said studies and completion of recommended on and off-site works. Agreements detailing the conditions may specify deposits to secure necessary works, as well as expiry dates of conditions.
- c) The Regional Municipality of Niagara shall be circulated site plans where development is proposed along Regional Road allowances and/or adjacent to other Regional owned lands or operated facilities.

## **18.7 Subdivision Control**

- a) The Subdivision Plan approval process and Subdivision Agreements pursuant to the Planning Act, 1990, will be used by Council to ensure that the policies and land uses of the Official Plan and Secondary Plan are complied with and that a high standard of design is maintained in new development area.
- b) Council will only recommend approval for those Plans of Subdivision which conform with the following criteria:
  - i. The Plan of Subdivision conforms with the policies of this Plan;
  - ii. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, communications/telecommunications infrastructure, pedestrian facilities and fire and police protection can be provided;
  - iii. The Township is able to provide necessary services without imposing undue increases in taxation on all residents, and;

- iv. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

## **18.8 Interim Control By-law**

In areas where Council wishes to review the existing land uses or establish new policies, and where a study of land use planning policies for the area has been directed, council may adopt an Interim Control By-law. The Interim Control By-law restricts the land use to its present use until the required studies are completed, at which time the Zoning By-law may be amended to reflect the desired use. Timing and extensions for such a by-law will be subject to the provisions of The Planning Act, 1990.

## **18.9 Holding Zone**

- a) In situations where the ultimate use of land is precisely known, but where Council wishes to delay development, a Holding Zone may be applied by using the Symbol 'H' in conjunction with a land use zoning category under any or all of the following circumstances:
  - ~~i. when development or redevelopment is anticipated in accordance with the provisions of this Plan, but where the details of such development have not been determined;~~
  - ~~ii. when land assembly is required to permit orderly development or redevelopment;~~
  - ~~iii. when the level of engineering and/or community services is not adequate to support the ultimate use, but such services are to be provided at a later date in accordance with the relevant provisions of this Plan.~~
  - i. To encourage orderly development of lands in the municipality in situations where other lands in the same zone category should be developed first.
  - ii. To phase development in accordance with the necessary approvals and the orderly progression of sanitary sewers and waterlines.
  - iii. To provide for further study of lands for the purpose of establishing design criteria for development.
  - iv. Undertaking one or more studies listed in Policy 18.17 of this Plan, that has been identified as necessary through the processing of any

development application. Correspondingly, the removal of the holding provision is conditional upon the following.

- v. The substantial development of other lands in the same zone category or the need for large parcels of land which cannot be accommodated in these other lands in the same zone category.
  - vi. The necessary approvals have been obtained to facilitate the logical progression of sanitary sewers and waterlines.
  - vii. A study has been carried out and design criteria has been established relevant to the lands, and the necessary implementing agreements have been entered into.
  - viii. Completion of the requisite studies listed in Policy 18.17 of this Plan and the implementation of any recommended measures through the appropriate development, subdivision, and condominium or site plan agreement.
- b) The objective of the Holding Zone is to identify the ultimate use of land and to limit or to prevent the ultimate use in order to achieve orderly, phased development and to ensure that the servicing and design criteria established in this Plan have been met prior to the removal of the 'H' symbol.
  - c) The actual Holding By-law shall clearly specify the land uses to be permitted in the interim, the conditions for removal of the holding provision and any regulations applying to the lands during the period of time the holding provision is in place. Interim uses shall be limited to uses that are considered to be compatible with the ultimate use of land. The timing of the removal of the holding provision would be dependent on meeting the conditions identified in the Holding By-law. When all conditions specified in the Holding By-law are met, Council may consider passing a by-law to remove the holding symbol and allow development to take place in accordance with the zoning category or categories assigned.

## **18.10 Community Improvement**

### **18.10.1 Objectives**

- a) To preserve, rehabilitate and redevelop the existing built environment.
- b) To maximize the use of existing public infrastructure, facilities, lands and amenities.
- c) To coordinate private and public community improvement activities.

- d) To guide the Township in setting priorities for municipal expenditure respecting community improvement projects.
- e) To participate, wherever possible, in Federal, Provincial and/or Regional programs to facilitate community improvement.
- f) To reconcile existing land use conflicts and minimize future land use conflicts.

#### **18.10.2 Criteria for Selection of Community Improvement Areas**

- a) The Township may designate by by-law one or more Community Improvement Project Area(s), the boundary of which may be part or all of the entire Urban Area of Smithville, and/or part or all of one or more of the Hamlet Communities, with the Urban Area of Smithville and the Hamlet Communities as defined in this Plan, and as amended from time to time.
- b) For an area to be identified as a Community Improvement Project Area, one or more of the following conditions must be present:
  - i. Buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, are in need of preservation, restoration, maintenance, repair, rehabilitation, energy efficiency or renewable energy improvements, or redevelopment;
  - ii. Deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roadways, sidewalks, curbs, streetscapes and/or street lighting, and municipal parking facilities;
  - iii. Vacant lots and/or underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base;
  - iv. Commercial areas with high vacancy rates and/or poor overall visual quality of the built environment, including but not limited to, building facades, streetscapes, public amenity areas and urban design;
  - v. Presence of buildings and/or lands of architectural or heritage significance;
  - vi. Known or suspected environmental contamination;



- vii. Deterioration or deficiencies in the level of community and social services such as public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities;
  - viii. Non-conforming, conflicting, encroaching or incompatible land uses or activities threaten to disrupt the predominant land use and lifestyle of the citizens of the area;
  - ix. Demonstrated deficiency in the condition or provision of accessible parking;
  - x. Demonstrated problem or deficiency associated with the circulation and/or access of traffic;
  - xi. A shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
  - xii. Other significant barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,
  - xiii. Other significant environmental, social or community economic development reasons for community improvement.
- c) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to:
- i. Downtown Smithville;
  - ii. Those areas where the greatest number of criteria for selection of Community Improvement Project Areas are present; and/or,
  - iii. Those areas where one or more of the criteria for selection of Community Improvement Project Areas is particularly acute; and/or,
  - iv. Those areas where one or more of the criteria for selection of Community Improvement Project Areas exists across the Urban Area of Smithville and/or across one or more of the Hamlet Communities.
- d) Phasing
- The phasing of community improvements shall be prioritized according to:
- i. The financial capability of the Township to fund community improvement projects;

