



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

MEETING NO. FIVE

Monday, May 8, 2023, 6:00 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.

Pages

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

For confidential matters.

2. 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:

2.1 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.

2.1 ITEM P39-23

Director of Planning & Building (Brian Treble)

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

VERBAL UPDATE

3. CHAIR - Councillor William Reilly

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

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to jdyson@westlincoln.ca before 4:30 pm on the day of the meeting. Comments submitted will be considered as public information and will be read into the public record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

4. 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.

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

6. PUBLIC MEETING(S)

6.1 Zoning By-law Amendment - 5623 Twenty Mile Road (9109072 Canada Inc.)

Re: An application for Zoning Bylaw Amendment and Site Plan approval has been submitted by Mr. Steven Rivers of South Coast Consulting (Agent) on behalf of the property owner, 9109072 Canada Inc. (Mr. Raf Cervo) to rezone a 0.27 hectare parcel of land located on the north side of Twenty Mile Road/Regional Road 69, west of the Hamlet of St Anns, municipally known as, 5623 Twenty Mile Road. (File No.1601-011-23)

6.2 Official Plan Amendment - Proposed Township Official Plan Amendment

No. 65

Re: Proposed changes to the Implementation Section of the Township of West Lincoln Official Plan to address procedural changes that need to be implemented in order to address timelines and other changes resulting from Bill 109, Bill 23, and other related bills. This amendment is written to streamline planning approvals, address the limitation on the ability to impose urban design control, changes to appeal rights, and other related policy amendments. (File No. 1701-001-23)

7. CHANGE IN ORDER OF ITEMS ON AGENDA

8. APPOINTMENTS

8.1 ITEM P40-23

Malcolm and Vira High

Re: Address By-law Concerns and By-law Enforcement Coverage

RECOMMENDATION:

That, the presentation by Malcolm and Vira High regarding various by-law concerns addressed at the May 8th, 2023 Planning/Building/Environmental Committee meeting, be received for information and referred to staff.

9. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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

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

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

10. CONSENT AGENDA ITEMS

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

10.1 ITEM P41-23

CONSENT AGENDA ITEMS

RECOMMENDATION:

That the Planning/Building/Environmental Committee hereby approve

the following Consent Agenda items:

- 1. Items 1, 2 and 3 be and are hereby received for information

with the exception of Item no.(s)_____.

- 1. Technical Report PD-22-2023 – Application for Zoning Bylaw Amendment 5623 Twenty Mile Road (File No. 1601-01-23) 9
- 2. Technical Report PD-27-2023 – Proposed Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others) 53
- 3. Information Report PD-23-2023 – Site Plan and Development Agreement Approval Update 114

11. COMMUNICATIONS

There are no communications.

12. STAFF REPORTS

12.1 ITEM P42-23 118

Senior Planner (Gerrit Boerema), Manager of Planning (Dave Heyworth) and Director of Planning and Building (Brian Treble)
Re: Recommendation Report PD-24-2023 - Recommendation Report Review of Secondary Unit Policies and Regulations

RECOMMENDATION:

- 1. That, Recommendation Report PD-24-2023 regarding, “Review of Secondary Unit Policies and Regulations,” dated May 8, 2023, BE RECEIVED; and,
- 2. That Staff be authorized to commence a review of the Township’s secondary unit policies and regulations and initiate an Official Plan Amendment and/or Zoning Bylaw Amendment process if required to implement any proposed changes.

12.2 ITEM P43-23 128

Manager of Planning (Dave Heyworth), and Director of Planning and Building (Brian Treble)
Re: Recommendation Report PD-25-2023 - Proposed Provincial Planning Policy Changes

RECOMMENDATION:

- 1. That, Recommendation Report PD-25-2023, regarding “Proposed Provincial Planning Policy Changes”, dated May 8, 2023 be RECEIVED; and,
- 2. That, Township Council ENDORSE the comments in this report to be forwarded to the Province as the Township’s comments on ERO postings # 0196822 and 0196813.

13. OTHER BUSINESS

13.1 ITEM P44-23

Manager of Planning (Dave Heyworth)

Re: Request for Proposal (RFP) Parks, Recreation, Trails and Corridors
Master Plan

VERBAL UPDATE

13.2 ITEM P45-23

Director of Planning & Building (Brian Treble)

Re: Consolidated By-law on the Township's Website

VERBAL UPDATE

13.3 ITEM P46-23

Members of Committee

Re: Other Business Matters of an Informative Nature

14. NEW BUSINESS

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

15. ADJOURNMENT

Request to Speak at a Meeting

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

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

Full Name: *

Malcolm & Vira High

Who are you representing? *

☒ Self

☐ Group/Organization

Street Address: *

[REDACTED]

Town/City: *

Smithville

Postal Code: *

L0R2A0

How would you like us to contact you? *

☒ Email

☐ Telephone

Email Address: *

[REDACTED]
[REDACTED]

Presentation Details

Which meeting would you like to present at? * ?

Planning/Building/Environmental Committee

Requested Meeting Date: *

5/8/2023



What is the presentation topic? *

Bylaw coverage

Do you have a presentation (slide deck)? *

☐ Yes ☒ No

Have you presented before on this topic? *

☐ Yes ☒ No

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

We will have a presentation of unaddressed Bylaw concerns ready for the meeting.

Agenda includes:

- Illegal Parking
- Illegal Dumping
- Illegail waste dumping
- Illegal Fireworks
- Illegal Fire burning

Collection of Personal Information

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

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

- Email: clerk2@westlincoln.ca
- Telephone: 905-957-3346

Thank You

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

DATE: May 8, 2023

REPORT NO: PD-22-2023

SUBJECT: **Technical Report – Application for Zoning Bylaw Amendment
5623 Twenty Mile Road (File No. 1601-01-23)**

CONTACT: Shradha Arun, Senior Planner
Dave Heyworth, Manager of Planning
Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for a zoning bylaw amendment has been submitted by Mr. Steven Rivers of South Coast Planning Consultants and by Mr. Raf Cervo, the owner of the subject property being 5623 Twenty Mile Road.
- 5623 Twenty Mile Road is located on the north side of Twenty Mile Road/ Regional Road 69, west of the hamlet of St Anns and south of the CP rail line.
- The subject property is approximately 0.27 hectares in area and appears to have been historically used as salvage yard. Currently there are no structures on the site with exception of a small remnant portion of a former building. The property is zoned Agricultural 'A'.
- The application for zoning bylaw amendment has been submitted to permit an agriculture-related use specifically being an agricultural service and supply establishment providing tractor tire sales and service whereas the Township's Zoning By-Law does not permit agriculture related uses within an Agriculture zone. The application requests to change the zone to Agriculture-related 'AR' to allow the agriculture service and supply establishment on the subject property.
- Further in the application, a reduction in the minimum lot area in the AR zone is from 0.40 ha to 0.25 ha and reduction in minimum front yard from 15 m to 10 m is requested.
- At the time of writing this report, two public comment submissions have been made, and can be found in Attachment 3 to this report.
- A Recommendation Report will be prepared and presented at a future Planning/ Building/Environmental Committee Meeting once all agency and public comments have been received and staff have completed their full review, to maintain the legislated 90-day review and approval timeline applicable in the Planning Act and Bill 109.
- From the date of complete application, being April 3rd, 2023, 90 days would result in a decision having to be made by July 3rd, 2023.

RECOMMENDATION:

1. That Information Report PD-22-2023, regarding “Technical Report – Application for Zoning Bylaw Amendment 5623 Twenty Mile Road (File No. 1601-01-23)”, May 8, 2023, be RECEIVED; and,
2. That, a Recommendation Report be presented at a future Planning/Building/Environmental Committee Meeting following the review of all agency and public comments and a full review of the planning application.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2 & #3

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

BACKGROUND:

An application for a zoning bylaw amendment has been submitted by Mr. Steven Rivers of South Coast Planning Consultants on behalf of the property owner of 5623 Twenty Mile Road, Mr. Raf Cervo. 5623 Twenty Mile Road, which is a 0.27-hectare property located on the north side of Twenty Mile Road/ Regional Road 69, west of the hamlet of St Anns and south of the CP rail line.

The property appears to have been historically used as a salvage yard, currently the structures on the site have been demolished and the site has been gravelled. There remains a small portion of remnant building still standing from the former building.

The subject property is currently zoned Agricultural ‘A’ which permits only agriculture uses and a single detached dwelling but does not permit agriculturally related uses or an agricultural service and supply service establishment. The proposed use is not agriculture and has elements of service and sale of tractor tires which is agriculturally related.

The owner and the agent, Mr. Steven Rivers have submitted an application for zoning bylaw amendment and site plan to permit an agricultural service and supply establishment to sell farm tractor tires on the subject property, which would be used for farm equipment–tire sales and repair.

The zoning amendment application also requests that the agriculture related use, be permitted on a lot with reduced lot area of 0.25 hectares and the existing lot area is 0.27 hectares whereas zoning by-law requires a minimum lot area of 0.40 hectares. Additionally, they have requested a reduction in the front yard setback to 10 meters from the required 30 meters for AR zone.

CURRENT SITUATION:

Provincial Policy Statement 2020 and Guidelines on Permitted Uses in Ontario’s Prime Agricultural Area

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement (PPS) provides the policy foundation for regulating the development and use of land with the goal of enhancing the quality of life for all Ontarians.

Section 2.3 of the PPS provides specific policy in regards to agriculture and lands designated as Prime Agricultural areas within the Province. The subject lands fall within the Prime Agricultural area designation and are to be protected for long-term agricultural use.

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

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

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

The zoning bylaw application is requesting to permit an agriculture–related use, specifically an agricultural service and supply establishment for sale and service of the farm equipment.

Examples of *Agricultural Related Uses shown in the guidelines include Agricultural research centre, Farm equipment repair shop, grain dryer farm operations, winery, farm input supplier, farmers market, livestock assembly yard.*

The key criteria for agricultural related uses are as follows:

1. Farm-related commercial and farm-related industrial use.

Agriculture-related uses or farm-related commercial uses may include uses such as retailing of agriculture-related products (e.g., farm supply co-ops, farmers' markets and retailers of value-added products like wine or cider made from produce grown in the area), livestock assembly yards and farm equipment repair shops if they meet all the criteria for this category of uses intended on the subject property. Residential, recreational and institutional uses do not fit the definition of agriculture-related uses

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

Agriculture related uses impacts the surrounding agricultural operations which includes both property on which the use is located and the surrounding area of potential impact which depends on the intended use. Following criteria to be compatible with and not hinder agricultural operations and agriculture-related uses are:

- a. Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience.
- b. Uses should be appropriate to available rural services (e.g. do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas).

- c. Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4).
- d. Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.
- e. The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area

3. Directly related to farm operations in the area.

Agricultural-related uses intended on the subject property must be directly related to farms in the area, which primarily provides products or services that are associated with or enhance the agricultural operations in the area. Some examples which reflect the direct relation to agricultural related uses include:

- ✓ vegetable processing around the Holland Marsh
- ✓ processing tomatoes in the Leamington and Chatham-Kent areas
- ✓ farm equipment repair, farm input suppliers and grain drying in major cash crop areas
- ✓ ginseng drying and distributing in Ontario's Sand Plain area

Uses that provide products or services beyond the immediate agricultural area such as cold storage facilities near airports or other transportation hubs, or meat packing plants that process meat from a long distance, often shipped by transport truck or shipping container, are not agriculture-related uses.

4. Supports agriculture

This criteria limit uses to those primarily focused on supporting agriculture. It aims to support growers in the area and increase family farm revenue by encouraging local farms to diversify into higher-value fruits and vegetables.

5. Provides direct products and/or services to farm operations as a primary activity

Agriculture-related uses require direct service farm operation as a primary activity which refers to uses that serve an agricultural need or create an opportunity for agriculture at any stage of the supply chain. Serving farm operations must be a primary function or main activity of the business. As a rule, general purpose commercial and industrial uses should be located outside of prime agricultural areas.

PPS policy emphasizes the need for agricultural-related uses to provide direct products and/or services to farm operations as a primary activity, a farm equipment dealership or farm equipment repair shop might be justified as an agriculture-related use in a prime agricultural area if servicing farm operations in the area is a primary focus of the business and all other agriculture-related uses criteria are met. However, businesses that sell or repair farm implements, along with items catering to a broad customer base such as lawn mowers, snow blowers, other machinery, parts, toys and clothing, should be directed to settlement areas, rural lands or lower priority agricultural lands as discussed in Section 3.2.

Staff are still reviewing this application to understand if the proposed agriculture related use i.e. sale of tractor tires and repairs, meets the criteria for an agriculture-related use. Staff are requesting that the applicant provides some examples of other tractor tire service uses which this use could be compared to.

6. Benefits from being in close proximity to farm operations.

Agriculture-related uses must benefit from or need to be located near the farm operations they serve which include more effective or efficient operations due to access to feedstock, roads suited to slow-moving farm vehicles, reduced transportation distance and risk of spoilage and marketing opportunities associated with being part of an agricultural cluster.

Staff is still reviewing the application to understand if the intended use will be useful for the farm operations nearby. The applicant will be required to provide more details in this respect to the benefits of the close proximity to farm operations would be recommended.

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

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

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

Greenbelt Plan

The subject property is not located within lands designated as being within the Greenbelt and therefore the PPS and Growth Plan are the only provincial policy plans that apply.

Niagara Official Plan, 2022

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

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

The Niagara Official Plan permits agricultural uses, agriculture-related use and on-farm diversified uses within prime agricultural areas (4.1.7.4), provided they are compatible with, and do not hinder surrounding agricultural operations. Agriculture-related uses and

on-farm diversified uses shall be consistent with the provisions of the Provincial Policy Statement, and conform to the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan (4.1.7.5).

Table 4-1 in the Official Plan indicates that Agriculture-related uses may or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms. The examples which include the agriculture-related uses but are not limited to area

- a. Processing of agricultural products
- b. Farm equipment repair shop
- c. Agriculture research centre

The following criteria shall be considered when reviewing applications for proposed agriculture-related uses (4.1.7.8):

- a. whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands;
- b. whether the use is required for or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c. the extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d. whether the scale of the activity is appropriate to the site and farming operation;
- e. whether the use is consistent with and maintains the character of the agricultural area;
- f. the use does not generate potentially conflicting off-site impacts;
- g. the activity does not include a new residential use;
- h. the use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- i. the use does not require significant improvements to infrastructure; and
- j. the use complies with all other applicable provisions of this Plan.

Staff is still reviewing the application, with respect to the above criteria. The applicant explains that the proposed intended use is related to a farm related commercial use compatible with surrounding agricultural operations which is directly related to farms in the area, supporting agriculture, providing service to farms, benefitting from proximity to farms in a prime agricultural area. The applicant further explains the proposed use does not hinder surrounding agricultural operations.

Township of West Lincoln Official Plan

The subject property is designated Good General Agriculture in the Township's Official Plan. Agricultural lands within the Township consist of Unique Agricultural Lands, Good General Agricultural Lands, and Rural Lands. The Agricultural Lands shall be protected in accordance with their level of agricultural viability with the Unique Agricultural Lands receiving the highest level of protection and the Rural Lands receiving the lowest level of protection.

The applicant addresses each of the policies stated in the Section 4.6 as below:

- The location of the use on the subject property imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- An adequate and potable cistern water supply is available.
- Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.
- Adequate drainage and outlets are available for stormwater run-off.
- Adequate entrances and exits to roads are located to minimize travel hazards.
- Adequate off-street loading, parking spaces and access points will be provided.
- Access points will be clearly defined by landscaping and /or other acceptable means.
- There is no outside storage.
- The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of a use do not conflict with adjacent land uses.
- The land will be appropriately zoned and, if necessary, a development agreement will be required.
- The development is not on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource.
- Development may be subject to site plan control.