- ii. Availability and timing of senior government programs that offer financial assistance for community improvement efforts; and,

The timing of related capital expenditures from various municipal departments to ensure community improvements are coordinated as much as possible with departmental priorities.

e) Implementation

In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, the Township may undertake a range of actions, including:

- i. The municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent;
  - 1 Clearance, grading, or environmental remediation of these properties;
  - 2 Repair, rehabilitation, construction or improvement of these properties;
  - 3 Sale, lease, or other disposition of these properties to any person or governmental authority;
  - 4 Other preparation of land or buildings for community improvement.
- ii. Provision of public funds such as grants and loans to owners of land and their assignees;
- iii. Application for financial assistance from and participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purposes of community improvement;
- iv. Provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
- v. Support of heritage conservation through the Ontario Heritage Act, 1990 and the Local Architectural Conservation Advisory Committee (LACAC);
- vi. Establishment of a Business Improvement Area;
- vii. Refinement of zoning controls and application of flexible land use policies within designated Community Improvement Project Areas to the extent that they complement community improvement goals and objectives; and,

viii. Enforcement of the Township's property standards by-law.

iv. All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Maintenance and Occupancy By-laws, and all other related municipal policies and by-laws.

x Council shall adopt such special measures as may be necessary to implement the goals and objectives for Community Improvement.

### **18.11 Committee of Adjustment**

It is the intent of Council pursuant to Sections 44 and 53 of The Planning Act, 1990, to appoint a Committee of Adjustment to assist in the administration of the Zoning By-law.

- a) The function of the Committee of Adjustment is to process applications relating to consent(s) and minor variance(s) to the Zoning By-law, or applications regarding extensions or enlargements of on-conforming uses, pursuant to Section 45 of The Planning Act, 1990.
- b) The Committee of Adjustment shall consider the policies and general intent of this Plan and Zoning By-law s when dealing with such applications.

### **18.12 Community Benefits Charges**

- a) ~~Council may consider the requirement to provide community benefits pursuant to Section 37 of the Planning Act in exchange for increases in height and/or density of development beyond those permitted in the Zoning By-law.~~
- b) ~~The policies of this Section apply to the areas designated Urban on the Schedule 'B-4' Land Use Plan.~~
- c) ~~Prior to the enactment of an amendment to the Zoning By-law pursuant to an application submitted under Section 34 of the Planning Act, Council shall be satisfied that the proposal represents good planning including good urban design principles outlined in Part VII of this Plan and is in conformity with the provisions of this Plan. In this regard, Council may permit increases in height and/or density that exceed the maximum height and/or density definitions of this Plan, without further amendment to this Plan where Council is satisfied that the proposed by-law would otherwise be in conformity with all other aspects of this Plan and Council is satisfied that the proposal represents good planning including good urban design principles outlined in Part VII of this Plan.~~

- d) Pursuant to the provisions of Section 37 of the Planning Act, Council may seek to secure community benefits including but not limited to the following matters:
- i. Provision of public access, pedestrian and vehicular, to public facilities and sites;
  - ii. Walkways and public space and connections to external walkways and trail systems;
  - iii. Preservation of natural areas and woodlots, beyond open space dedication requirements;
  - iv. Provision of parkland requirements beyond dedication requirements;
  - v. Provision for various housing types including housing for special needs, assisted or low-income housing, in accordance with the Official Plan;
  - vi. Provision of public parking;
  - vii. Provision of underground parking resulting in opportunities for housing intensification or affordable housing on lands no longer required for surface parking;
  - viii. Conservation of buildings and sites of architectural, archaeological or historic importance;
  - ix. Provision of community and open space facilities, such as community and recreational facilities or municipal facilities;
  - x. The provision of any public work, initiative or matter in conformity with this Plan.
- e) In the consideration of the enactment of a Zoning By-law Amendment to permit the increased height and/or density of development, Council shall be satisfied that the benefit sought to be secured is demonstrably connected to the increase in height and/or density of development.
- f) Prior to the enactment of a Zoning By-law Amendment pursuant to an application submitted under Section 34 of the Planning Act, Council shall require the owner seeking the increase in height and/or density of development in exchange for community benefit, to enter into one or more agreements dealing with the provision of facilities, services or matters including the timing of conveyances or payments for community benefits to the municipality. The agreement shall be registered against the land to which it applies.

- a) Council may pass, under Section 37 of the Planning Act, a by-law that imposes community benefits charges to pay for the capital costs of facilities, services and matters required due to development and redevelopment.
- b) A community benefits charge may be imposed with respect to development or redevelopment that requires:
  - i. A zoning by-law or an amendment to a zoning by-law;
  - ii. The approval of a minor variance;
  - iii. A conveyance of land to which a part lot control by-law applies;
  - iv. An approval of a plan of subdivision;
  - v. A consent;
  - vi. The approval of a condominium description; and
  - vii. The issuing of a Building Permit in relation to a building or structure.
- c) The Planning Act, as amended from time to time, may list one or more types of developments that are exempt from a community benefits charge. Such exemptions shall apply under this Plan. Furthermore, amendment of the community benefits by-law to address changes to these exemptions under the Planning Act shall not require an amendment to this Plan.
- d) Prior to passing a community benefits charge by-law, the Township shall adopt a community benefits charge strategy that identifies the facilities, services and matters that will be funded with community benefits charges. The facilities, services and matters that may be funded with community benefit charge may include, but shall not be limited to:
  - i. The provision of public parking
  - ii. The provision of urban amenities, including streetscaping, parks and related public realm improvements
  - iii. The provision of public art, heritage and culture facilities
  - iv. The provision of active transportation, including bike lanes and trails.
- e) A community benefits charge shall be in the amount of 4% of the value of the land, which is subject to development or redevelopment, as



determined by an appraisal. The community benefits charge by-law shall specify the requirements of this valuation. Any changes to the Planning Act that affect the above noted value shall not require an amendment to this Plan.

### **18.13 Official Plan Review**

- a) Council will determine the need to carry out a comprehensive review of this Plan at intervals of approximately five years. The purpose of this review will be to measure the performance of the Plan's policies against its goals, and to revise goals, policies or means of implementation where deemed necessary. In addition, during this review, this Plan will be amended to conform with amendments to the Niagara Regional Policy Plan, Provincial Growth Plan, Provincial Policy Statements and Planning Act. As a result of this review process, this Plan may be amended from time to time.
- b) Housekeeping amendments shall be carried out as required to address changes in legislation or where there is a demonstrated need for policy revisions on certain issues. These revisions shall be processed as amendments under the Planning Act.
- c) Amendments to this Plan shall not be required for Office Consolidation of the Plan; or for changes such as typographical, editorial, or formatting corrections to text or Schedules, which do not change the intent of the Plan.

### **18.14 Land Severances**

#### **18.14.1 General Policies for Consents**

- a) Development will be in accordance with the designated uses as shown on the Official Plan Land Use Maps and the provisions of the Zoning By-law.
- b) Any lot or remnant parcel created must have adequate frontage on a public road that is maintained year-round and is of an adequate standard of construction to provide access for the intended use.
- c) No land severance shall create a traffic hazard, or have limited sight lines on curves or grades.
- d) Access to a Provincial Highway, a Regional road or a local road shall be in accordance with the access provisions of the appropriate road authority.
- e) Consents will not be granted when any parcel involved requires access to be obtained where a traffic hazard would be created because of limited sight

lines on curbs or grades or in proximity to intersections. The geometric and safety requirements of the applicable road authority shall apply.

- f) Consent will be granted only when it has been established that for all parcels involved, soil and drainage conditions are suitable to permit the proper siting of a building, to obtain a sufficient and potable water supply where applicable and permit the installation of an adequate means of sewage disposal. Consents requiring installation of septic tank systems, or other private sewage disposal systems will meet appropriate standards of the Ontario Building Code.
- g) Consent will be granted only when confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services.
- h) No land severance shall be permitted in any hazardous area that is subject to flooding, erosion or steep slopes except for a severance, which meets the satisfaction of the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority. This may include a requirement for an adequate setback from stable top of slope.
- i) No land severance shall be permitted unless adequate lot grading and drainage can be addressed. Further, no land severance shall be permitted unless drainage can be properly outlet from the area, without impacting neighbouring properties, to the satisfaction of the Township.
- j) Any consent will be required to conform with the policies of this plan and the provisions of the Zoning By-law.
- k) Where a consent is granted which does not conform with the Plan or Zoning By-law, the Municipality may appeal the decision to the Ontario Municipal Board.
- l) Consents will be permitted for infrastructure corridors and facilities where easements or rights of ways are not feasible.

#### **18.14.2 Agriculture Consent Policies**

In areas designated "Agriculture" on the Land use Plan, consents for conveyance will be in accordance with the following Policies and Actions:

- a) Where the land being conveyed or retained is for agricultural purposes, consent may be granted where both the severed and the retained parcels respect the need for long term agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met:

- i. Agriculture must be the intended use of the lands being retained and severed
  - ii. Smaller lot severances for greenhouses can be permitted subject to the condition that any new dwellings on the property are allowed only after the greenhouse and other farm buildings have been constructed or substantially completed. It is important that small lot severances for greenhouse operations be of sufficient size so that these ample room for future purposes.
- b) Where the land being conveyed or retained is for a commercial or industrial use which is related to the processing of agricultural products or the servicing of farms and is required in proximity to farms, a consent may be granted subject to the agriculture policies of this plan as they apply to Agriculture Commercial and Industrial Uses.
- c) Where the land being conveyed is from an existing non-farm parcel, a consent may be granted to sever lands to be added to an existing abutting farm operation.
- d) Where the land being conveyed is to be added to an abutting, existing non-farm use, consents will be allowed provided that a minimum amount of productive agricultural land is involved and the conveyance is for legal or technical reasons.
- e) Conveyances for agricultural purposes will be subject to the applicable minimum distance separation requirements and where intensive animal operations are involved a Nutrient Management Plan or other Municipal or Provincial approvals will be required prior to severance.
- f) Where land is being conveyed as part of a minor boundary adjustment, which do not result in the creation of a new lot, consent applications are permitted for legal or technical reasons.
- g) Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. In the Good General Agricultural Area where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed subject to the following: *(added by OPA No. 47)*
  - i. The residence is surplus to a farm operator (bona-fide farmer); and
  - ii. That the residence subject to the application for consent is at least 10 years of age, as of the date of application; and,
  - iii. It is the intention to utilize the existing dwelling and the Council and/or Building Inspector will not issue a demolition permit or

- building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after transfer, been partially destroyed by fire or other natural disaster; and,
- iv. Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn; and,
  - v. That the area to be severed and the remnant parcel shall comply with the provisions of the Zoning By-law. In greater detail, the retained agricultural lands shall have a minimum of 10 hectares being actively used for the growing of crops, the raising of livestock or the raising of other animals for food, fur or fiber; and,
  - vi. That the consent complies with the Minimum Distance Separation Formula I; and,
  - vii. The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectares. The created lot must be of regular shape (i.e. rectangular or square) whenever possible; and,
  - viii. The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO); and,
  - ix. Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy; and,
  - x. Farm Help houses are not eligible for surplus farm dwelling severances.
- h) Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of Surplus Farm Dwelling severances. In the Unique Agricultural Area, where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation it may be severed subject to the following: *(added by OPA No. 47)*
- i. The residence is surplus to a farm operator (bona-fide farmer); and,
  - ii. That the residence subject to the application for consent existed as of the date that the Provincial Greenbelt plan came into effect (December 16, 2004); and,
  - iii. It is the intention to utilize the existing dwelling and the Council and/or Building Inspector will not issue a demolition permit or building permit for a new residence unless the existing residence has been occupied for a reasonable length of time, or has, after