The policies in the Section 4.6.1 in the Township's Official Plan states that uses must be small scale, related directly to and be required in close proximity to farm operation. The policy mentions that to sustain a market and allow for efficient operation of agriculture-related uses, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away provided the majority of product is from farm operations in the area. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or services to farm operations as a primary activity, the Township may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.

The applicant proposes agriculture related use which would support the agricultural farm operations in proximity to farm areas. Staff again would request an example of a similar type of operation that operates within an agricultural area to understand how this proposal meets the requirements of Policy 4.6.1.

Township of West Lincoln Zoning Bylaw

The subject property is zoned Agricultural 'A'. Below is an image of the zoning on the subject property:



The Agricultural zone does not permit an agriculture related storage and service facility use (sale and service of tractor tires) on the subject property; however, the intended use is agriculturally related use.

The Agricultural 'A' zone only permits a single detached dwelling and accessory uses; however, that requires a minimum lot area of 10 hectares, whereas the property is undersized and does not meet the criteria of minimum lot size.

The applicants have submitted a zoning bylaw amendment to change the zone from Agriculture 'A' to Agriculture-related 'AR' request to permit the tractor tire agricultural service and supply establishment facility, on the subject property.

The applicants have also requested additional modifications to the zoning bylaw Section 5.3, Table 12 includes:

1. The application also requests that the agriculture related use, be permitted on a lot with reduced lot area of 0.25 hectares and the existing lot area is 0.4 hectares whereas the zoning by-law requires a minimum lot area of 0.4 hectares. Staff note that according to the information available the lot size currently is 0.27 hectares.
2. Additionally, the applicant has requested a reduction in the front yard setback to 10 meters from the required 30 meters for AR zone.

The existing property is currently underutilized as per the current zoning as Agriculture 'A' and the change in zoning to 'AR' will reduce the lot size requirement to 0.40 ha automatically.

Additionally, the applicant has requested a minor reduction from 0.40 ha to 0.25 ha in the lot area which will not have any negative impact to the property and the surrounding areas. This is to recognize the existing size of the lot. The request for reduction in front yard to 10 metres whereas zoning by-law requires minimum front yard setback of 30 meters.

In summary staff request that the applicant provide to the Township some additional information on comparable tractor tire uses to assist staff in understanding the viability of the proposed use on the subject property.

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 1st, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

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

	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 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 standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1st, 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. A final note for consideration are the Planning Act changes that have been made through Bill 109, the *More Homes for Everyone Act, 2022* requiring zoning amendments be decided upon within 90 days or face punitive costs back to the applicant starting on July 1st, 2023. In order to avoid these fee returns, staff will be required to prepare recommendation reports within the required timeframe that potentially recommend:

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

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

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

The notice and application for zoning bylaw amendment was circulated to agencies and the public on April 11th, 2023. A notice sign was also placed on the property on April 12th, 2023. At the time of writing this report, the Township has received comments from one member of the public.

Comments were received by property owners who live 100 meters from the subject property. The property owner is concerned there was not full disclosure of the intended use in the notice with farm equipment the service use for the property. They have concerns with increase in farm equipment traffic noise and fumes and that it might affect their property value.

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

The Township of West Lincoln Public Works Department has also provided comments on the application. They state that they have no objection to the application, but recommend they look into the distance provided from the proposed entrance to CP Rail's property to ensure it meets any required setbacks to the tracks. Since Twenty Mile Road is a Regional Road, Regional staff will provide comment on the work in the right-of-way for the entrances and drainage to the roadside ditch.

The Township has received comments from Niagara Region on the application. They state they do not have any objection to the proposed application to rezone the property to an agriculture-related use for the construction of an agricultural service establishment subject to the conditions provided in the detailed comment document attached.

Planning staff are still awaiting comments from the Township's Building and Septic Department on the proposed private servicing plan.

CONCLUSION:

An application for zoning bylaw amendment has been submitted by Mr. Steven Rivers on behalf of the sole property owner, Raf Cervo, for the property located at 5623 Twenty Mile Road. The application has been submitted to permit the sale of tractor tire agricultural service and supply establishment agriculture-related use. As this use is not permitted in the Agriculture 'A' zone, a zoning amendment is required.

The applicant requests a minimum reduction in existing lot area of 0.40 ha to 0.25 ha, whereas zoning by-law requires a minimum lot area of 0.40 ha for Agriculture related 'AR' zone. The applicant additionally requests to decrease the front yard to 10 metres whereas zoning by-law requires minimum front yard as 30 meters.

The Township has received a number of public and agency comments and will review those comments as well as any additional comments that are received.

Staff will bring a recommendation report forward at a future Planning Building and Environment Committee Meeting.

ATTACHMENTS:

1. Draft site plan
2. Planning Justification Report
3. Agency and Public Comments

Prepared & Submitted by:



**Shradha Arun,
Senior Planner**

Approved by:



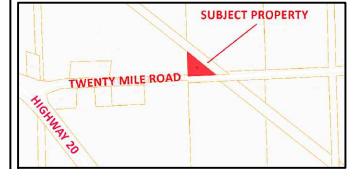
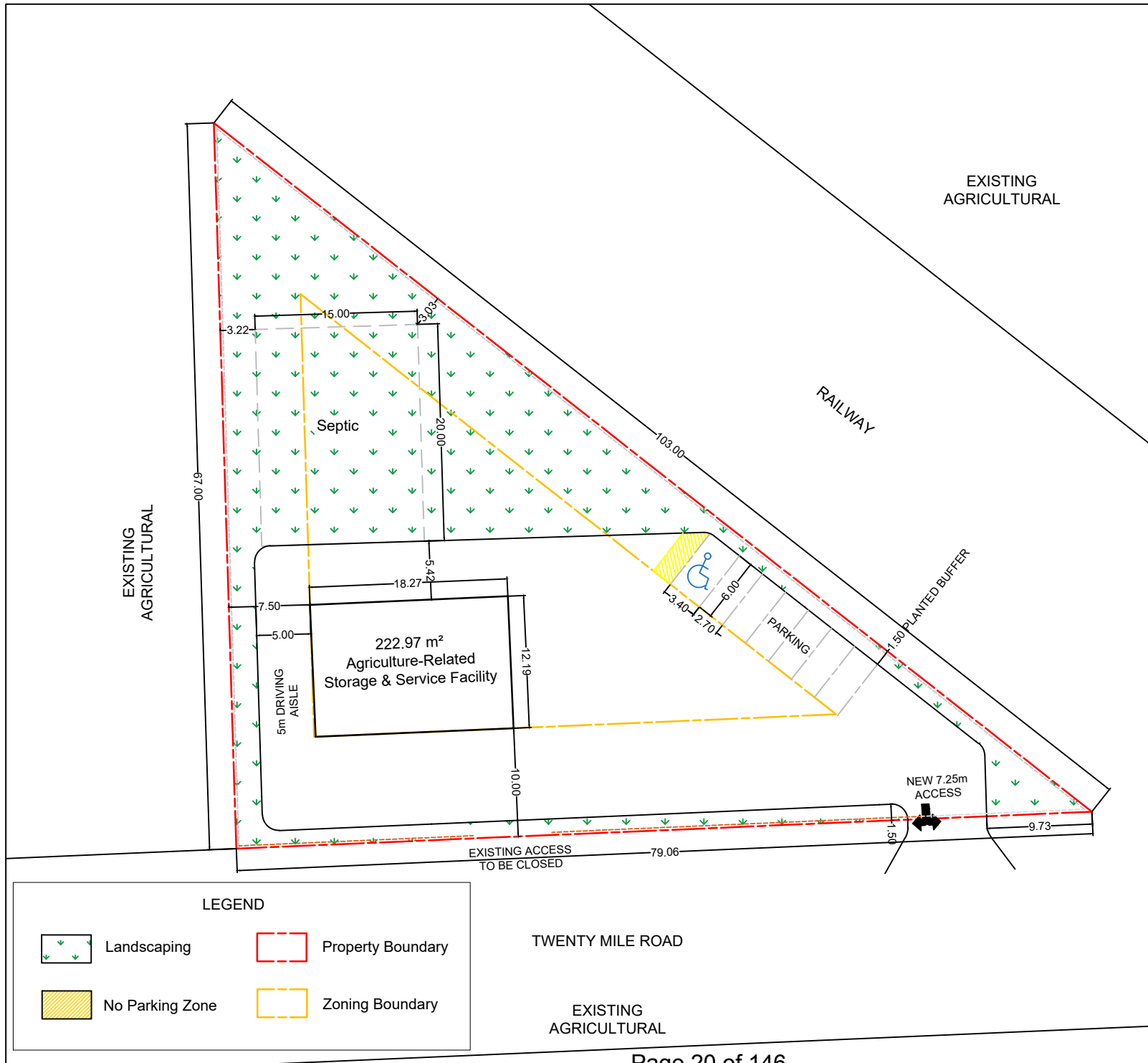
**Bev Hendry,
CAO**



**Dave Heyworth,
Manager of Planning**



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



KEY MAP (N.T.S.)

AGRICULTURAL SERVICE & SUPPLY ESTABLISHMENT SITE PLAN

**5623 TWENTY MILE ROAD
WEST LINCOLN
NIAGARA REGION**

CON 6 PT LOT 24



LandPro Planning Solutions
110 James St. #204, St. Catharines
(289) 687-3730

ZONING REQUIREMENTS

Lot Area	0.40 ha.
Parking (Standard)	6
Parking (Accessible)	1
Frontage	50m
Front Yard	10m
Interior Side Yard	7.5m
Exterior Side Yard	10m
Read Yard	7.5m
Lot Coverage	40%
Landscaping	29.1%

REQUIRED AMENDMENTS

NONE



SCALE: 1:500
DATE: OCT 4, 2022

LEGEND

- Landscaping
- Property Boundary
- No Parking Zone
- Zoning Boundary

**PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT
AND
IMPACT ANALYSIS
For
9109072 Canada Inc. (Raf Cervo)
5623 Twenty Mile Road / Regional Road 69
CONCESSION 6 PART LOT 24
Township of West Lincoln, Regional Municipality of Niagara**



DISCLAIMER

The Report was prepared by South Coast Consulting for a Zoning By-law Amendment application for 8535 Twenty Road, Part of Lot 24, Concession 6. The Report reflects South Coast Consulting's best judgment.

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

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

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INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained in 2022 by 9109072 Canada Inc. (Raf Cervo) to prepare this [Preliminary Planning Policy Justification Report and Impact Analysis](#) for Zoning By-law Amendment and Site Plan Control Approval applications to permit an *agriculture-related use* on the subject property, specifically, the applicant is proposing to place an *agricultural service and supply establishment* on the subject property to sell farm tractor tires. The owner has been in the used tire transportation business since 2008. There are four (4) employees. The applicant is proposing to construct an approximately 225 square metre building on the subject property. This [Preliminary Planning Policy Justification Report and Impact Analysis](#) provides the planning rationale in support of the applications and provides justification for the *agricultural related use*.

The purpose of this Report is to also outline the nature of the proposed *development* and to evaluate how the *agriculture-related use* complies in the context of the good planning principles, the policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe ([Growth Plan](#)), the [Niagara Region Official Plan](#), the [Township of West Lincoln Official Plan](#), and the [Township of West Lincoln Zoning By-law](#), applicable to the subject property.

On 2022-06-02 the Township of West Lincoln hosted a Pre-Consultation meeting for the proposal on the subject property. The meeting established *Planning Act* Zoning By-law Amendment and Site Plan Control Approval applications are required to accommodate the *agriculture-related use*. The Meeting determined reports, studies, and plans required to be submitted with the applications including a:

- Planning Justification Study.
- Survey Sketch.
- Stormwater Management Plan; and
- Vibration Study.

The subject property is **designated Prime Agricultural Area** in the [Regional Official Plan](#), (impacted by Stone Resource, Regional Road 69, the adjacent rail line, the Region's Strategic Cycling Network, and Areas of Archaeological Potential), **Good General Agricultural** in the [West Lincoln Official Plan](#) and zoned **Agricultural – A**. The A Zone does not permit an *agricultural service and supply establishment* without a Zoning By-law Amendment.

AGRICULTURE-RELATED USE DESCRIPTION

This section of the Report provides details about the proposed *agriculture-related use* uses, existing buildings, and their siting. When the Zoning By-law Amendment application is submitted the Description of the *agriculture-related use* will also provide a brief description of the other technical supporting studies submitted as part of the complete application identified at the pre-application consultation meeting, and how these studies relate to applicable planning policies.

Conceptual Site Plan

See [Annex 1, Agricultural Service and Supply Establishment Site Plan](#), prepared by LandPro Planning Solutions, dated 2022-10-04. There was a structure on the subject property that has been demolished and the existing aces is [proposed to be relocated]. The subject property is essentially triangular, with the rail line on its north / east side and Twenty Mile Road / Regional Road 69 on its south side. The subject property is an undersized parcel historically used as a salvage yard. The subject property has been cleaned up and gravel placed over most of the site.

The [Agricultural Service and Supply Establishment Site Plan](#) is an indicative plan reflecting a desirable development scenario for the subject property and an articulation of established best practices in design and land use planning. It provides a flexible framework and practical direction for development, and to the extent possible at this time, detail of the anticipated *building / structure* locations, and development parameters.

Survey Sketch

See [Annex 2, Draft Plan of Survey Showing Topographic Information](#), prepared by Chambers and Associates Surveying Ltd., undated.

Stormwater Management Brief and Grading

The Stormwater Management Brief by Arik Engineering Ltd., dated 2023-02-22 in [Annex 4](#), concluded onsite stormwater quantity and quality controls are not required for the subject property and the surface drainage has been diverted towards Twenty Mile Road ditch system.

Vibration Impact Study

The Vibration Impact Study, By GHD, dated 2022-11-09, in [Annex 5](#), concluded the development is feasible and will not be impacted by ground-borne vibration from the rail line.

Private Servicing Plan

Egger Excavating Ltd. designed and prepared an application for a Class 4 raised septic system for a 223 square metres agricultural warehouse with a water closet and sink.

Site Context

The site context is intended to provide an understanding of where the *agriculture-related use* is located and the characteristics of the site and the surrounding area. The subject property, Illustrated in [Figure 1, Subject Property Location](#), and [Annex 1, Agricultural Service and Supply Establishment Site Plan](#), on the north side of Twenty Mile Road / Regional Road 69, west of Saint Anns, has a total area of about 0.4 hectares and 80 metres frontage on Twenty Mile Road / Regional Road 69..

Figure 1
Subject Property Location



Surrounding Land Uses

Nearby uses are agricultural, large lot rural residential uses and the rail line. The *agriculture-related use* is compatible with the primarily agricultural use context of the neighbourhood as illustrated on the *Figure 2, Land Use Schematic*.

Figure 2 Land Use Schematic		
Use- Agriculture Official Plan- Good General Agricultural Zone- A	Use- Agriculture Official Plan- Good General Agricultural Zone- A	Use- Agriculture Official Plan- Good General Agricultural Zone- A
Use- Agriculture Official Plan- Good General Agricultural Zone- A	Subject Property	Use- Agriculture Official Plan- Good General Agricultural Zone- A
Use- Agriculture Official Plan- Good General Agricultural Zone- A	Use- Agriculture Official Plan- Good General Agricultural Zone- A	Use- Agriculture Official Plan- Good General Agricultural Zone- A

Development Concept

The subject property is a triangular parcel. A Zoning By-law Amendment is required to permit the tractor tire *agriculture service and supply establishment agriculture-related use*.