- transfer, been partially destroyed by fire or other natural disaster; and,
- iv. Where a barn exists in the immediate vicinity to the surplus residence on the lands that are subject to the consent, the Committee may require the demolition of the barn; and,
  - v. That the area to be severed and the remnant parcel shall comply with the provisions of the Zoning By-law. In greater detail, the retained agricultural lands shall have a minimum of 10 hectares being actively used for the growing of crops, the raising of livestock or the raising of other animals for food, fur or fiber; and,
  - vi. That the consent complies with the Minimum Distance Separation Formula I; and,
  - vii. The separated residential parcel has a lot size of 0.4 hectares (1 acre) except to the extent of any additional area deemed necessary to support the residence and the private services required to serve that residence, as determined through a septic evaluation. Under no circumstances shall a severed residential lot be greater than 1.0 hectares. The created lot must be of regular shape (i.e. rectangular or square) whenever possible; and,
  - viii. The remnant farmland shall be rezoned Agricultural Purposes Only (APO) in perpetuity or be merged on title with an abutting piece of Agricultural lands, provided the lands are not already zoned Agricultural Purposes Only (APO); and,
  - ix. Where there are two or more dwellings legally existing on one lot, and neither was built for the purpose of a permanent farm help house, only one surplus farm severance shall be permitted in compliance with this policy; and,
  - x. Farm Help houses are not eligible for surplus farm dwelling severances.

#### **18.14.3 Natural Environment Consent Policies (for EPA & ECA lands)**

In areas designated Natural Environment on the Land Use Plan, consents for conveyance will be granted in accordance with the following policies:

- a) All consents must conform with the Natural Environment policies of the plan.
- b) Consents may be granted for the conveyance of land to public bodies or agencies engaged in the protection, reestablishment and management of the natural environment.
- c) Consents may be granted where both the severed and retained parcels satisfy the agricultural policies of this plan.
- d) Consents may be granted for title correction purposes and for minor lot boundary adjustments.



#### **18.14.4 Consent Policies for Smithville**

In areas designated on Schedule 'B-4' on the Land Use Plan, consents for conveyance will be granted in accordance with the following policies:

- a) It is intended that most new lots will be created by the registered plan of subdivision process subject to the policies of this Plan and The Planning Act (RSO 1990).
- b) If a registered plan of subdivision is determined not to be necessary, consents may be granted subject to the goals and policies of this Plan and the following criteria:
  - i. Consents will be granted only in areas where the undue extension of any major service will not be required.
  - ii. Consents will be granted only when all the created parcels involved abut on an existing public road of standard construction acceptable to the Municipality.
  - iii. Consents shall have the effect of infilling existing built-up areas and not of extending built-up areas unduly.
  - iv. Consents will not be granted which will hinder or restrict the interior development of a block of land.
- c) The granting of a land severance may be made conditional upon a development agreement between the Township and the applicant.

#### **18.14.5 Hamlet Settlement Areas**

In area designated as Hamlet Settlement Areas on the Land Use Plan, consent for conveyance will be granted in accordance with the following policies.

- a) The minimum lot size for lots created in a Hamlet designation shall be approximately 1.0 hectare as required to satisfy the Township Building Department and Part 8 of the Ontario Building Code for long term operation of a waste disposal system, unless a hydrological assessment determines that a smaller lot size will be adequate to accommodate private water and sewage treatment facilities.
- b) Where lands are proposed for severance along the Hamlet Settlement Area boundary, the remnant parcel outside the Hamlet Settlement Area boundary shall be rezoned APO (Agricultural Purposes Only).

- c) Severances for correcting or adjusting lot boundaries or for conveying land to an abutting lot for land assembly purposes may be granted provided:
  - i. The conveyance does not lead to the creation of an undersized or irregularly shaped lot unsuited for its intended purpose and contrary to the requirements of the Zoning By-law.
  - ii. The lands being conveyed will be registered in the same name and title as the lands with which they are being merged.
  - iii. Severances may be granted for the conveyance of land to public bodies or agencies engaged in the protection, re-establishment or management of the natural environment.
  - iv. Creation of lots for industrial, commercial, or public uses may be undertaken by registered plan of subdivision or the consent of the Committee of Adjustment subject to the policies of the Official Plan and the provisions of the Zoning By-law.

## **18.15 Non-Complying Standards of Development and Non-Conforming Uses**

### **18.15.1 General**

It shall be a policy of this Plan to differentiate between non-conforming standards of development and non-conforming uses of land. In this regard, the policies of Subsections 17.14.2 and 17.14.3 below apply.

### **18.15.2 Non-Complying Standards of Development**

- a) The extension or enlargement of any building or structure, the use of which is in compliance with this Official Plan and the applicable Zoning By-law, but which does not comply with the standards of development (i.e. lot area, setbacks, parking, landscaping) shall not be considered a non-conforming use under Subsection 17.14.3 below or Section 34 (10) of The Planning Act, 1990.
- b) Relief from current standards of development as set out in the Zoning By-law shall be based on the merits of each application and may be considered by amendment to the Zoning By-law or by minor variance through the Committee of Adjustment.

### **18.15.3 Non-Conforming Uses**

- a) A land use which is lawfully in existence prior to the passage of the implementing Zoning By-law and which continues to be utilized for such

purpose may continue as a legal non-conforming use or may be deemed to conform to the intent of the Plan for the purpose of the By-law. In the latter case, such uses may be zoned in accordance with their present use and performance standards provided:

- i. The zoning does not permit any significant change of use or performance standards that will result in or aggravate any situation detrimental to adjoining land uses;
  - ii. The use does not constitute a danger to surrounding uses by its hazardous nature of the traffic which it generates;
  - iii. The criteria of subsection (b) are satisfied; and
  - iv. The lands shall be subject to the site plan control provisions of Section 41 of The Planning Act, 1990.
- b) In accordance with Section 34(10) of The Planning Act, 1990, council may amend a By-law passed under Section 34 to permit the extension or enlargement of any land, building or structure prohibited by the Zoning By-law provided the following requirements are met. The Committee of Adjustment will be similarly guided in considering applications under Section 45 of the Planning Act, 1990;
- i. It is not possible to relocate such a use to a place where it will conform to the By-law;
  - ii. The proposed extension or enlargement will not unduly aggravate the situation already created by the existence of the use and should, if possible, be designed to alleviate adverse effects of the use such as outside storage;
  - iii. The abutting uses will be afforded reasonable protection by the provision of appropriate buffering and setbacks;
  - iv. The proposed extension or enlargement should be in appropriate proportion to the size of the non-conforming use;
  - v. Adequate provision will be made for safe access and adequate off-street parking and loading facilities;
  - vi. All services, including private sewage disposal and water supply systems, shall be or can be adequate; and
  - vii. The expansion is not detrimental to the neighbourhood in consideration of the following:

1. History of complaints;
2. Effect on the character of the neighbourhood;
3. Amount and type of signage;
4. Unnecessary noise, odours, traffic or parking problems;
5. Compliance with the Minimum Distance Separation Formulas and;
6. The quality of the agricultural land including soils, climate, and the nature of the agricultural activity in the area.

## **18.16 Hazardous and Obnoxious Uses**

### **18.16.1 Background**

No land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generally of this subsection for any purpose that creates or is likely to become a nuisance or offensive, or both.

- a) by the creation of noise or vibration, or
- b) by reason of the emission of gas, fumes, smoke, dust, or objectionable odour, or
- c) by storage or use of toxic wastes including PCB's, or
- d) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material.

Notwithstanding the above, any use which is operating in accordance with all applicable Federal, Provincial and local rules and regulations is deemed not to be obnoxious.

## **18.17 Preconsultation/Complete Application**

### **18.17.1 Preconsultation**

Pre-consultation provides an opportunity for an applicant to ascertain what is required to be submitted for a complete application under the Planning Act, any Provincial Plans, the Regional Niagara Policy Plan and this Plan. It will provide the opportunity to discuss the nature of the application, development and planning issues, the need for additional information and the planning process. Preconsultation may also involve the Niagara

Region, the Niagara Peninsula Conservation Authority, Provincial Ministries or other agencies that may have an interest in the application as determined by the Township.

- a) Pre-consultation between the applicant and the Township is required prior to the submission of an application for an official plan amendment, zoning by-law amendment, a request for a Minister's Zoning Order or an application under the Community Accelerator Tool, draft plan of subdivision, draft plan of condominium, consent or site plan control. Completion of the preconsultation process and preparation of studies and information in accordance with the requirements stated in pre-consultation shall be considered a requirement for submission of a complete application
- b) Notwithstanding Section 14.1.1, the Director of Planning and Building or designate may determine that pre-consultation is not necessary based on the scale of development or the complexity of planning issues associated with the proposed application.
- c) Pre-consultation will determine 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; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable.
- d) Pre-consultation shall involve two stages:

Stage 1 – Pre-Consultation

Identifying the studies, information and material to be submitted with a complete application and preparation and approval of any necessary terms of reference.

Stage 2 – Complete Application Review

Evaluation and review of studies, reports, information and material to determine if such studies, report information and material are complete and meet requirements stipulated in a pre-consultation checklist. Such review shall occur within the provisions of the Planning Act for a complete application.

- e) The Township may consult with agencies which may have an interest in a proposed application, including but not limited to the Region, Niagara Peninsula Conservation Authority, Provincial Ministries, electric generation or transmission entities and railways or other agencies that may have an interest in the application as determined



by the Township in determining if the submission meets the requirements of a complete application.

- f) The Township may pass a by-law requiring and establishing the requirements of mandatory pre-consultation, including but not limited to the following:
- i. Expiry dates of pre-consultation checklists
  - ii. Requirements to resubmit a preconsultation request to address substantial changes to a proposal
  - iii. Fees for pre-consultation which may include fees for preparation and review of terms of reference
  - iv. The format of the pre-consultation meeting including required and eligible participants

#### **18.17.2 Complete Application Requirements**

- a) Complete applications are those that contain all reports, studies and information required by the Planning Act, any Provincial Plans, the Regional Niagara Policy Plan and this Plan. A complete application allows Council, the public, municipal staff and commenting agencies to review all relevant information early in the process resulting in fewer processing delays and provides Staff and Council with the required information to make solid recommendations and decisions. In order to ensure that all possible information is available to the Township, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through preconsultation, such as, but not limited to, the following:
- b) A planning justification report describing the appropriateness of the site for a proposed use and compatibility of the proposed development with surrounding land uses and consistency with the Planning Act and its Policy Statements and conformity with any Provincial Plans, the Regional Niagara Policy Plan and this Plan.
- c) A neighbourhood plan, to determine how a development may integrate into surrounding lands that may be subject to development or redevelopment.
- d) A needs study for residential proposals for development within a local and

## Regional context.

- e) A servicing study addressing the availability of adequate municipal services and facilities for the proposed use and its impact on existing municipal services and facilities and may include servicing modelling, or a private sewage disposal or water servicing plan addressing the impact on the quality and/or quantity of surface or ground water. This includes a storm sewer drainage or risk management plan required.
- f) A hydrology, hydrogeology and/or sub-watershed study to determine to address any impacts on an aquatic natural heritage system, including groundwater.
- g) A private well assessment and well monitoring report to evaluate impacts on private wells or water supply systems.
- h) An environmental impact study for proposals located on or adjacent to:
  - i lands containing natural heritage features; and
  - ii lands within 120m of a Provincially Significant Wetland or a Wetland regulated by the NPCA which is greater than 2ha, 50m of a Significant Habitat of a Threatened or Endangered Species, a Provincially Significant Life Science ANSI or any lands designated as Environmental Conservation Area within the Plan; or 30 m of a fish habitat, flood/erosion hazard, or a Wetland regulated by the NPCA and less than 2ha in size.
- f) A species at risk study.
- g) A slope stability or geotechnical study for proposals within or adjacent to valleylands, steep slopes or hazard lands.
- h) A traffic impact study where the development proposal may affect traffic patterns, safety or the intensity of traffic or revisions to a roadway or entrance.
- i) A parking demand analysis, where a reduction in parking requirements is proposed, to determine an appropriate parking supply.
- j) A sight line analysis, which may be included in a traffic impact study, to evaluate the safety of entrances and exits into a site.
- k) A construction impact mitigation study, to address the mitigation of impacts on surrounding properties, including but not limited to

construction traffic management, vibration mitigation and haul routes.