POLICY REVIEW SUMMARY

Provincial Policy Statement

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

As stated in **Policy 1.1.1a**, the proposal promotes Ontario's long-term prosperity, environmental health and social well-being by efficiently using land through efficient land use and development patterns supporting sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth. Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns reflected by the proposed *agriculture service and supply establishment* and thus sustain the financial well-being of the Province and the Township over the long term.

Rural Areas

Rural Areas from the Provincial Policy Statement

Rural Areas like that surrounding the subject property are important to the economic success of the Province and the quality of life. *Rural areas* are a system of lands that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and other resource areas. *Rural areas* and *urban areas* are interdependent in terms of markets, resources and amenities.

The *agricultural service and supply establishment* complies with [Policy 1.1.4.1](#), supporting a healthy, integrated, and viable *rural area* by:

- Regeneration / redevelopment of a *brownfield site* – a previously developed property that may be contaminated.
- Using existing rural *infrastructure* and *public service facilities* efficiently.
- Promoting diversification of the economic base.
- Providing opportunities for economic activities in *prime agricultural areas*.

On *rural lands* located in municipalities, uses permitted by [Policy 1.1.5.2](#) include rural land uses and [Policy 1.1.5.3](#) promotes economic opportunities, like those of the proposed *agricultural service and supply establishment*, compatible with the rural landscape and sustainable by rural service levels.

As required by [Policy 1.1.5.5](#) the proposed development is appropriate to the *infrastructure* available and avoids the need for the unjustified and / or uneconomical expansion of this *infrastructure* and supports an opportunity for diversified rural economy by not negatively impacting agricultural uses as envisaged by [Policy 1.1.5.7](#).

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

Rural Areas from the Growth Plan – Where and How To Grow

[Section 2.1](#) speaks to building compact and complete communities, and protecting agricultural lands, water resources, and natural areas that help reduce greenhouse gas emissions and ensuring communities are more resilient to the impacts of climate change. Strong, healthy; and prosperous rural communities are vital to the economic success of the *Greater Golden Horseshoe (GGH)* and contribute to the quality of life. The [Growth Plan](#) recognizes and promotes the important role of rural towns and villages as a focus of economic, cultural and social activities that support surrounding rural and agricultural areas across the [GGH](#).

Opportunities to support a diversified rural economy should be promoted by protecting farmland and the viability of the agri-food sector in *rural areas*. Healthy rural communities are important to the vitality and well-being of the larger region and *settlement areas* and applies protections similar to those in the Greenbelt Plan to provide consistent and long-term protection throughout the *GGH*.

Policy 2.2.9.1 encourages the Township to plan for a variety of economic opportunities serving the needs of rural residents and area businesses and *Policy 2.2.9.3* permits *development* outside of *settlement areas* may be permitted on *rural lands* for rural land uses not appropriate in *settlement areas* provided they:

- are compatible with the rural landscape and surrounding local land uses.
- will be sustained by rural service levels; and
- will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

The *agricultural service and supply establishment* is compatible with the rural landscape and surrounding local land uses, sustainable by rural service levels, and will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

Rural Areas from the Regional Plan

Unlike the broad concept of *rural areas* in the *Provincial Policy Statement* and *Growth Plan*, the *rural area* in the *Regional Official Plan* is land use designation. Section 4.1 of the *Niagara Regional Plan* states the agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The proposal satisfies:

- *Objective 4.1a)* to facilitate a strong, diverse, and resilient agricultural economy by providing a service specific to local farmers.
- *Objective 4.1b)* to protect the region's agricultural land base , *Objective 4.1c)* to ensure agriculture is the predominant land use in specialty crop areas and prime agricultural areas, and *Objective 4.1f)* to protect prime agricultural areas from fragmentation because it does not take land out of agricultural production and uses and underutilized, small brownfield not suitable for agriculture;
- *Objective 4.1d)* to restrict and control non-agricultural uses to minimize potential conflicts and *Objective 4.1e)* to ensure the long-term sustainability and function of uses within the agricultural system by limiting the use to an *agriculture-related use* on the subject property, specifically, the proposed business is a tractor tire *agricultural service and supply establishment*;
- *Objective 4.1j)* by recognizing and controlling changes to existing uses to ensure a viable agricultural system by limiting the use to an *agriculture-related use* on the subject property, specifically, the proposed business is a tractor tire *agricultural service and supply establishment*.

As provided for in [Policy 4.1.7.3](#) the proposal is for an *agriculture-related use* - a farm-related commercial use; compatible with surrounding agricultural operations; directly related to farms in the area; supporting agriculture, providing a service to farms; benefiting from proximity to farms in a *prime agricultural area*.

As required by [Policies 4.1.7.4 and 4.1.7.5](#) the proposed use is compatible with and does not hinder, surrounding agricultural operations and is consistent with the provisions of the Provincial Policy Statement, and conforms to the Growth Plan, and Greenbelt Plan.

Rural Areas from the West Lincoln Official Plan

Like the [Regional Official Plan](#), unlike the broad concept of rural areas in the [Provincial Policy Statement](#) and [Growth Plan](#), the *Rural Area* in the [West Lincoln Official Plan](#) is land use designation. One small area of the Township is designated as Rural Area and is predominately used for non-agricultural uses.

Infrastructure

Infrastructure from the Provincial Policy Statement

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

Infrastructure from the Growth Plan

The [Growth Plan](#) is a 25-year plan to [among other things]:

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

The infrastructure policies of the Growth Plan do not relate to rural areas.

Infrastructure from the Regional Plan

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

- Existing soils and drainage facilities should be compatible to permit such private Installations.

- Proper consideration shall be given to abutting existing development to ensure that problems will not be created for the existing or proposed *development*; and
- The operation of septic tank installations must not result in the pollution of watercourses.

Infrastructure from the West Lincoln Official Plan

Section 14.2 states the agricultural areas of the Township, operate on private water systems; either cisterns, or drilled / dug wells. There are no plans to provide municipal water to other areas of the Township. **Policy 14.3.1** states new development on private water or sanitary services in the agricultural and hamlet areas is only be permitted where the Township is satisfied that lot size, topography, soils, drainage, and siting of the buildings will permit the installation of an adequate means of sewage disposal. A design for a septic system has be prepared.

Agriculture

Agriculture from the Provincial Policy Statement

A significant theme in the **Provincial Policy Statement** is protecting agricultural. **Policy 1.1.5.7** provides opportunities to support and promote a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses and as required by **Policy 1.1.5.8**. the proposal complies with the *MDS*.

In *prime agricultural areas*, permitted uses and activities are, among others, *agricultural uses*, and *agriculture-related uses* (**Provincial Policy Statement 2.3.3.1**).

Policy 2.3.1 requires *prime agricultural areas* to be protected for long-term use for agriculture. In *prime agricultural areas*, permitted uses include *agricultural uses* and *on-farm diversified uses* compatible with, and that do not hinder, surrounding agricultural operations. *On-farm diversified uses* include *agri-tourism*, as proposed by this application, in **Policy 2.3.3.1**.

The Ontario Ministry of Agriculture, Food, and Rural Affairs **Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas (OMAFRA Guidelines)** help interpret the policies in the **Provincial Policy Statement** on the range of the permitted uses. **Section 1.3** states the criteria for uses permitted in *prime agricultural areas* revolve around the objectives of maintaining the land base for agriculture and supporting a thriving agricultural industry and rural economy. The following summarizes the specific criteria for *agricultural*, *agriculture-related* and *on-farm diversified uses*. As required, the proposed *farm-related use*:

- Is farm-related commercial uses may include uses such as farm equipment repair shops.
- Is compatible with, and does not hinder, surrounding agricultural operations.
- Is directly related to farm operations in the area.

- Supports agriculture.
- Provides direct products and / or services to farm operations as a primary activity.
- Benefits from being in close proximity to farm operations.

Agriculture Related Use from the Provincial Policy Statement

As required by [Policy 2.3.3.1](#) states; the proposed tractor tire sales and service business is a permitted use in *prime agricultural areas*, compatible with, and not hindering, surrounding agricultural operations. The proposal for a tractor tire sales and service business satisfies the definition of an *agriculture-related use* - farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Agricultural System from the Growth Plan

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

An *Agricultural System* for the GGH has been identified by the Province. ([Policy 4.2.6.1](#)) and the proposed tractor tire and sales business as required by [Policy 4.2.6.3](#) achieves land use compatibility because there are no adverse impacts on the *Agricultural System*.

Agriculture from the Regional Plan

The proposed tractor tires sales and service business satisfies the [Objectives](#) of Regional Official Plan are to:

- Facilitate a strong, diverse, and resilient agricultural economy.
- Protect the region's agricultural land base.
- Ensure agriculture is the predominant land use in *specialty crop areas* and *prime agricultural areas*.
- Restrict and control non-agricultural uses to minimize potential conflicts.
- Ensure the long-term sustainability and function of uses within the agricultural system.
- Protect prime agricultural areas from fragmentation.
- Recognize and control changes to existing uses to ensure a viable agricultural system.

As provided for by [Policy 4.1.7.3](#) the proposed tractor tire sales and service business is an *agriculture-related use* compatible with surrounding agricultural operations; directly related to farms in the area; supporting agriculture, providing products or services to farms; and benefiting from proximity to farms, permitted in the *prime agricultural areas*.

As required by [Policy 4.1.7.4](#) the proposed agriculture-related uses is compatible with, and does not hinder surrounding agricultural operations and as required by [Policy 4.1.7.5](#) it is consistent with the provisions of the Provincial Policy Statement, and conforms to the Growth Plan.

As required by [Policy 4.1.7.7](#), the proposed *agriculture-related use*:

- Is not more appropriately located in a nearby *settlement area* because the subject property provides for a more rapid response to customers and is required for or in close proximity to local agricultural operation for it to support and agriculture;
- Is compatible with the surrounding farming operations.
- Is a scale of the activity is appropriate to the site.
- Is consistent with and maintains the character of the agricultural area.
- Does not generate potentially conflicting off-site impacts.
- Does not include a new residential use.
- Is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- Does not require significant improvements to infrastructure.
- Complies with all other applicable provisions of this Plan.

[Agriculture from the West Lincoln Official Plan](#)

The proposed tractor tire sales and service *agriculture-related use* satisfies the [Objectives](#) of West Lincoln Official Plan are to:

- Promote and protect a viable agricultural industry for the production of crop resources and livestock operations to enhance employment opportunities and strengthen the economic wellbeing of West Lincoln.
- Promote agriculture-related uses compatible with and not hindering surrounding agricultural operations.
- Promote, where feasible, opportunities for agricultural related value-added activities to support, promote, and develop the agricultural areas.
- The preservation of Good General Agricultural Lands for agricultural purposes.

As provided for in [Policy 4.2.1](#) the proposed *agricultural-related use* is permitted and related directly to, serving, and requiring close proximity to the surrounding agricultural areas and as required by [Policy 4.3.2](#) the proposed *agriculturally related use* has no effect on surrounding agricultural areas and the viability of agricultural operations.

As required by [Policy 4.6](#) the *agriculture-related use* may be because:

- The location of the use on the subject property imposes no operating constraints and results in no reduction of the efficiency of any existing farm.
- An adequate and potable cistern water supply is available.
- Soils are suitable or made suitable to support an individual waste disposal system subject to the approval of the authority having jurisdiction.

- Adequate drainage and outlets are available for stormwater run-off.
- Adequate entrances and exits to roads are located to minimize travel hazards.
- Adequate off-street loading, parking spaces and access points will be provided.
- Access points will be clearly defined by landscaping and /or other acceptable means.
- There is no outside storage.
- The municipality may impose appropriate controls through available legislation to ensure that the hours of operation of a use do not conflict with adjacent land uses.
- The land will be appropriately zoned and, if necessary, a development agreement will be required.
- The *development* is not on treed areas, steep slopes, ravines, watercourses and any other natural or cultural heritage resource.
- Development may be subject to site plan control.

The proposed tractor tire sales and service use is not more appropriately located in a nearby *settlement area* because it:

- Is required in close proximity to the agricultural operations to support and complement the agricultural activity;
- Is compatible with the surrounding farming operations.
- Complies with all other applicable provisions of the West Lincoln Official Plan and the Regional Official Plan.

The proposal satisfies [Policy 4.6.1](#) because it is small scale, relate directly to and be required in close proximity to farm operations. For efficient operation of the *agriculture-related use*, the products sold will be to surrounding local farm operations. To assess whether a proposed *agriculture- related use* meets the test of providing direct products and / or services to farm operations as a primary activity, the Township may require evidence demonstrating the use will service the local agricultural industry as the sole or main business activity.

The proposed *agriculture-related use* is:

- Not more appropriately located in a nearby urban or hamlet area.
- Compatible with the surrounding farming operations.
- At a scale of the activity appropriate for the site.
- Consistent with and maintains the character of the agricultural area.
- Does not generate potentially conflicting off-site impacts.
- Is limited to low water and low effluent producing uses.
- On a site capable of accommodating the use on private water and private sewage treatment systems.
- Does not require significant improvements to infrastructure, such as roads.
- In compliance with applicable regulations.

Efficient Development

Efficient Development from the Provincial Policy Statement

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

The proposed *agriculture-related use*:

- Creates diversified opportunities for employment.
- Is the efficient use of an underutilized parcel of land.
- Does not create conflict between incompatible uses.
- Does not adversely impact farming.
- Does not introduce incompatible land uses within the agricultural area.
- Preserves agricultural lands because no land is removed from agricultural production.

Zoning By-law

The subject property is zoned “**Agricultural – A**”. The Zoning By-law provisions are outlined in the following table.

Zoning Relief Required

- Rezone from the A Zone to the AR Zone.
- Reduce the AR Zone *minimum lot area* from 0.4 hectares to 0.25 hectares to recognize existing lot area.
- Reduce the AR Zone *minimum front yard* from 15 metres to 10 meters to enable increased area for septic system.

POLICY AND PLANNING ANALYSIS SUMMARY

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

- Provincial Policy and Legislation:
 - Provincial Policy Statement.
 - Growth Plan for the Greater Golden Horseshoe.
- Municipal Policy:

Regulation	Zone Requirements		Provided	Comment
	A Zone	AR Zone		
Minimum <i>lot area</i>	40 hectares	0.4 h hectares	0.27 hectares	existing lot / underutilized brownfield Minor reduction in requirement – adequate water and septic No negative impact
Minimum <i>lot frontage</i>	100 metres	50 metres	79 metres	satisfied
Minimum <i>front yard</i>	20 metres	30 metres	10 metres	existing lot / underutilized brownfield Minor reduction in requirement – provides increased area for septic system No negative impact
Minimum <i>interior side yard</i>	15 metres	7.5 metres	7.5 metres	satisfied
Minimum <i>rear yard</i>	20 metres	7.5 metres	>7.5 metres	satisfied
Maximum <i>lot coverage</i>	10 percent	40 percent	8.3 percent	satisfied
Maximum <i>height</i>	15 metres		TBD	Will comply
Minimum <i>landscaped open space</i>	No minimum			Satisfied
Maximum <i>outside storage</i>	5 percent of <i>lot area</i>	10 percent of <i>lot area</i>	8.3 percent	Will comply

Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots. No manure, compost or equipment storage area shall be permitted within 30 metres of a street line or a lot line of a separate lot that contains a residential use or the top of bank of a municipal drain or watercourse.

- Region of Niagara Official Plan.
- Township of West Lincoln Official Plan.

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

The proposed tractor tires sales and service business satisfies the **Objectives** of Regional Official Plan are to:

- Facilitate a strong, diverse, and resilient agricultural economy.
- Protect the region's agricultural land base.
- Ensure agriculture is the predominant land use in *specialty crop areas* and *prime agricultural areas*.
- Restrict and control non-agricultural uses to minimize potential conflicts.
- Ensure the long-term sustainability and function of uses within the agricultural system;
- Protect prime agricultural areas from fragmentation.
- Recognize and control changes to existing uses to ensure a viable agricultural system.

The Township's Vision of continued viability of agriculture on prime agricultural lands is not offended because there is no impact on existing and potential agricultural operations. Supportive accessory uses are encouraged.

The Township's Goals and Objectives are satisfied including:

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

OPINION

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the *Planning Act*; *Provincial Policy Statement* ; *Growth Plan*; *Niagara Region Official Plan*, and the policies of the *Township of West Lincoln Official Plan*.
- Permits the provided for *agriculture-related use*.

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

The approval of the proposed Zoning By-law Amendment allows a tractor tires sales and service *agriculture-related use three*. This *development* constitutes intensification and infill on a brownfield parcel. The proposed *Planning Act* application for a Zoning By-law Amendment is consistent with the policies for permitting and encouraging rural *development* within the Township of West Lincoln and will service to agriculture with no negative impact or loss of *prime agricultural land*. The proposed *development* constitutes good planning.

CLOSING

This report is intended solely for 9109072 Canada Inc. (Raf Cervo) (the “Client”) in providing the Township of West Lincoln this requested Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed agricultural-related use development at 5623 Twenty Mile Road. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as South Coast Consulting (Steven Rivers). This report is considered Steven Rivers’ professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client’s and recipient’s sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client’s unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven

Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

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

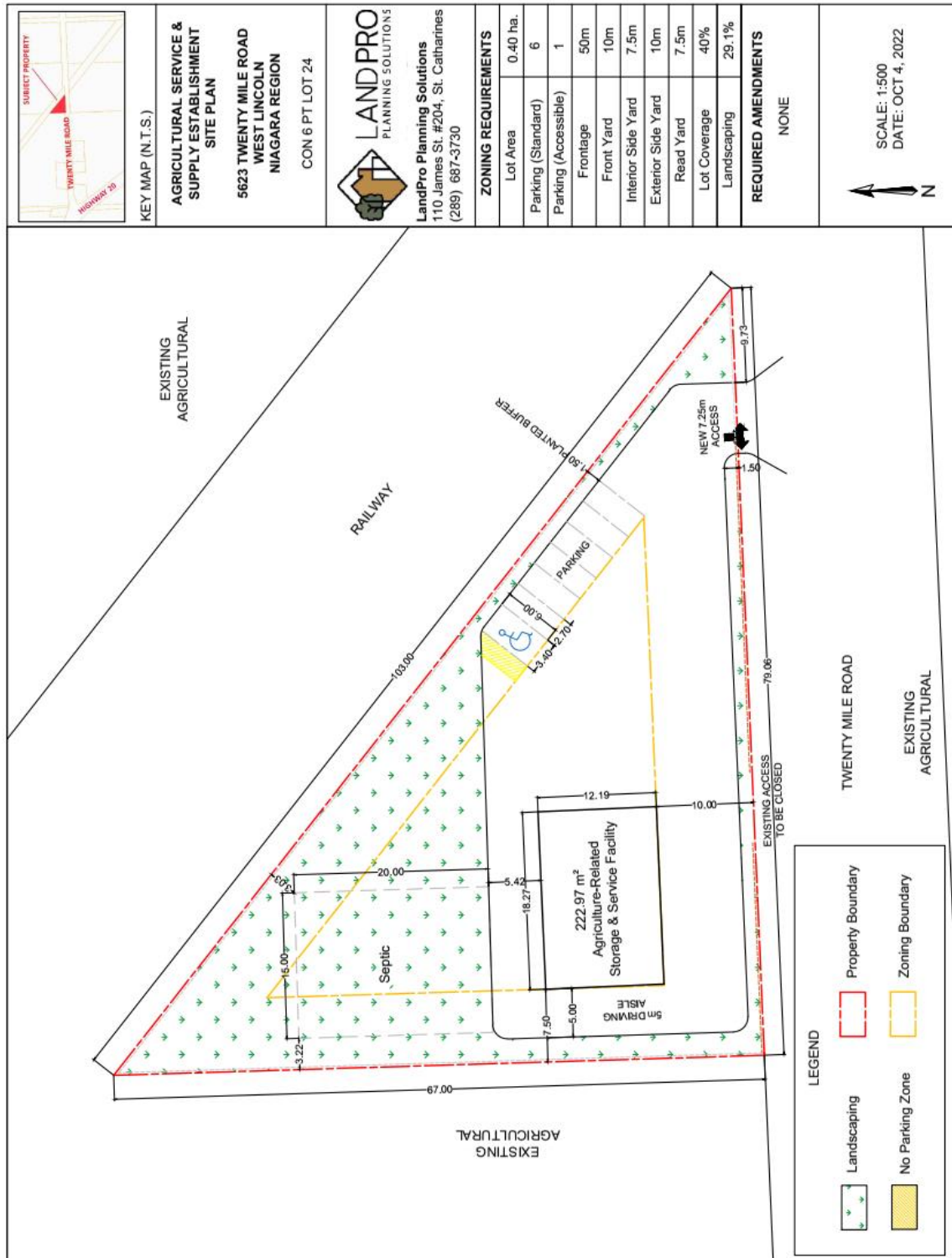
Steven Rivers

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

2023-02-24

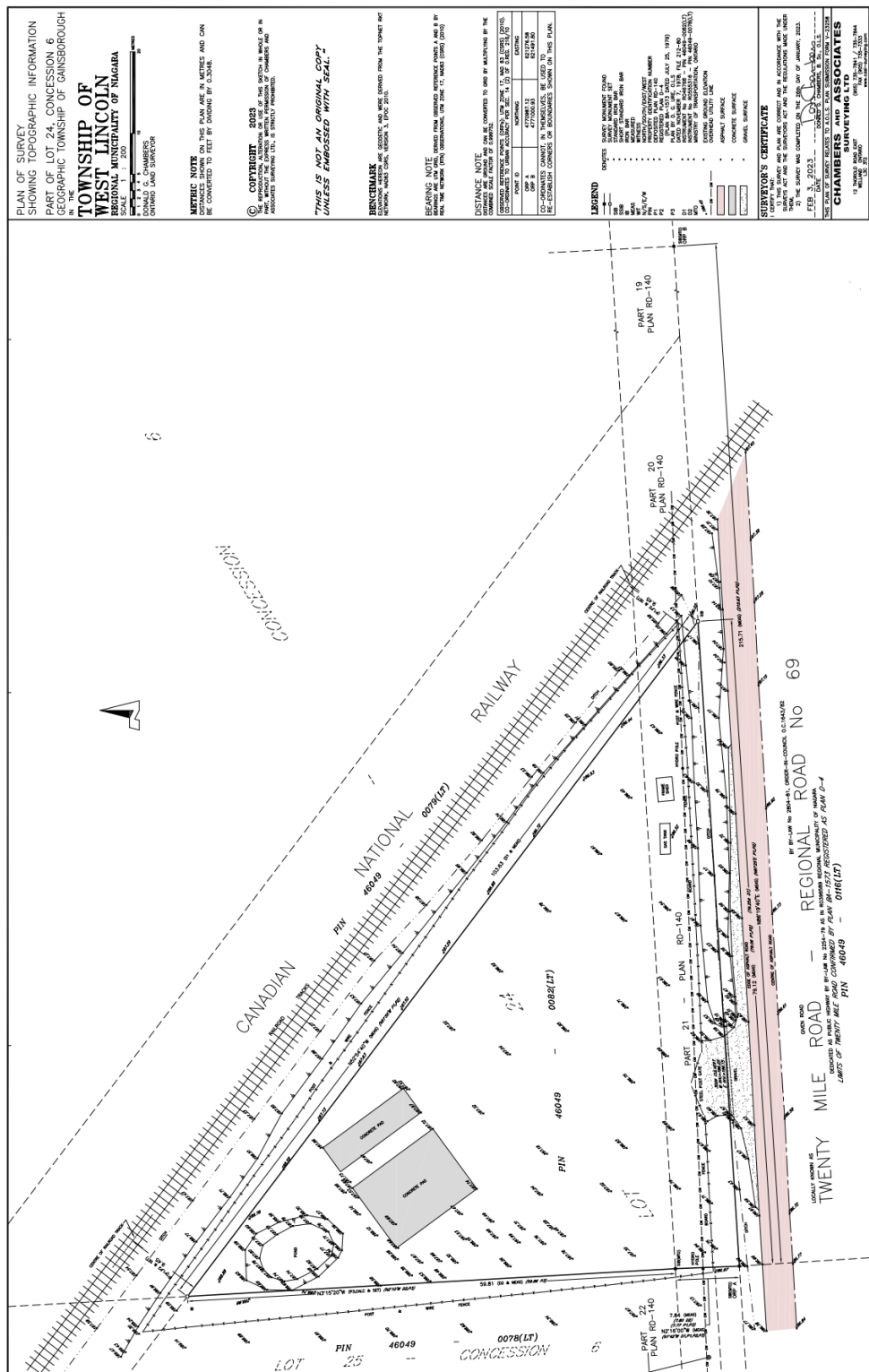
ANNEX 1

AGRICULTURAL SERVICE & SUPPLY ESTABLISHMENT SITE PLAN



ANNEX 2

DRAFT PLAN OF SURVEY



ANNEX 3
STORMWATER MANAGEMENT BRIEF AND DRAINAGE

UNDER A SEPARATE COVER

ANNEX 4
VIBRATION IMPACT STUDY

UNDER A SEPARATE COVER



Growth Strategy and Economic Development

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

Via Email Only

April 28, 2023

Region File: D.18.12.ZA-23-0040

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

Dear Ms. Dyson:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
Township File: 1601-011-23 ZBA
Owner: 9109072 Ontario Inc. (Raf Cervo)
Agent: South Coast Consulting
5623 Twenty Mile Road
Township of West Lincoln**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-noted Zoning By-law Amendment application for the property municipally known as 5623 Twenty Mile Road in the Township of West Lincoln. Regional staff received circulation of the application on April 11, 2023 with the associated review fees received April 12, 2023.

The application proposes to rezone a 0.27 hectare parcel of land from Agricultural 'A' zone to Agriculture-Related Use 'AR' zone in order to permit an agricultural service establishment that will sell farm tractor tires. A Site Plan application is also required.

A pre-consultation meeting was held on June 2, 2022 with the Agent, Township staff, and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist Council with their decision on the application.

Provincial and Regional Policies

The subject lands are located within the 'Prime Agricultural Area' under the *Provincial Policy Statement, 2020* ("PPS"), *A Place to Grow: Growth Plan for the Greater Golden*

Horseshoe, 2020 Consolidation ("Growth Plan"), and the *Niagara Official Plan, 2022* ("NOP").

An Agricultural System has been identified in which all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with Provincial standards. Within Prime Agricultural Areas, a full range of agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted. Proposed agriculture-related uses shall be compatible with, and shall not hinder surrounding agricultural operations. Agriculture-related uses are farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

NOP Policy 4.1.7.8 provides criteria that shall be considered when reviewing applications for proposed agriculture-related uses. Such policy includes whether the proposed activity is more appropriately located in a nearby settlement area or on rural lands; whether the use is required for or in close proximity to agricultural operations; the extent to which the use is compatible with existing and surrounding farming operations; whether the scale of the activity is appropriate to the site; whether the use maintains the character of the agricultural area; does not generate potentially conflicting off-site impacts; does not include a new residential use; is able to accommodate private water and private sewage treatment systems; does not require significant improvements to infrastructure; and complies with all other applicable provisions of the plan.

Regional staff has reviewed the *Preliminary Planning Policy Justification and Impact Analysis*, prepared by South Coast Consulting (dated February 24, 2023), which provides support for a proposed tractor tire sales and service agriculture-related use. The proposed use would consist of constructing an approximately 222.97 m² building on the property, which would be operated by 4 employees. Staff note that a finalized Planning report should be submitted to in support of the application. Staff also note that under 'Policy and Planning Analysis Summary' there is reference to a home occupation office use. Staff acknowledge this is likely an error, but should be corrected through the finalized report. Staff concur with the submitted report that the use of this undersized parcel in the agricultural area is appropriate for an agriculture-related use. The scale of the operation is limited due to the constraints of the parcel size and will be able to support surrounding agricultural operations. There is also no residential use proposed. As servicing is under the jurisdiction of the Township of West Lincoln, staff defer to Township staff with respect to the site being able to accommodate private water and private sewage treatment systems.

Land Use Compatibility

At the time of pre-consultation, Regional staff requested the submission of a Vibration Study given that the Canadian Pacific Railway abuts the subject land and recommended that CP Rail be circulated the proposal for comment.

Staff has reviewed the *Vibration Impact Study*, prepared by GHD (dated November 9, 2022). GHD conducted vibration measurements over a two day period, with the location for vibration measurements closest to the rail line (worst-case location). A total of 10 freight pass-by vibration measurements during the monitoring period were measured, which did not exceed the recommended vibration limits. Therefore, GHD concludes that vibration mitigation is not required for the development.

Archaeological Potential

The PPS and NOP state that development or site alteration is not permitted within areas of archaeological potential, unless archaeological resources have been conserved. At the time of pre-consultation, staff utilized the Province's Criteria for Evaluating Archaeological Potential, which determined there was low potential for the discovery of archaeological resources as the property was not within 300 m of registered archaeological sites or present natural watercourses. As such, no archaeological assessment requirements were requested by Regional staff.

With the approval of the new Niagara Official Plan on November 4, 2022, the subject land is mapped within Schedule K of the NOP as an area of archaeological potential. NOP Policy 6.4.2.6 requires the submission of a Stage 1 Archaeological Assessment (at minimum), completed by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential. As such, staff recommend the inclusion of standard archaeological warning clauses be included in the future Site Plan agreement should any resources be uncovered through construction works.

Regional Transportation

Regional staff has reviewed the Site Grading and Erosion & Sediment Control plan and note the following revisions, which will need to be address in the future Site Plan application submission drawings:

- The existing entrance is noted to be closed. The Region will require that the culvert be removed and the ditch and boulevard be reinstated in accordance with Regional Standards (<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>)
- Clarification is to be provided for the swale outlet. Staff require confirmation that the outlet will be on private property for both the east and west side and drain overland to the road side ditch.
- The applicant needs to ensure that a minimum 30 m clearance distance is met from the edge of the access to the nearest rail line, as set out by Transport Canada. Transport Canada minimum sight distance requirements also needs to be met for the proposed access as outlined in the Transport Canada Grade Crossing Standards.
- If the existing hydro pole is being moved out of the parking lot area, the entrance must be clear of hazards.

- Culvert on new entrance is to be determined at the time of permit, however material will be HDPE if the cover is less than 900 mm.
- Drawing is to clearly indicate if there is any proposed grading in the Regional Road. If there is grading proposed then cross sections at 10 m intervals are to be provided.
- Drainage for the parking lot is to be captured and outlet to an on-site system. Direct grading to the ditch is not supported as the parking area material can be changed therefore the stormwater management brief is to be updated to include the parking area. Confirmation that the Township's zoning does not require the area to be asphalt is required.
- Widening is to be shown on the plans to ensure all distances from the entrance to parking meet the TAC requirement for clear throat distance.