- l) A photometric analysis, to determine how the impacts of floodlighting on surrounding streets and properties will be mitigated.
- m) A parking demand analysis to examine parking needs and their impact on-site or off-site and on adjacent lands.
- n) A microclimatic assessment that addresses sun shadowing, pedestrian scale wind impacts, snow and ice hazards of a development on the subject lands as well as surrounding properties and roads.
- o) An agricultural impact assessment for non-agricultural uses proposed outside of the Urban Area Boundary to evaluate the capability of the site for agricultural use including soil, micro-climate and drainage conditions, the pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities.
- p) A tree inventory and tree preservation plan, where an individual significant tree or any group of trees, including a woodland as defined by the Region's Tree and Forest Conservation By-law, may be impacted by a proposed development.
- q) The impact of the proposed development on the quality and quantity of ground and surface water and the watershed and, if required, the identification of methods of protection, including a stormwater management plan.
- r) A noise and vibration study and an air quality study to address impacts of roads, rail lines, air traffic etc. on development proposals involving residential uses and other similar sensitive uses.
- s) A land use compatibility study in accordance with Provincial regulations and guidelines, including D Series guidelines, which may include one or more of the studies listed under 14.2.1.20 of Part 4 of this Plan, to address the impacts of industrial uses on residential uses and other similar sensitive uses.
- t) A cultural heritage impact study where development is proposed on or adjacent to lands, structures, or buildings listed on the Township's Register of Heritage Properties, or is proposed within or adjacent to a cultural heritage landscape.
- u) A park and trail needs assessment that demonstrates how the proposed development integrates or conforms with the Township's Bike and Trails

Master Plan or any other plan that the Township may pass from time to time.

- v) An archaeological study if the lands are within an area of archaeological potential.
- w) A financial impact study addressing the financial implications of the proposal on the Township, neighbouring lands or the general market in the Township.
- x) The location, size and type of livestock operation proposed or within the vicinity of a new lot or land use outside of the urban area boundary in accordance with the information required for calculation of a Minimum Distance Separation.
- y) An Environmental Site Assessment (Phase 1, 2 or 3) where there is the potential of contamination of land due to previous uses that will assess existing conditions and address the need for further environmental testing or remediation in accordance with Provincial regulations and guidelines. Such Environmental Site Assessment may include a Letter of Reliance from a qualified professional that state the Township or relevant agencies are authorized to rely on information and opinions provided in such Assessments. However, where the development or redevelopment proposal is subject to an environmental assessment or related assessment or study pursuant to the Environmental Assessment Act, the Environmental Protection Act, or other pertinent legislation, additional studies may not be required.
- z) A public consultation and future consultation strategy report, to identify methods to engage the public.
- aa) One or more plans to illustrate the current site conditions and the proposed development, which may include but is not limited to a site plan which may include an Ontario Building Code Matrix, zoning compliance review and road widening details, elevation plan, landscape plan/details, streetscape plan, site grading plan, site servicing plan, erosion and sediment control plan, drainage area plan, topographical and boundary survey, conceptual and contextual plans.
- bb) An urban design brief.
- cc) Information, studies and/or reports shall be prepared by a qualified professional and submitted in an electronic format along with a hard copy to the Township to make this information readily available to the public and commenting agencies including, but not limited to, the Region and Niagara Peninsula Conservation Authority. Where the Township,

Region, Niagara Peninsula Conservation Authority or other agency has requested additional information and/or reports, there may be a request for a peer review of any information and/or report. The applicant shall be responsible for all costs for a peer review which shall be payable upon submission of an invoice from the Township, Region, Niagara Peninsula Conservation Authority, or any other agency.

dd) Any information, studies and/or reports shall be prepared in accordance with requirements of the Planning Act and any Provincial policy statements or plans that are in effect, as well as terms of reference approved through a preconsultation process and the requirements and guidelines adopted by the Township and other agencies who may have an interest in the application.

ee) The Director of Planning and Building or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without preconsultation, adequate supporting information and/or reports, and any application review fees required by the local municipality, the Region, Niagara Peninsula Conservation Authority or any other public agency, the application may be deemed to be incomplete.

ff) The Director of Planning and Building or their designate shall determine if revision requests made subsequent to the submission of a complete application meet the intent of the original application. Substantial changes to an application may require a new pre-consultation and the filing of a new application. Revisions made to an application in response to Township or agency comments, or in response to public comments, shall not require the filing of a new application.

a) ~~Pre-consultation between the applicant and the Township is required prior to the submission of an application for an Official Plan Amendment, Zoning By-law Amendment, draft plan of subdivision, draft plan of condominium, or site plan control unless the Director of Planning or designate determines that pre-consultation is not necessary based on the scale of development or the complexity of planning issues associated with the proposed application. Pre-consultation will determine 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; the need for additional information and/or reports to be submitted with the application; and the planning and approval including appropriateness of concurrent applications, where applicable. Pre-consultation may also involve the Region of Niagara, the Niagara Peninsula Conservation Authority or other agencies that may have an interest in the application as determined by the Township. A by-law shall be approved by Council requiring pre-~~



~~consultation. Pre-consultation shall be considered a requirement for the submission of a complete application.~~

- ~~b) In order to ensure that all possible information is available to the Township, the public and agencies involved in reviewing an application under the Planning Act, the prescribed information required under the Planning Act shall be provided along with additional information and/or reports that may be required, as determined through pre-consultation, such as but not limited to the matters outlined in subsection 17.16.1. Nothing in the Plan shall prevent the requirement of additional studies after pre-consultation if, in the opinion of the Director of Planning or designate, the study is required to evaluate the application. Upon review of the studies required under this clause, updates, corrections or other modifications may be required prior to any decisions being made.~~
- ~~c) Information and/or reports shall be prepared by a qualified professional and submitted in an electronic format and/or a hard copy to the Township to make this information readily available to the public and commenting agencies including the Region of Niagara and the Niagara Peninsula Conservation Authority. Where the Township, the Region of Niagara, or the Niagara Peninsula Conservation Authority has requested additional information and/or reports, there may be a request for a peer review which shall be payable upon submission of an invoice from the Township, the Region of Niagara or the Niagara Peninsula Conservation Authority.~~
- ~~d) The Director of Planning or their designate shall be responsible for determining whether a planning application is complete. If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the Township, the Region, the Niagara Peninsula Conservation Authority or any other public agency, the application shall be deemed to be incomplete.~~
- ~~e) Schedule for Complete Application (The Township may require one or more of the following studies as part of a complete application)~~

<b>Information Requirement</b>	<b>Application/Development Scenario</b>
Planning Justification Report	A report demonstrating how a proposed development or site alteration meets goals, objectives and policies of Provincial plans and policy statements, the Regional Policy Plan and the Township's Official Plan and provides an indication of whether it conforms to applicable Provincial plans and policies.