Regional Road Allowance

The subject property is situated along Regional Road 69 (Twenty Mile Road). This section of road does not meet the current required road allowance of 26.2 m. Therefore, in accordance with the NOP, Niagara Region will require a road widening of approximately 7.77 metres across the subject property frontage in order to meet the designated width of 13.1 metres from the original centreline of the Regional road allowance. Such allowance is to be granted gratuitously to the Region as part of the future Site Plan application for the subject property.

Regional Permit Requirements

A Regional Construction Encroachment and Entrance Permit is required prior to any construction within Regional Road Allowance. Should there be any signs within 20 m of the centerline of the Regional Road, a Regional Sign Permit would be required. In order to apply for a permit please visit the following link:

<https://www.niagararegion.ca/living/roads/permits/default.aspx>

All restoration is to be to Regional standards as noted at the following link:

<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Stormwater Management

The Niagara Region requires Twenty Mile Road (Regional Road 69) to not be negatively affected as a result of the proposed development. It is unclear from the submitted Site Plan whether the future parking, driving aisle, and areas associated with the building will be gravel or pavement. The stormwater management brief is to be updated to ensure the parking/driveway area material is clear. Regional staff will provide further comments at the Site Plan stage.

Waste Collection

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

- 8 Cart Maximum Blue/Grey Carts – Collected Weekly;
- 8 Cart Maximum Green Carts – Collected Weekly; and,
- 8 Garbage Bags/Cans – Collected Bi-Weekly.
- Curbside collection only.

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

Protection of Survey Evidence

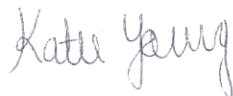
The applicant is advised that survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

Staff of the Regional Growth Strategy and Economic Development Department do not object to the proposed application to rezone the property to an agriculture-related use for the construction of an agricultural service establishment. Subject to the above comments, staff are satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional plans.

Should you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca. Please send a copy of the staff recommendation report and Notice of Council's Decision on this application.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Stephen Bureau, Development Approvals Technician, Niagara Region
Shradha Arun, Senior Planner, Township of West Lincoln

Shradha Arun

Subject: FW: 5623 Twenty Mile Road-Smithville-ZBA submission File No. 1600-011-23

From: Jennifer Bernard
Sent: April 19, 2023 4:05 PM
To: Shradha Arun <sarun@westlincoln.ca>
Subject: RE: 5623 Twenty Mile Road-Smithville-ZBA submission File No. 1600-011-23

Hi Shradha,

I don't have any concerns with the application. I don't believe this is the correct stage to provide this input but I would recommend they look into the distance provided from the proposed entrance to CP Rail's property to ensure it meets any required setbacks to the tracks. Since Twenty Mile Road is a Regional road, Regional staff will provide comment on the work in the right-of-way for the entrances and drainage to the roadside ditch.

Thanks,
Jenn

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

	<p>Jennifer Bernard, C.E.T.</p> <p>Coordinator, Engineering Services</p> <p>Tel: 905-957-3346 ext 6732 Email: jbernard@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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From: Shradha Arun <sarun@westlincoln.ca>
Sent: April 11, 2023 1:47 PM
To: ann-marie.norio@niagararegion.ca; Jennifer Bernard <jbernard@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Joanne Scime <jscime@westlincoln.ca>; Jessica Dyson <jdyson@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; cpproximity-ontario@cpr.ca; mr18enquiry@mpac.ca; Lisa Kasko-Young <lyoung@westlincoln.ca>; [REDACTED]; jim.sorley@npei.ca; Ray Vachon <rvachon@westlincoln.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; fredv@royallege.ca; westlincolnchamber@bellnet.ca; Jeni Fisher

<jfisher@westlincoln.ca>; lonnybomberry@sixnations.ca; dlaforme@sixnations.ca; tanyahill-montour@sixnations.ca; executivedirector@fenfc.org; executivedirector@nrnc.ca; clark.euale@ncdsb.com; Landuseplanning@hydoone.com; [REDACTED]; patbusnello@niagararegion.ca; Katie.Young@niagararegion.ca; 'Development Planning Applications' <devtplanningapplications@niagararegion.ca>; josie_tomei@cpr.ca; consultations@metisnation.org; tedc@metisnation.org; pontdj@hotmail.com; jocko@sixnationsns.com; hdi2@bellnet.ca; [REDACTED] fawn.sault@mncfn.ca; peter.epler@mncfn.ca

Cc: Gerrit Boerema <gboerema@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Brian Treble <btreble@westlincoln.ca>

Subject: FW: 5623 Twenty Mile Road-Smithville-ZBA submission File No. 1600-011-23

Hello All,

Please find attached the Zoning By-Law Amendment package for 5623 Twenty Mile Road located , owned by 9109072 Canada Inc.(Mr. Raf Cervo) in Smithville. File No. 1600-011-23 ZBA.

If you have any comments, please provide them to me by April 28th if possible.

If you have any questions please let me know.

Thanks,
Shradha

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

	<p>Shradha Arun</p> <p>Senior Planner</p> <p>Tel: (905) 957-3346 ext. 5126 Email: sarun@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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From: Ryan Anderson
Sent: April 29, 2023 10:44 AM
To: Jessica Dyson
Cc: Shradha Arun <sarun@westlincoln.ca>; Ryan Anderson <
Subject: Comments for 9109072 canada inc 1601-011-23 ZBA

Hey Jessica,

I have questions and possiblity concerns of the rezoning of this property which is next to me.

If somone would call or email me back that would be great.

My concerns are what new noise will be generated from this business, hours of operation, lighting, site plan, building size and traffic.

I would like to see the site plan and what proposed buildings will be added and depending on this information and concerns above will dictate if I have an issue with the rezoning or not and will determine if I need to speak at the meeting or not.

Currently I have an issue with the speed of traffic on this road. The 80km limit for a short distance from hwy 20 to the train tracks is dangerous and passing is allowed so depending on the business operation these safety issues could get worse. Also we have had cars go into our ditch and over our driveway where my kids wait for the bus due to no shoulder and high speed of traffic.

I need more info so please let me know how to get that or give me a call.

Thanks

Ryan Anderson

-----Original Message-----

From: Jessica Dyson
Sent: April 20, 2023 1:56 PM
To: 'pamela mataseje'
Subject: RE: Zoning Application concerns

Good afternoon Pamela,

Thank you for providing comments with respect to the Zoning By-law Amendment application for 9109072 Canada Inc. (File No. 1601-011-23).

Please be advised that your correspondence has been received and forwarded to the Planning Department for their consideration.

Warm regards,
Jessica

-----Original Message-----

From: pamela mataseje
Sent: April 20, 2023 11:45 AM
To: Jessica Dyson <jdyson@westlincoln.ca>
Subject: Zoning Application concerns

Hello Jessica

We are close neighbours
(100 meters) from the site on the Twenty Mile Creek Rd that the owner is applying for zoning change to sell farm tractor tires.

File # 9109072 Canada Inc.1601-011-23 ZBA The letter we received states the applicant wants a zoning change so they can sell farm tractor tires but we have learned from the town planner that they also are providing a service department which wasn't stated in the letter.

Our concerns are as follows:

- full disclosure would have added the service department to the letter not just the sale of tires -noise related to the use of air guns to install tires -increase in farm equipment traffic noise and fumes -will the hours of operation be 24/7

- concerns that this facility might effect our property value

We feel that this kind operation isn't well suited for a residential and farm community but more suited to the industrial park setting.

We would like our concerns brought forward at the town meeting and look forward to the answers to our concerns.

Please acknowledge that you have received this letter of concern.

Sincerely
Ernie and Pamela Mataseje

Sent from my iPhone

REPORT
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: May 8, 2023

REPORT NO: PD-27-2023

SUBJECT: **Technical Report – Proposed Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others)**

CONTACT: Dave Heyworth, Manager of Planning
Brian Treble, Director of Planning & Building

OVERVIEW:

- On October 25, 2022, the Minister of Municipal Affairs and Housing of Ontario introduced Bill 23, titled the More Homes Built Faster Act. The Province had stated that the intent of Bill 23 was to increase housing supply in the Province.
- This Bill moved quickly through Committee and ‘readings’ in the house and received Royal Assent on November 28th, 2022.
- The Bill proposed changes to the City of Toronto Act, the Municipal Act, the Conservation Authorities Act, the Development Charges Act, the Ontario Heritage Act, the Ontario Land Tribunal Act, and the Planning Act.
- Staff Report PD-82-2022 was brought to the December 12, 2022 Planning/Building/Environmental Committee to brief Committee and Council of the changes and potential impacts and addressed some changes associated with Bill 109, which significantly changes the planning process and will have significant impacts on the Township. This report can be found as Attachment 1 to this report.
- On March 6th, 2023, Planning Staff provided a memo and draft document of the proposed Official Plan Amendment (No. 65) to implement the Provincial changes caused by Bill 109, 23 and other applicable Bills.
- The proposed changes to the Township of West Lincoln Official Plan that implement the Provincial changes are all focused on “Section 18 – Implementation” of the Township of West Lincoln Official Plan. The draft document with the proposed changes can be found as Attachment 2 to this report.
- Notice of Public Meeting was published on the Township website and in Niagara this Week/Grimsby Lincoln News on Thursday April 13th, 2023. Notice was also circulated to applicable agencies as well as to local developers, Niagara Home Builders’ Association, the Land Owners Group and their representatives on Friday April 14th, 2023.
- At the time of writing this report zero public comments have been received and one agency comment from the Niagara Region has been received. These comments can be found at attachment 3 to this report.
- A Recommendation Report will be prepared by Township Staff following input from the public meeting and any agency comments, and will be presented at a future Planning/Building/Environmental Committee or Council Meeting.

RECOMMENDATION:

1. That, Technical Report PD-27-2023, regarding “Proposed Township Official Plan Amendment (No. 65) to Implement Provincial Changes (Bill 109, 23, and others)”, dated May 8, 2023, be RECEIVED; and,
2. That, a recommendation report be submitted to a future Planning/Building/Environmental Committee and Council meeting once a full staff and agency review has been completed.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- **Strategic Responsible Growth**

BACKGROUND:

In 2022, the Province of Ontario’s Ministry of Municipal Affairs and Housing released two pieces of legislations which had significant impacts on the planning process in Ontario and in the Township, and significant impact on the overall operations of the Township. Bill 109, the More Homes for Everyone Act received Royal Assent on April 14, 2022 and Bill 23, More Homes Built Faster Act received Royal Assent on November 28, 2022.

The Province has an ambitious objective to build 1.5 million new homes over the next 10 years in Ontario and to accomplish that they have proposed new legislation.

Planning Staff Report PD-082-2022 highlighted the impacts to the Township and summarized the changes that will have greatest impacts to West Lincoln. The previous report can be found as Attachment 1 to this report.

The full legislation can be found in the following link:

Bill 109 – More Homes for Everyone Act (see attached Staff report PD-80-2022)

Full Legislation: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-04/b109ra_e.pdf

Staff report PD-82-2022 also gave staff the authority 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 result in formal planning approval process being more streamlined. This is the approach that our policy changes are proposing.

Given the nature of the changes being proposed, staff provided a memo and draft amending document to Committee and Council on March 6th, 2023 so that an idea of the extensive changes was provided to Committee prior to public consultation.

CURRENT SITUATION:

Notice of Public Meeting was published on the Township website and in Niagara This Week/Grimsby Lincoln News on Thursday April 13th, 2023. Notice was also circulated to applicable agencies as well as to local developers, Niagara Home Builders’ Association, the Land Owners Group and their representatives on Friday April 14th, 2023.

Planning Staff further reviewed the proposed changes to the Official Plan after the memo was brought forward to the Planning/Building/Environmental Committee on March 6th, 2023. We will continue to review and improve until such time as a recommendation report is ready to be presented to Committee.

The proposed changes to the Township of West Lincoln Official Plan are being made within “Section 18 – Implementation” of the Official Plan. The below subsections and articles of Section 18 will be effected by the proposed changes:

- Conditional Zoning
- Site Plan Control
- Holding Zone
- Community Benefits Charges
- Pre Consultation/Complete Application
 - Pre Consultation
 - Complete Application Requirements
- Delegated Authority

One new subsection (18.25 Cost Sharing Policy) has been added to this draft OPA since the March 6, 2023 memo, as it relates to Land Owners Group cost recovery of the Urban Boundary Expansion study along with the authority for Development Charge credits and reimbursements at the time of future building permits. This section is subject to Township Legal Counsel review at this time.

The draft document with the proposed changes can be found as Attachment 2 to this report.

FINANCIAL IMPLICATIONS:

Bill 109 and Bill 23 both have significant financial implications as Bill 109 requires refunds of planning fees if decisions are not made on certain applications within certain timeframes, and potentially will increase legal costs as the number of appeals the Township receives may increase.

Further, Bill 23 significantly hampers the Township’s ability to pay for necessary growth related infrastructure projects through the increased number of residential units now exempted from Development Charges and as a result of the four-year phase in of development charges.

INTER-DEPARTMENTAL COMMENTS:

This report and draft OPA No. 65 have been circulated to the Township Finance, Public Works, Clerks and Fire Departments for information, as many of the changes made through Bill 109 and now Bill 23 will affect other Township Departments beyond the Planning Department.

PUBLIC COMMENTS:

At the time of writing this report, zero public comments have been received. One agency comment from the Niagara Region has been received.

Within this written comment, the Niagara Region stated that they recognize the importance of implementing these policies in a timely fashion and has determined OPA 65 to be exempt from Regional Council approval in accordance with the Memorandum of Understanding and policies 7.4.1.6 and 7.4.1.7 of the NOP. The comments from the Niagara Region in their entirety can be found as Attachment 3 to this report.

CONCLUSION:

Planning Staff are recommending that a future recommendation report be prepared and presented at an upcoming Planning/Building/Environmental Committee meeting or Council meeting once all agency and public comments have been received and reviewed.

ATTACHMENTS:

1. Staff Report PD-082-2022
2. Draft Official Plan Amendment No. 65
3. Agency Comment – Niagara Region

Prepared & Submitted by:

Approved by:



Dave Heyworth
Manager of Planning



Bev Hendry
CAO



Brian Treble
Director of Planning & Building



REPORT

PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: December 12, 2022

REPORT NO: PD-82-2022

SUBJECT: **Recommendation Report – More Homes Built Faster Act – Bill 23 and Update to Bill 109 – More Homes for Everyone Act**

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

OVERVIEW:

- On October 25, 2022, the Minister of Municipal Affairs and Housing of Ontario introduced Bill 23, titled the More Homes Built Faster Act.
- This Bill has moved quickly through Committee and readings and has received Royal Assent on November 28th, 2022, although portions of the Bill have not yet been enacted.
- The Province has stated that the intent of Bill 23 is to increase housing supply in the Province.
- The Bill has proposed changes to the City of Toronto Act, the Municipal Act, the Conservation Authorities Act, the Development Charges Act, the Ontario Heritage Act, the Ontario Land Tribunal Act, and the Planning Act.
- This report is only intended to be a brief summary of the changes and potential impacts and Township considerations as this Bill is implemented.
- Staff are still learning about this Bill as it is unpacked.
- This report also addresses some changes associated with Bill 109, which received Royal Assent earlier this year.
- The changes that have been given Royal Assent in Bill 109 and Bill 23 significantly changes the planning process and will have significant impacts on the Township.
- In addition to providing this information, staff are recommending that staff be authorized to start an Official Plan Amendment process to amend sections of the Township Official Plan in response to Bill 109 and Bill 23.

RECOMMENDATION:

1. That, Recommendation Report PD-82-2022, regarding “More Homes Built Faster Act – Bill 23 and Update to Bill 109 – More Homes for Everyone Act”, dated December 12, 2022, be RECEIVED; and,
2. That, Planning Staff be authorized to commence an Official Plan Amendment to propose amendments to the Township’s Official Plan in response to Bill 109 and Bill 23. A draft of this amendment will be prepared and provided to Committee in advance of Public Notice.

ALIGNMENT TO STRATEGIC PLAN:**Theme #3 & #6**

- **Strategic, Responsible Growth** - Welcoming new residents and businesses and respecting the heritage and rural identity that people value.
- **Efficient, Fiscally Responsible Operations** - the Township of West Lincoln is a lean organization that uses sustainable, innovative approaches and partnerships to streamline processes, deliver services and manage infrastructure assets.

BACKGROUND:

In the last year, the Province of Ontario Ministry of Municipal Affairs and Housing has released two pieces of legislations which have significant impacts on the planning process in Ontario and in the Township, and impact the overall operations of the Township. Bill 109, the More Homes for Everyone Act received Royal Assent on April 14, 2022 and Bill 23, More Homes Built Faster Act has received Royal Assent on November 28, 2022.

The Province has an ambitious objective to build 1.5 million new homes over the next 10 years in Ontario and to accomplish that they have proposed new legislation.

For the sake of having a concise report that highlights the impacts to the Township, a summary of the changes that have greatest impacts to West Lincoln can be found below. The full legislation can be found in the following links.

Bill 109 – More Homes for Everyone Act (see attached Staff report PD-80-2022)

Full Legislation: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-04/b109ra_e.pdf :

Planning Act***Refund of Fees***

Bill 109 will require municipalities to provide refunds for zoning bylaw amendment and site plan application fees where no decision is made during the statutory timeframe as of July 1st, 2023 (formerly January 1st, 2023). The statutory timelines and associated refunds can be found in the table below:

	No Refund	50% Refund	75% refund	100% Refund
ZBA	Decision made within 90 days	Decision made within 91 and 149 days	Decision made within 150 and 209 days	Decision made 210 days or later
OPA/ZBA	Decision made within 120 days	Decision made within 121 and 179 days	Decision made within 180 and 239 days	Decision made 240 days or later
SP	Decision made within 60 days	Decision made within 61 and 89 days	Decision made within 90 and 119 days	Decision made 120 days or later

Currently, the typical zoning amendment process in West Lincoln takes a minimum of 3 months. This includes a 20-30 day circulation and public commenting period, holding of a public meeting, and presentation of recommendation report the following month if there are no major issues. In most cases there are issues that need to be addressed prior to a recommendation being prepared, which can add several months to the approval process. In order to meet the time frames and avoid fee refunds for Zoning By-Law Amendments (ZBA) and Official Plan Amendments (OPA), staff will have to present a recommendation report at the same Committee or Council meeting that a public meeting is held. Additionally, staff may potentially have to recommend holding provisions or denial of applications, as the time frames do not give opportunity for negotiation and revision to applications.

Site Plan (SP) approval will have to impose more conditions, such as engineering review, which is currently done prior to approval, but now will need to be completed following site plan approval. Staff are still consulting with other municipalities and a consultant on how to deal with Site Plan Approval. Another component is the need to address concerns and clear complete submission requirements during the pre-consultation process.

Regional Planning Staff, local municipal area planners and a planning consultant have been working on strategies of how to improve planning act timelines for application as to be compliant with Bill 109.

Site Plan Delegation

Bill 109 has Required that site plan control decisions be delegated to staff as of July 1st, 2022. Council has delegated full site plan approval authority to the Director of Planning or Designate in October, 2022, and authority to enter into site plan agreements.

Conditions of Draft Plan Approval

Bill 109 creates the framework for the establishment of a regulation-making authority to determine what cannot be required as a condition of draft plan approval. The regulations not yet released, but will most likely impact what Conditions the Township can impose on developers as part of draft plan of subdivision approval.

Community Benefit Charge Bylaws

Bill 109 also has established a review process for community benefit charge (CBC) bylaws. CBC's are a new tool in the Planning Act which replaces the former Section 37 of the Planning Act, Height and Density Bonusing. This is to help cover municipal costs for higher density in communities. The Township has not yet based a Community Benefit Charge Bylaw.

Minister Powers

Bill 109 has also given more powers to the Minister of Municipal Affairs and Housing regarding certain official Plan amendments and new official plans and empowering the Minister to make regulations for the use of surety bonds as security for conditions imposed by a municipality on planning approvals.

Bill 23 - More Homes Built Faster Act

Full Legislation: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-11/b023ra_e.pdf

Planning Act***Third Party Appeals***

Bill 23 has made changes to third party appeals. Initially Bill 23 proposed an absolute restriction on third-party appeals to the Ontario Land Tribunal. An example of a third party appeal would be an appeal lodged by someone other than the applicant and the approval authority. Under the final legislation that has received royal assent, third party appeals will still be permitted for official plan amendments and zoning bylaw amendments, however, for minor variances and consents, third party appeals rights will continue to be limited to the Minister, a 'specified person' and public bodies with interest in the matter. Specified person only includes certain utility companies, telecommunication providers and railways within 300 metres of the subject lands to which the application has been applied. Most members of the public and even the Region and NPCA would no longer be permitted to appeal certain decisions from Township Committee of Adjustment as a Third party.

Removal of 2-year prohibition

The Province has repealed a provision that allowed the Municipalities to prohibit OPAs, ZBAs and minor variance within two years of the plan or bylaw coming into effect. The Township waived all 2 year prohibitions when passing the Township's Zoning Bylaw.

Removal of Planning Responsibilities

The Planning Act has been amended to provide two different classes of upper-tier municipalities; those that have planning responsibilities and those that do not. New regulations have been made to provide lower-tier municipalities with more planning functions. A transitional section to the planning act will be provided (Section 70.13). This is one of the more significant changes to the Planning Act and how the Township will process planning applications. The Region of Niagara will no longer be involved in the Planning Act approval process for lower tier municipalities Official Plans, Official Plan Amendments and Plans of Subdivision. The Township currently relies on Regional Planning Staff expertise specifically regarding environmental and archaeological policy. The Township will need to explore how environmental policy will be reviewed in house under Bill 23.

Site Plan Control

Bill 23 now exempts housing developments with 10 or less units (with exception of land lease communities) from site plan approval. Additionally, exterior design is no longer a matter of site plan control. The Township believes that there will be other opportunities, such as development agreements, that can still be imposed to provide some regulations over the development, such as municipal servicing. The Township will not be able to implement exterior design within site plan approval or agreements.

Parkland Requirements

The Province is proposing additional reductions to the amount of land the municipality can require as part of park land dedication, as well as have exempted affordable and attainable residential units from parkland requirements. Municipalities will also be required to spend a minimum of 60 per cent of their cash-in-lieu of parkland account every year. Currently the Township has a parkland dedication bylaw that requires a flat rate of 5% of the land for parkland dedication purposes, or 5% cash in lieu of parkland dedication.

Gentle Density

On an urban residential lot zone for a single home, the bill would allow for up to three residential units to be created as-of-right without a zoning by-law amendment. Development would be exempt from parkland requirements and development charges, as well as other municipal requirements such as parking. *Many areas within Smithville are zoned to only permit a single detached residential dwelling and up to one additional secondary unit. This would allow for an additional secondary unit to be on the property. This has potential ramifications in Smithville Relating to the provision of parking with the potential to further increase on street parking issues.* This would also impact servicing capacity and may limit the ability for typical infill or redevelopment opportunities.

Draft Plan of Subdivisions

Bill 23 has removed the mandatory public meeting requirement for a draft plan of subdivision. Municipalities can now choose to hold a public meeting in advance of making a decision. Township Planning Staff will continue to hold public meetings for subdivisions as staff believe it is an important part of the public consultation process, and typically are combined with the statutory public meeting for a related zoning bylaw amendment as well.

Development Charges Act, 1997

New sections are proposed to be added to the Development Charges Act exempting the following units from development charges:

1. Affordable residential units and attainable residential units

Affordable and attainable are both being defined in the Act. In summary, an affordable unit is one that is priced (or rented) at no greater than 80% of the average purchase price (Province to create a bulletin to provide the average purchase price). This will have major implications on the ability for the Township to collect development charges. As an example, in an area where the average home price is \$1,000,000, a house priced at \$800,000 would be deemed affordable. The average sale price for homes in 2021 in Smithville was nearly \$800,000.00. Eighty per cent of that number is \$640,000.

It is not yet clear what an Attainable residential unit will be, as prescribed information has not yet been provided, but this would further limit the Township's ability to collect development charges to pay for growth.

2. Non-profit housing developments

There are additional exemptions are for non-profit housing and inclusionary zoning residential units.

3. Inclusionary zoning residential units

Inclusionary zoning is a regulatory tool that allows municipalities to require affordable housing units in new residential developments. Inclusionary zoning has been around for a number of years, and at one point every municipality in Ontario was able to adopt inclusionary zoning regulations, however, currently inclusionary zoning is only permitted within Major Transit Station Areas, and does not have an immediate impact to the Township.

Extension of Development Charge Bylaws

Under the current regulations, DCB's expires after 5 years, however, the Province is proposing to increase this to 10 years.

Reduction in DC Following an Enactment of a DCB

Currently, when a development charge is passed by the Township, the full new development charge is applied on a new dwelling for example. Bill 23 will now require that Development charges be reduced in the first four years of implementation after a new bylaw is passed:

- Year 1 – DC no more than 80%
- Year 2 – DC no more than 85%
- Year 3 – DC no more than 90%
- Year 4 – DC no more than 95%
- Year 5 -10 – 100%

These reductions apply retroactively to DC bylaw passed on or after January 1, 2022, unless a building permit for the development was already issued prior to the day Bill 23 received Royal Assent (November 28, 2022).

The proposed changes to the application of development charges and the phasing in of Development charges will have a significant impact on the ability for the Township to pay for infrastructure related to growth. The mantra has always been that 'Growth pays for Growth', however, under Bill 23, necessary infrastructure costs in relation to growth will most likely need to be covered by the tax base.

Proposed Amendments to the Greenbelt Plan and Oak Ridges Moraine Conservation Plan

The Province has approved the removal of 7,400 acres from the greenbelt area to accommodate 50,000 new homes, and has added 7,400 acres of Urban River Valley Areas to the Greenbelt in Addition to 2,000 acres from the Paris Galt Moraine lands. Approvals would be required by the end of 2023 and construction by 2025 or the lands would be returned to Greenbelt. The Township has approximately 400 hectares of lands within the Greenbelt, north of Young Street which remain unchanged.

Ontario Land Tribunal Act

The amendments to the Ontario Land Tribunal Act mostly deal with process related matters but does also provide additional language to the statute to clarify that the Tribunal has the power to order an unsuccessful party to pay a successful party's costs. In addition, appeals dealing with housing projects will be given scheduling priority.

Conservation Authorities Act

Bill 23 also has made significant changes to the role of the conservation authorities through the removal of ability to review and comment on development Applications. All 34 of the Province's Conservation Authorities would be subject to new limits on what they are permitted to comment on – primarily flooding and other natural hazards). The Ministry now has power to override a Conservation Authority on such matters as required fees, permits, and conditions, and permit development in hazard lands, wetlands, river or stream valleys etc. The Bill also removes the Conservation Authorities ability to comment on planning application outside of their core mandate of natural and flood hazard protection. Currently most planning applications are circulated to the Niagara Peninsula Conservation Authority and the Region of Niagara for review relating to the environment. Under Bill 23, many of these responsibilities will now be with the Township.

Ontario Heritage Act

Bill 23 has now required that municipalities can only have properties on the Ontario Heritage Register for a period of up to two years. Should the property not proceed to full designation, the property will be removed from the register and cannot be listed again within 5 years. Council further cannot designate a property that is not on the heritage register within 90 days of the initiation of an Official Plan Amendment, Zoning bylaw amendment or plan of subdivision application on a property.

FINANCIAL IMPLICATIONS:

Bill 109 and Bill 23 both have significant financial implications as Bill 109 requires refunds of planning fees if decisions are not made on certain applications within certain timeframes, and potentially will increase legal costs as the number of appeals the Township receives may increase.

Further, Bill 23 significantly hampers the Township's ability to pay for necessary growth related infrastructure projects through the increased number of residential units now exempted from Development Charges and as a result of the four year phase in of development charges.

INTER-DEPARTMENTAL COMMENTS:

This report has been circulated to the Township Finance, Public Works, Clerks and Fire Departments for information, as many of the changes made through Bill 109 and now Bill 23 will go beyond the Township Planning Department.

CONCLUSION:

Bill 109 and Bill 23 have significantly changed the Planning and Development process in Ontario in order to facilitate the construction of more housing. Township Staff are working on streamlining development approvals to meet the requirements set out in Bill 109, such as the delegation of site plan approval to Planning Staff, and are working on strategies to deal with the more recent changes in Bill 23.

Planning Staff are recommending that an Official Plan Amendment process be started to address the new regulations, including updating Section 18 of the Official Plan which outlines the requirements for complete applications. A draft of this Official Plan Amendment will be provided to Committee and Council prior to issuance of the public notice.

Staff continue to understand Bill 23 as additional regulations and timelines are released to understand the impact on the Township and how to adapt the planning and development review process to meet the new Provincial expectations.

ATTACHMENTS:

1. Bill 109 Staff Report – PD-80-2022

Prepared & Submitted by:

Gerrit Boerema, MCIP RPP
Senior Planner

Approved by:

Bev Hendry
CAO



Brian Treble, MCIP RPP
Director of Planning & Building



REPORT

PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE

DATE: September 12, 2022

REPORT NO: PD-80-2022

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

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

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

RECOMMENDATION:

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

ALIGNMENT TO STRATEGIC PLAN:**Theme #3 and #6**

- Strategic, Responsible Growth
- Efficient, Fiscally Responsible Operations

BACKGROUND:

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

CURRENT SITUATION:

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

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

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

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

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

FINANCIAL IMPLICATIONS:

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

INTER-DEPARTMENTAL COMMENTS:

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

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

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

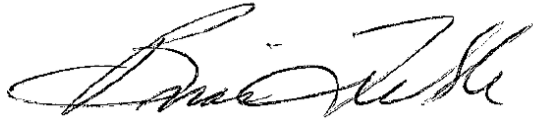
CONCLUSION:

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

ATTACHMENTS:

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

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2022-XX

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

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

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

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

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

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

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

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

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

DAVE BYLSMA, MAYOR

JOANNE SCIME, CLERK

DRAFT AMENDMENT TO ADDRESS PROVINCIAL CHANGES
INCLUDING BILL 109 AND BILL 23
(NOT TO BE CONSIDERED A COMPLETE CONFORMITY EXERCISE)

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 18.15 of this Plan, to amend the Zoning Bylaw 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 shall be fulfilled subsequent to approval of the amendment and must be fulfilled prior to the issuance of a building permit for development. Conditions that shall 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 shall 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 buildings or structures erected for the purpose of flood or erosion control by the Township or Niagara Peninsula Conservation Authority.
 - iv Any buildings or structures exempted under the Planning Act.
 - v Any buildings or structures 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 (50 metres or less) 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 in accordance with Regional policy including for daylight triangles.

- 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 and daylight triangles where applicable. .
 - 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 NPCA for regulated (under the Conservation Authority Act) NPCA hazards only.
 - d) 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, waterlines or other

necessary infrastructure work.