Conceptual Site Plan	Any development proposal for major commercial, industrial, institutional or multiple residential to include a conceptual site plan illustrating the development pattern of the lands in question.
Land Use/Market Needs Report	Any proposal for major commercial or residential development to consider the existing supply of available land and future land use needs in the Township and in the Region.
Urban Design/Landscape Plans	Any proposal for infill development, redevelopment or intensification or where a site plan agreement is required will include plans illustrating how the proposal will be compatible with the character of adjacent uses and the surrounding neighbourhood. These plans and related descriptive details may include building elevations shadow/wind impacts and streetscaping.
Archaeology Assessment	Any development or site alteration proposed in proximity to lands that contain known archaeological resources or areas of archaeological potential.
Cultural Heritage Impact Analysis	Any development or site alteration proposed on or adjacent to lands, structures or buildings designated under the Ontario Heritage Act or listed on an approved heritage resource inventory.
Environmental Impact Study	Any proposal for development or site alteration within or adjacent to any natural heritage feature or natural hazard identified on the Region's Core Natural Heritage Map, the regulated area of the Niagara Peninsula Conservation Authority or the Township's Official Plan shall provide an inventory and assessment of ecological features and functions to determine areas to be protected and any mitigation measures.

Environmental Planning Study or Sub-Watershed Study	Any proposal for a secondary plan or an urban boundary expansion to include an environmental inventory and assessment with recommendations on where development may take place, features to be protected, appropriate policies for planning documents, and an environmental management plan to maintain, enhance, restore and monitor environmental conditions both during and after development. Any environmental planning study or sub-watershed plan shall address the guidelines and terms of reference of all agencies with jurisdiction.
Tree Preservation Plan	Any development or site alteration that may have adverse effects on a significant tree or group of trees, including woodland as defined by the Region's Tree and Forest Conservation By-law. A significant tree may be one that because of its size, age or species it is considered to be significant to the neighbourhood, streetscape or cultural heritage landscape.
Floodplain and Hazard Lands Mapping	Any development or site alteration proposed near floodplains or hazard lands identified by the regulations of the Niagara Peninsula Conservation Authority.
Geotechnical Report	A report to provide detailed information of soil composition, stability and limitations for the type of development proposed.
Environmental Assessment	Any development or site alteration on lands or adjacent lands that were previously used for a purpose that may have caused contamination of the property should be accompanied by one or more reports to assess existing conditions and address needs for any further environmental testing or remediation necessary in accordance with Provincial regulation and guidelines.

Air Quality/Noise & Vibration Study	Any development for a sensitive land use that is located near a major facility such as transportation corridor, industrial use, sewage or water treatment facility, pumping station or landfill operation.
Agricultural Impact Assessment	Any proposed development or site alteration for a non-agricultural use on lands situated outside the Urban Area to evaluate the capacity of the site for agricultural use including soil, microclimate and drainage conditions, the existing pattern of agricultural or non-agricultural activities, and any potential impacts on surrounding agricultural activities.
Farm Operation and Ownership	Any development or site alteration for a secondary use to agriculture or an application for consent on lands designated for agricultural purposes.
Alternative Site for Non-Agricultural Uses	A non-agricultural use proposed in an Agricultural area will demonstrate that there are no reasonable alternative locations available in Urban Areas, Hamlet Areas or lower priority agricultural lands in the Region.
Minimum Distance Separation I & II	A non-agricultural use proposed adjacent to an active or potential livestock facility will include a review of these facilities and calculations to determine conformity with Minimum Distance Separation requirements.
Mineral Aggregate Resources Impact Study	Where development or site alteration is proposed on lands within or adjacent to an area of known mineral aggregate resources, it shall be demonstrated that the resource use will not be hindered in the future, that the proposed development or use serves a greater long term public interest, and that other impacts are evaluated.
Municipal Servicing Study	To address the availability of adequate municipal services and impacts on existing municipal services and facilities.

Stormwater Management Plans	To address how stormwater runoff will be handled in terms of water quality, quantity, lot grading and drainage controls, and erosion and sedimentation measures.
Traffic/Parking Impact Analysis	Any development or site alteration that may have a significant impact on traffic flow and safety which may include an analysis of parking standards.
Hydrogeological Study and Private Servicing plans	Any development outside of the Urban Area where private sewage disposal and water systems are proposed should provide an assessment of soil and groundwater conditions, an evaluation of the ability of the site to accommodate private services and a plan illustrating the location of services, drainage and lot grading.
Financial Impact Analysis	To address financial implication of a proposed development on the provision of municipal services and utilities that may cause a financial, environmental or economic hardship for the Township and Region.

### 18.18 Home Industry

Home industries may be permitted in the Agricultural and Hamlet Area subject to the following: *(amended by OPA No. 47)*

- a) The use is small in scale and remains secondary to the principal use of the property, and in the Agricultural Area home industries shall be secondary to the principal agricultural use of the property. *(amended by OPA No. 47)*
- b) In the Agricultural Area, all of the property remains designated and zoned agricultural,
- c) New uses are compatible with and do not hinder surrounding agricultural uses,
- d) The use complies with other policies in the Plan, and
- e) No future severance is permitted in the Agricultural Area



The permitted locations, size, activities and other aspects of a home industry shall be established in the implementing zoning bylaw. *(amended by OPA No. 47)*

### **18.19 Land Use Compatibility**

Sensitive land uses shall be protected from the adverse impacts of noise, vibration, odours, emissions, litter, dust and other contaminants. In order to achieve this, Council will request that appropriate studies be undertaken where sensitive land uses may be impacted. Such studies shall be submitted to Council prior to approval in principle of a development or land use change (i.e.: prior to establishing the principle of development).