- 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 including block plan submissions. Correspondingly, the removal of the holding provision is conditional upon the following:
 - a. 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.
 - b. The necessary approvals have been obtained to facilitate the logical progression of sanitary sewers and waterlines.
 - c. 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.
 - d. 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 will 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 a qualified 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 a 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 of 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, site plan control or block plan approval. 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; prior to formal application:

Stage 1 – Pre-Consultation

Identifying the studies, information to support an application, issues to be endorsed for clarification of the application 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.

Stage 3 – Complete Application

This is point at which time clock begins.

- 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:

- i 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.
 - ii A secondary plan or other plan deemed acceptable by the Director of Planning and Building, to determine how a development may integrate into surrounding lands that may be subject to development or redevelopment.
 - iii A needs study for residential proposals for development within a local and Regional context.
- b) 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.
- c) A hydrology, hydrogeology and/or sub-watershed study to determine to address any impacts on an aquatic natural heritage system, including groundwater.
- d) A private well assessment and well monitoring report to evaluate impacts on private wells or water supply systems.
- e) An environmental impact study subject to environmental policy of this plan or Niagara Region Official Plan 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)

Information Requirement	Application/Development Scenario
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 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 Township's Official Plan, including its vision, goals, objectives, and policies;
 - ii. a Draft Plan of Subdivision is not required in accordance with the Township'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."

18.25 Cost Sharing Policy

The 2022 Master Community Plan was prepared with the financial assistance of land owners who participated in a land owners front ending agreement to pay for professional subwatershed, servicing and other

professional studies as part of a comprehensive master community plan. Other non-participating land owners have benefited from this work, without front ending expenses, and will now be subject to the following commitments:

- (a) Non participating land owners shall be required, as a condition of any approval for development of benefitting lands, to provide written confirmation from the Land Owner's Group Trustee that they have joined the cost sharing group formed or to be formed by the Participating Owners and is a member in good standing, and
- (b) The Township shall require as a condition of approval of any development, including but not limited to release for plan registration, site plan approval, or building permit issuance, that the applicable Participating Owner provide written notice from the Trustee confirming that such Participating Owner is in good standing (vis-à-vis the Trustee) with the terms of this Agreement."

Hello Jeni,

Regional staff has reviewed the Township-initiated Official Plan Amendment No. 65 as it relates to Section 18 '*Implementation*' policies of the Township's Official Plan (Region File: OPA-23-0022). The OPA has been proposed to address procedural changes needed in order to address timeline and other changes resulting from Bill 109, Bill 23, and other related bills. The amendment is written to streamline planning approvals, address the limitation on the ability to impose urban design control, changes to appeal rights, and other related policy amendments. The following feedback is offered for consideration from a Provincial and Regional review perspective to assist Township staff and Council:

- Staff suggest adjusting the reference to the "Regional Niagara Policy Plan", used a few times throughout the document, to state either "the Region's Niagara Official Plan" or "the Region of Niagara Official Plan".
- **18.6 d)** Proposed change to Site Plan control appears to limit circulation of site plans to the Region only where development is proposed on Regional roads or adjacent to other Regional lands/facilities. Regional staff may require circulation of Site Plans that are not along Regional Roads to address matters of land use compatibility, cultural heritage and archaeology, natural heritage and water resources, etc. This policy may be premature until such time as all proposed changes from Bill 23 are proclaimed.
- **18.17.1 Pre-consultation d):** Consider calling Stage 2 the Pre-Submission Stage in order to eliminate any confusion with Stage 3: Complete Application. Consider clarifying the expectations on the timing and identification of the need for a Third-Party Peer Review of supporting materials (i.e., The need for a Peer-Review is to be identified within 'xx' days).
- **18.17.2 e) Complete Application Requirements:** Staff suggest the following wording revisions to this sub-policy. An environmental impact study subject to environmental policy of this plan or **Region's Niagara Official Plan** for proposals located on or adjacent to:
 - I. ~~Lands containing natural heritage features;~~ **any natural heritage features within the Townships Official Plan;**
 - II. ~~Lands within 120 m of a Provincially Significant Wetland or a Wetland regulated by the NPCA which is greater than 2 ha, 50 m 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.~~ **any lands located within or adjacent to the Region's Natural Environment System.**

Note: Adjacent lands are identified in Section **XX of the Township Official Plan or for features only identified in the Region's Niagara Official Plan in Chapter 3 of the Niagara Official Plan**

- **18.25 Cost Sharing Policy:** the Township through the cost sharing agreement should define Benefitting Owners and Benefitting Lands in addition to Participating Owners. All lands that benefit from the services and studies being front end financed by the landowners group should be clearly identified on a map for the MCP, in addition to those lands owned by Participating Owners.
- **18.25 a):** Suggestion that item (a) be revised to read: **(a) Benefitting Owners who are not participating in the front ending agreement** ~~Non-participating land owners~~ shall be required, as a condition of any approval for development of benefitting lands, to provide written confirmation from the Land Owner's Group Trustee that they have joined the cost sharing group formed or to be formed by the Participating Owners and is a member in good standing, and....

In recognizing the importance of implementing these policies in a timely manner to maintain an effective and efficient development review and approval process, the Region has determined OPA 65 to be exempt from Regional Council approval in accordance with the Memorandum of Understanding and policies 7.4.1.6 and 7.4.1.7 of the NOP.

Should you have any questions, please contact the undersigned, or Pat Busnello, Manager of Development Planning (Pat.Busnello@niagararegion.ca) at your convenience.

Kind regards,

Katie Young, MSc (PI), MCIP, RPP

Development Planner

Development Planning

Growth Strategy and Economic Development

Niagara Region | 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

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DATE: May 8, 2023

REPORT NO: PD-23-2023

SUBJECT: **Information Report – Site Plan and Development Agreement Approval Update**

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

OVERVIEW:

- In September of 2022 Township Council delegated site plan approval and the signing of site plan agreements to the Director of Planning & Building or designate.
- In December of 2022 Township Council additionally delegated generic development agreements, including subdivision agreements and development agreements related to consent, to the Director of Planning & Building or designate.
- Planning Staff gave the commitment to provide regular updates on site plan and development agreement approvals to Council.
- This report highlights the site plan and development applications that have been approved since delegation, and applications currently being processes.

RECOMMENDATION:

That Information Report, PD-23-2023, regarding “Site Plan and Development Agreement Approval Update,” dated May 8, 2023, be received for information purposes.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3 & #6

- Strategic Responsible Growth
- Efficient, Fiscally Responsible Operations

BACKGROUND:

In early 2022 the Province approved Bill 109, *The More Homes for Everyone Act, 2022*, which was one of many bills enacting significant changes to the Planning Act and the Planning process. Bill 109 was intended to speed up the planning and development approvals process by putting in place punitive measures for municipalities that do not approve applications within a required time frame for site plan, Official Plan Amendments and Zoning By-law Amendment applications. An additional requirement of Bill 109 was to require that all municipalities by July 1st, 2022, delegate site plan approval authority to staff.

In September site plan approval authority, and the authority to enter into site plan agreements was delegated to staff with the commitment that staff would regularly report back to Council on the applications approved and submitted. In December, Council additionally delegated additional development approval authority to staff including subdivision agreements, condominium agreements and development agreements under the Planning Act relating to consent and minor variances.

CURRENT SITUATION:

Since site plan and development agreement approval was delegated to staff, three site plan applications and two development agreements have been approved. The table below shows agreements from 2021 to current, including site plans that were submitted and reviewed prior to delegation.

Green – Approved and Agreement Signed

Yellow – Approved but agreement not yet signed and/or securities not collected

Red – Within approval process

D – Delegated approval

File Name & Number	Location	Description
Domaine Queulus 2100-014-21	3651 Sixteen Road	Addition to winery.
D - Giro Estates 2100-015-21DEG	St. Anns	Development agreement for hamlet residential development
DeHaan Homes 2100-016-21	St. Catharines St.	Site Plan for Crossings North Condominium
CAIRN School 2100-017-21	6470 Townline Rd	Addition to School
Bristol Motors 2100-019-21	7484 RR 20	Amendment to site plan for fencing and other site works
Schilstra 2100-020-21	113 Griffin St	Site Plan for new residential/Commercial redevelopment
Poliquin 2100-021-21	1486 Boyle Rd	Amendment for Commercial Welding property
Carlton 2100-022-21	6696 Canborough Rd	Yurt/On Farm Diversified Use
Merritt 2100-001-22	Twenty Road	Agreement for Garden Suite
Marz Homes 2100-002-22	RR 20/S.G. Rd 5	Temporary Sales Trailer
AJ Clarke 2100-003-22	Industrial Park Rd	Temporary Industrial Site
Township WL 2100-004-22	8635 Silver Street	New Fire Hall
Big Country Raw 2100-005-22	6159 Spring Creek Rd	Site Plan for building addition

File Name & Number	Location	Description
D - West Niagara Agricultural Society 2100-006-22	7402 Mud St.	Site Plan Amendment to allow construction of new pavilion
D - Stanpac 2100-007-22	2790 Thompson Rd	Site Plan Amendment to allow for a 3,558 sq. m. addition
2373744 Ontario Inc. 2100-008-22	9006 RR 20	New Gas Station
Global West Realty 2100-009-22	2173 RR 20	New Gas Station
D - McMillian 2100-010-22DVG	5274 Canborough Rd	Development Agreement for new lot
D - Oosterhof 2100-011-22	1150 Wellandport Rd	Additions to abattoir and butcher shop
AJ Clarke 2100-001-23	Industrial Park Rd	New Industrial Development
LeBlanc 2100-002-23	218 St. Catharines St.	New Auto shop building

Red, or the within approval process category covers a variety of situations including where the Township is waiting on an additional site plan submission to address issues or deficiencies with the original site plan submission.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report; however, as a result of Bill 109, which was given royal assent in 2022, site plan applications not approved within the required timeline, submitted after July 1st, 2023, will require the municipality to provide a refund of a portion or all of the application fee.

	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 approved 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 90 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

Site Plan applications specifically will need to be approved within 60 days of complete application to avoid any refund of fees. The current site plan approval fee is \$8,470.00 where a new agreement is needed, and \$3,420.00 where a new agreement is not required.

Proposed legislation in Bill 97 clarifies that application fee refunds only apply to applications received on or after July 1st, 2023 and not to applications submitted prior to that date.

INTER-DEPARTMENTAL COMMENTS:

Site Plan and Development Agreement applications are circulated to internal departments including Building, Septic and Fire for comment and review. Site plan and development agreements are not approved until all agency and departments have provided their sign off.

CONCLUSION:

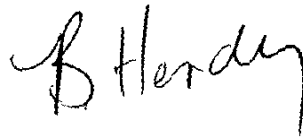
Since site plan and development agreement approvals have been delegated to staff in late 2022, three site plan applications have been approved and two development agreements approved by the Director of Planning & Building. The delegated process removes the additional task of writing recommendation reports for each site plan and has streamlined the site plan review and approvals process which will help reach required approval timelines set out in the Planning Act.

Prepared & Submitted by:



Gerrit Boerema, MCIP, RPP
Senior Planner

Approved by:



Bev Hendry
CAO



Dave Heyworth, MCIP, RPP
Manager of Planning



Brian Treble,
Director of Planning & Building

DATE: May 8, 2023

REPORT NO: PD-24-2023

SUBJECT: **Recommendation Report**
Review of Secondary Unit Policies and Regulations

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

OVERVIEW:

- In 2014 Township Council approved Official Plan Amendment No. 44 and an implementing zoning bylaw amendment which permitted secondary units on lots containing a single detached or semi-detached dwelling.
- Since that time, there have been significant changes to the Planning Act and Provincial Policy as well as a growing trend to build more secondary units within the Township.
- Bill 23, which received Royal Assent in 2022 now allows up to three dwelling units on an urban lot as of right. There are further Provincial Policy changes proposed for the agricultural and rural areas which would increase the number of units to help the Province achieve its ambitious goal of building 1.5 million new homes by 2031.
- Recent proposals for secondary units have put the existing policy and zoning regulations to the test, specifically with respect to private servicing and maximum unit size.
- Planning staff are recommending that an in-house comprehensive review of the Township's existing Official Plan policies and zoning regulations be undertaken, and are requesting authority to initiate an Official Plan Amendment (if required) and a Zoning Bylaw Amendment process to facilitate any proposed changes.

RECOMMENDATION:

1. That, Recommendation Report PD-24-2023 regarding, "Review of Secondary Unit Policies and Regulations," dated May 8, 2023, BE RECEIVED; and,
2. That Staff be authorized to commence a review of the Township's secondary unit policies and regulations and initiate an Official Plan Amendment and/or Zoning Bylaw Amendment process if required to implement any proposed changes.

ALIGNMENT TO STRATEGIC PLAN:

Theme #3

- Strategic Responsible Growth

BACKGROUND:

In 2014, the Township introduced its first official plan policy and zoning regulations allowing secondary units on most lots within the Township. This was in response to new Provincial Legislation at the time, Bill 140, which required municipalities to allow secondary units on lots as of right. Since 2014, the official plan policy has remained the same, while the zoning bylaw regulations regarding secondary units have undergone a number of small changes.

The Township Official Plan currently permits one secondary unit within or attached to a single detached or semi-detached unit, and within accessory buildings on both municipally serviced and privately serviced lots.

The Township's Zoning Bylaw provides detailed regulations on secondary units within Part 3 of the Bylaw. Secondary units are subject to a number of regulations with respect to size, location, servicing, urban design, parking, driveway access and height.

Over the last year there have been a number of Provincial Planning Act changes including Bill 23, which has provided greater as of right permission for secondary units, including allowing up to three dwelling units on one lot within an urban area, with limited ability to impose parking and minimum unit size requirements.

In addition to Provincial changes, staff have received considerable push back against some of the zoning regulations for secondary units, which has triggered staff to review other municipality's secondary unit zoning regulations.

Staff are recommending that a full review of the Township's Official Plan policies and Zoning regulations be completed at this time in order to ensure that the Township is compliant with the recent Planning Act changes and to ensure that the Township's regulations have enough flexibility to provide for more housing options while maintaining and protecting the Township's interests. This may result in proposed amendments to the Township's Official Plan policies, but most likely just zoning regulations. As the Township is preparing for a full review of the Official Plan later this year, this process may be limited to Zoning Amendments only.

CURRENT SITUATION:

There have been two main triggers for staff to review the Township's existing policies and zoning on secondary units being: 1. Recent changes to the Planning Act; and, 2. Recent feedback from residents regarding secondary unit proposals.

Bill 23 – More Homes Built Faster Act 2022

The More Homes Built Faster Act received Royal Assent on November 28, 2022 which made significant changes to various acts and legislation. Specifically regarding secondary units, the Planning Act now permits up to three units on a residential lot within an urban area, within a detached, semi-detached, rowhouse and/or ancillary structures. The Township's Official Plan cannot contain policies prohibiting three units or less, and cannot require a minimum unit size or more than one parking space per accessory dwelling unit. Any existing policy that limits the number of secondary units to less than three on an urban

lot has no effect. The current Township Official Plan policy limits the number of secondary units to just one, so those policies would no longer be in effect for urban lots.

Official Plan 16 (3), Planning Act, R.S.O. 1990 c. P.13:

Restrictions for residential units

(3) No official plan may contain any policy that has the effect of prohibiting the use of,

- (a) two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
 - (b) three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
 - (c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.
- 2022, c. 21, Sched. 9, s. 4 (1).

Same, parking

(3.1) No official plan may contain any policy that has the effect of requiring more than one parking space to be provided and maintained in connection with a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

Same, minimum unit size

(3.2) No official plan may contain any policy that provides for a minimum floor area of a residential unit referred to in subsection (3). 2022, c. 21, Sched. 9, s. 4 (1).