### **18.20 Potentially Contaminated or Brownfield Sites**

Potentially contaminated or brownfield sites are sites where the environmental condition of the property or properties may have potential for adverse effects on human health, ecological health or the natural environment. In order to prevent these adverse effects, prior to permitting development on these properties, it is important to identify these properties and ensure that they are suitable or have been made suitable for the proposed land use(s) in accordance with provincial legislation, regulations and standards.

While the identification of potentially contaminated sites is important in the planning application review process, the policies in this section should not be interpreted as a commitment on the part of the Township to identify all contaminated sites. Rather, these policies should be regarded as an effort by the municipality to responsibly utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.

#### **18.20.1 Policies**

- a) The following list of general uses represents current or past activities on a property that may be causing or may have caused environmental contamination:
  - i. activities involved with the elimination or disposal of waste and other residues, including, but not limited to landfill sites and waste disposal areas;
  - ii. any activities involving the storage and/or use of hazardous substances, including but not limited to fuels, oils, chemicals, paints or solvents;

- iii. railway lands.
- b) The Township will utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.
- c) The Township will require development proponents to document previous uses of a property or properties that are subject of a planning application and/or properties that may be adversely impacting a property or properties that are subject of a planning application in order to assist in the determination of the potential for site contamination.
- d) Where the Township determines that there is a proposed change in land use to a more sensitive use on a property or properties that have been identified through the Township's planning application review process as "potentially contaminated", the Township will:
  - i. Require as a condition of planning approval, written verification to the satisfaction of the Township from a Qualified Professional as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation, regulations and standards, including where required by the Township or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a Qualified Person in the Environmental Site Registry, and submission to the Township of written acknowledgement from the Ministry of Environment specifying the date that the RSC was filed in the Environmental Site Registry;
  - ii. establish conditions of approval for planning applications to ensure that satisfactory verification of suitable environmental site condition is received as per d) i);
  - iii. where applicable, utilize the holding provisions of the Planning Act to ensure that satisfactory verification of suitable environmental site condition is received as per d) i).
- e) Where the Township is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the Township may require, as a condition of transfer, satisfactory verification of environmental site condition as per d) i).
- f) Development on, abutting or adjacent to lands affected by oil and gas hazards; or former mineral aggregate operations or petroleum resources operations may be permitted only if rehabilitation measures to address and

mitigate known or suspected hazards are under-way or have been completed.

- g) Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

#### **18.21 Status Zoning**

Use of land that existed legally at the date of the adoption of this Official Plan may be deemed to conform. Such uses may be zoned to reflect their present use and performance standards provided:

- a) The zoning will not permit any significant change of use or zone provisions that will aggravate any situation detrimental to adjacent conforming uses;
- b) The uses to be recognized shall be zoned in such a way that any significant enlargement, expansion or change of use must be by amendment to the Zoning By-law;
- c) They do not constitute a danger to surrounding uses and persons by virtue of their enjoyment of property; and
- d) That these uses conform with all servicing requirements including private sewage disposal systems, water supplies, and applicable approvals have been obtained; and
- e) They do not interfere with the desirable development or enjoyment of the adjacent area.

#### **18.22 Alternative forms of Housing**

In the future, the changing profile of the population in West Lincoln and in the Region will create demands for smaller and more diverse forms of housing. Specifically, the population is aging and census data indicates a continuing trend toward an increase in one (1) parent families (70% of which are lone female parents) and smaller family size. Pressure to accommodate this demand will be felt across the Region and within the Township in new and existing neighbourhoods and requires flexible and responsive municipal policies and regulations. The following is not intended to be all inclusive. As circumstances warrant other forms of housing may be considered in order to meet an identified demand.

#### **18.23 Group Homes**

Group homes provide needed housing opportunities for particular individuals within West Lincoln based on residents' physical, mental, emotional, social or legal status. In order that these group homes may locate and operate in the most suitable manner, the following policies shall apply.

- (a) The following types of Group Homes shall be permitted without an amendment to the Zoning By-law:
- i. Approved Homes (Psychiatric Care);
  - ii. Homes for Special Care (Psychiatric Care);
  - iii. Supportive Housing Programs, Adult Community Mental Health Program;
  - iv. Children's Residences;
  - v. Accommodation Services for the Developmentally Handicapped;
  - vi. Satellite Residences for Seniors;
  - vii. Homes for Physically Disabled Adults;
  - viii. Halfway Houses for the Socially Disadvantaged.

These group homes will be allowed to establish in all zones which will permit residential uses, as well as in any existing residence, provided that the lot size and configuration are sufficient to accommodate adequate parking, green space and amenity areas.

*(Original (b) deleted by OPA No. 47)*

- (b) The proposed expansion of any group home operation shall be subject to municipal review and satisfy these policies and all applicable Provincial, agency and zoning requirements.
- (c) The Township's Zoning By-law will contain provisions to guide group homes. The Township will co-operate with the various agencies having approval authority.
- (d) Group Homes may only operate subject to the provisions of this Section, the provisions of the implementing Zoning By-law and all necessary Provincial approvals. Further, all Group Homes in West Lincoln must be registered with the Township pursuant to Section 163 of the Municipal Act, 2001, S.O. 2001."

## **18.24 Delegated Authority**

- a) Council may, by by-law, delegate the authority to pass by-laws under Section 34 of the Planning Act, that are of a minor nature, to an individual who is an officer or employee of the Town (i.e., Director of Planning and Building or designate).
- b) Delegation of authority to pass by-laws under Section 34 of the Planning Act shall be limited to:
  - i. a by-law to remove a holding “H” symbol;
  - ii. a by-law to authorize the temporary use of land, buildings, or structures subject to the criteria contained in Section G4.1.2 of this Plan; and
  - iii. minor zoning by-law amendments.
- c) The delegation of authority to pass a by-law to authorize the temporary use of land, buildings, or structures and to pass minor zoning by-law amendments is subject to the following criteria:
  - i. an Official Plan Amendment is not required, and the proposal maintains the general intent and purpose of the Town’s Official Plan, including its vision, goals, objectives, and policies;
  - ii. a Draft Plan of Subdivision is not required in accordance with Section XX of the Town’s Official Plan; and
  - iii. any concerns raised by the public and/or staff during the application review and consultation process are resolved prior to the passing of the by-law.”