Policies of no effect

(3.3) A policy in an official plan is of no effect to the extent that it contravenes a restriction described in subsection (3), (3.1), or (3.2). 2022, c. 21, Sched. 9, s. 4 (1).

Further, in the newly released draft Provincial Policy Statement, there appears to be a shift to allow and promote additional residential units on agricultural and rural lots as well. Planning Staff will continue to monitor any new proposed changes in Provincial legislation and incorporate them into this review.

Resident Feedback on Current Policies and Regulations

Township Planning and Building Staff have processed an increasing number of secondary unit permits over the last few years in part as a result of housing availability and affordability. Staff are seeing more multi-generational housing being proposed, especially on lots within the agricultural area. With the increase in permits, there has also been an increase in minor variance applications for secondary units to vary certain regulations from the Township's Zoning Bylaw. Just in the past year there have been six minor variance applications submitted for various reasons but mainly with regard to increasing the maximum floor area and allowing for separate septic systems.

The Township's current Official Plan policies and Zoning Regulations can be found attached to this report. In summary the Township's Zoning Regulations require secondary units to be:

- Located within or attached to a main dwelling (limited to single or semi-detached dwelling), or within an accessory building
- Where located in an accessory building, located on the second floor
- A maximum of one accessory unit on a lot, except where permitted otherwise.

- A minimum of one acre lot size where privately serviced
- The accessory dwelling unit and main dwelling unit shall share a septic system
- Minimum floor area of 40 sq. metres and a maximum of the lesser of 40% of the floor area of the dwelling or 100 sq. metres.
- Where located on the second floor of an accessory building, a maximum height of 8 metres
- Residential appearance of the unit must appear as a single detached unit and two front facing entryways are not permitted.
- Accessory dwelling units are not permitted on lots used for a bed and breakfast, boarding or rooming house, garden suite or group home
- Required parking shall be located off of the same driveway that is used for the main dwelling.

The Township has additional policies and regulations for garden suites and accessory farm dwellings which have not resulted in many variances or pushback from residents. These policies will be reviewed as well, but it is not expected that they will result in significant changes.

Township Planning Staff have completed a preliminary environmental scan of other municipal zoning bylaws for secondary units and have found that there is a great variation between regulations. There were a number of municipalities that have very few controls over secondary units, specifically within the agricultural designations. As West Lincoln is predominantly agricultural and the Official Plan is focused on the protection of agricultural lands, staff want to ensure that a balanced approach is taken for secondary units to protect agricultural land and agricultural practices while allowing greater flexibility in housing options.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report. The proposed review of secondary unit policies and zoning will be done internally by staff and not require any additional consultants.

INTER-DEPARTMENTAL COMMENTS:

Township Planning, Building and Septic Staff have discussed the current policy and zoning regulations at length, as well as building code and septic servicing requirements for secondary units. Further consultation will occur through a public consultation process and formal review of the existing regulations by agencies and Township departments. Once initiated, staff would circulate notice in accordance with the Planning Act through the local newspaper.

CONCLUSION:

Township Planning Staff are seeking authorization from Committee and Council to initiate a full review of the Township's existing Secondary Unit Policies and Regulations in order to ensure that they are aligned with Provincial Policy and are responding to the changing housing needs within the Township.

Staff have already completed an environmental scan of other municipal zoning bylaw regulations and will continue to look for best practices that achieve more flexibility in terms of housing options while protecting agricultural lands.

ATTACHMENTS:

1. Township Official Plan Policy – Section 17 Affordable Housing
2. Township Zoning Regulations – Part 3 Accessory Dwelling Units

Prepared & Submitted by:



Gerrit Boerema, MCIP, RPP
Senior Planner

Approved by:



Bev Hendry
CAO



Dave Heyworth, MCIP, RPP
Manager of Planning



Brian Treble
Director of Planning & Building

SECTION 17

AFFORDABLE HOUSING

(added OPA No. 44)

17.1 Alternative forms of Housing

The changing profile of the population of the Township, as well as the need to create more affordable housing requires the Township to provide the opportunity for alternative forms of housing. Pressure to accommodate this demand will be felt within the Township in new and existing neighbourhoods and requires flexible and responsive municipal policies and regulations. Many of these amendments are required in order to implement the Provincial requirements of Bill 140, as follows:

17.1.1 General Provisions for Accessory Apartments

- a) Only one accessory apartment will be permitted per property, either in a dwelling or in an accessory building.
- b) The accessory apartment must be subordinate in size to the main dwelling.
- c) The lot size and configuration are sufficient in size to accommodate parking and amenity areas and services.
- d) Details regarding size and permitted zones will be outlined in the Township's Zoning By-law.
- e) Where the main dwelling is serviced by a septic system and private potable water, verification must be provided that the septic system is capable of accommodating an additional dwelling unit and that there is adequate potable water to service both the accessory apartment and the main dwelling unit.
- f) The accessory apartment shall not be severed from the property that contains the principal residence.
- g) A lot may not have both an accessory apartment and a garden suite.
- h) A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.

17.1.2 Accessory Apartments in Dwellings

- a) Are permitted in all single, and semi-detached dwellings in the Township. A zoning amendment is required to establish an accessory apartment in a townhouse dwelling.
- b) Must be directly attached to, or contained within, the main dwelling.
- c) Must have a similar architecture and style to the main dwelling.
- d) Must comply will all zoning by-law regulations in terms of size, setbacks, height, etc.
- e) The building age and condition are capable of supporting the intensified use and the requirements of the Building and Fire Codes must be satisfied.

17.1.3 Detached Accessory Apartment Units

- a) Must be secondary and subordinate to the main dwelling on the property.
- b) Must be located in the same cluster of buildings as the main dwelling on the property.
- c) Must comply with zoning regulations regarding size, setbacks, height, etc.
- d) The requirements of the Building and Fire Codes must be satisfied.

Regulation		<i>Accessory Buildings or Structures in a Residential Zone</i>	<i>Accessory Buildings or Structures in a Commercial, Institutional or Open Space Zone</i>	<i>Accessory Buildings or Structures in an Employment Zone</i>
	All other Residential Zones	100m ² or 8% of the lot area, whichever is less, provided the <i>lot coverage</i> shall not exceed the maximum <i>lot coverage</i> requirement for all <i>buildings</i> and <i>structures</i> in the respective <i>zone</i>		
Minimum setback from <i>main building</i> ⁽¹⁾		1.5 metres	3 metres	

⁽¹⁾ No projection shall be permitted into this required setback. This setback does not apply to a balcony, deck, fence, patio, porch, roof-mounted solar panels, satellite dish/antenna, steps, sunroom, walkway or other accessory structure normally appurtenant to a *main building*.

3.2 ACCESSORY DWELLINGS AND DWELLING UNITS

3.2.1 Accessory Dwelling Units

The following regulations apply to *accessory dwelling units*:

- a) *Accessory dwelling units* shall be located within a *main building* containing an *existing principal use*, or within a residential *accessory building*, on a *lot* where both the *principal use* and an *accessory dwelling unit* are permitted by the applicable *zone* above the ground floor and remain a secondary use to the *accessory building*. (Bylaw 2018-61) An area of no greater than 10 square metres on the ground floor is permitted to be used for entrance purposes to the above ground floor accessory dwelling unit. (Bylaw 2020-97)
- b) A maximum of one (1) *accessory dwelling unit* is permitted on a *lot*, except where permitted otherwise by the applicable *zone*.
- c) *Accessory dwelling units* shall comply with the regulations of the applicable *zone*.
- d) A *main building* that is used for an *accessory dwelling unit* shall comply with the regulations of the applicable *zone*.
- e) On a *lot* that is not serviced by municipal sewage services and/or municipal water services, an *accessory dwelling unit* shall not be permitted unless the *lot* has a minimum *lot area* of 0.4 hectare and the private sewage services and/or private water services are approved for the *lot* with adequate capacity for the *accessory dwelling unit* and any other *uses* on the *lot*. **Accessory dwelling units shall not be permitted to have separate septic systems. (By-law 2021-70).**
- f) Parking for *accessory dwelling units* shall be provided in accordance with Section 3.12.
- g) Where permitted in a Residential Zone, or as an *accessory use* to a *dwelling* that is permitted as a *principal use* in any other *zone*, an *accessory dwelling unit* shall be in accordance with the following additional regulations:
 - i. An *accessory dwelling unit* shall be located within a *single detached dwelling*, *semi-detached dwelling* or an *accessory building* on the same *lot* as a *single detached dwelling* or *semi-detached dwelling*;

- ii. An *accessory dwelling unit* shall have a minimum *floor area* of 40 square metres and a maximum *floor area* of the lesser of 100 square metres or 40% of the *floor area* of the *main building*. For the purposes of this Subsection, the floor area shall include all area within a *basement* but shall not include a *private garage* or *attic*. (Bylaw 2018-61)
 - iii. An *accessory building* that is used for an *accessory dwelling unit* shall comply with the requirements of Section 3.1, except that the maximum *height* of an *accessory building* that contains an *accessory dwelling unit* above the first *storey* shall be 8 metres;
 - iv. The residential appearance and character of the *dwelling* as a *single detached dwelling* or *semi-detached dwelling* shall be maintained, and any separate entrance and exit for the *accessory dwelling unit* shall be oriented toward the *exterior side lot line*, *interior side lot line*, or *rear lot line*, and not located on the front façade of the *dwelling*. (By-law 2019-63)
 - v. An *accessory dwelling unit* shall not be permitted on a *lot* that is *used* for a *bed and breakfast establishment*, *boarding or rooming house*, *garden suite* or *group home*.
 - vi. A *home occupation* shall not be permitted within the *accessory dwelling unit*.
 - vii. For the purposes of satisfying the required parking for an *accessory dwelling unit*, tandem parking shall be permitted within a permitted *parking area* or *driveway*, including a *driveway* in a required *front yard* that has a minimum depth of 6m.
 - viii. Access to the required parking for the *accessory dwelling unit* shall be provided from the same *driveway* that provides access to the primary *dwelling unit* on the *lot*. (Bylaw 2018-61)
- h) Where permitted in a *Commercial Zone*, an *accessory dwelling unit* is only permitted within the same *building* as a permitted *art gallery*, *commercial school*, *dry cleaning/laundry depot*, *financial institution*, *office* including a *medical office*, *personal service shop*, *private club*, *restaurant*, *retail store*, *service shop* or *studio*, and shall be located above the first *storey* of the *commercial building*.

3.2.2 Accessory Farm Dwellings

The following regulations apply to *accessory farm dwellings*:

- a) An *accessory farm dwelling* shall be located on a *lot* having a minimum *lot area* of 10 hectares and containing a permitted *agricultural use* and an associated *single detached dwelling*, where permitted by the applicable *zone*.
- b) A maximum of one (1) *dwelling unit* shall be permitted within an *accessory farm dwelling* in addition to the primary *single detached dwelling* on the *lot*.
- c) An *accessory farm dwelling* shall be located within one (1) of following:
 - i. An *accessory building or structure* in accordance with Section 3.1 excluding Clause 3.1 (b), that is within 50 metres of the primary *single detached dwelling* on the *lot* not exceeding 100 square metres (not including the *basement*)(By-law 2019-63); or
 - ii. An *accessory dwelling unit* in accordance with Subsection 3.2.1; or
 - iii. A *garden suite* in accordance with Subsection 3.2.4.
- d) Access to the required parking for the *accessory farm dwelling* shall be provided from the same *driveway* that provides access to the primary *single detached dwelling* on the *lot*.
- e) Prior to the issuance of a building permit the owner is to provide an undertaking to the Township stating that the *accessory farm dwelling* is not eligible for future severances and that the permanent *main dwelling* and the *accessory farm dwelling* is required for the operation of the farm and will be occupied by a full time employee of the farm operations (By-law 2019-63).

3.2.3 Dwelling Units

The following regulations apply to *dwelling units*:

- a) Except where specifically permitted otherwise in this By-law, a maximum of one (1) *dwelling unit* is permitted on a *lot*.
- b) No *person* shall *erect*, use or occupy any *building* or *structure* as a *dwelling unit* unless a *building* permit has been issued for the *building* intended to be *erected* or used for residential purposes, such *building* has been completed and finished in all respects in accordance with the plans and specification approved for the *building* permit, and such *building* is serviced with a municipal sewage services and municipal water services or, where permitted by the applicable *zone*, private sewage services and private water services approved for the *lot* upon which the *building* is located.
- c) No truck, bus, coach, street car body or structure of any kind, other than a *dwelling unit erected* and used in accordance with this and all other By-laws of the *Municipality*, shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation.
- d) No *dwelling unit* shall in its entirety be located in a *basement* unless the finished floor level of such *basement* is above the level of the sanitary or storm sewer serving the *building* or *structure* in which such *basement* is located and provided further that the floor level of such *basement* is not more than 1.2 metres below the *average finished grade*.

3.2.4 Garden Suites

The following regulations apply to *garden suites*:

- a) A *garden suite* shall be subject to Temporary Use By-law and, as a condition to passing a by-law authorizing a *garden suite*, the owner of the *lot* shall enter into an agreement pursuant to the Planning Act with and satisfactory to the *Municipality* dealing with such matters related to the temporary use of the *garden suite* as the Council considers necessary, including:
 - i. The installation, maintenance and removal of the *garden suite*;
 - ii. The period of occupancy of the *garden suite* by any of the *persons* named in the agreement; and
 - iii. The monetary or other form of security that the council may require for actual or potential costs to the *Municipality* related to the *garden suite*.
- b) A *garden suite* shall be accessory to and located on the same *lot* used for a *single detached dwelling* where permitted by the applicable *zone*.
- c) A maximum of one (1) *garden suite* shall be permitted on a *lot*.
- d) A *garden suite* shall not exceed a maximum *floor area* of 100 square metres.
- e) Access to the required parking for the *garden suite* shall be provided from the same *driveway* that provides access to the *single detached dwelling* on the *lot*.

DATE: May 8, 2023
REPORT NO: PD-25-2023
SUBJECT: **Proposed Provincial Planning Policy Changes**
CONTACT: Dave Heyworth, Manager of Planning
Brian Treble, Director of Planning & Building

OVERVIEW:

- The purpose of this report is to provide the Committee/Council with an overview of proposed Provincial planning policy changes and comments on key changes.
- The Province continues to propose Provincial planning policy changes (3 separate changes) under the objective of streamlining planning and removing barriers to build more homes faster,
- Bill 97 proposes changes to the Planning Act, More Homes Built Faster Act (Bill 23) and Ministry of Municipal Affairs and Housing Act with a commenting period ending May 6, 2023
- Staff's comments on Bill 97 which have been submitted to the Province to address commenting deadlines are attached as Appendix 1.
- There are proposed regulations, with a commenting period ending May 21, 2023, that would permit the use of site plan control for residential developments of 10 or fewer units under certain conditions relative to distance from shorelines and rail lines.
- The Province is proposing to merge the Provincial Policy Statement and Provincial Growth Plan for the Greater Golden Horseshoe in to one combined Proposed Provincial Planning Statement with a commenting period ending June 1, 2023.

RECOMMENDATION:

1. That, Recommendation Report PD-25-2023, regarding "Proposed Provincial Planning Policy Changes", dated May 8, 2023 be RECEIVED; and,
2. That, Township Council ENDORSE the comments in this report to be forwarded to the Province as the Township's comments on ERO postings # 0196822 and 0196813.

ALIGNMENT TO STRATEGIC PLAN:

Themes #2 & #3

- Support for Business and Employment Opportunities for Residents
- Strategic Responsible Growth

BACKGROUND:

The Province has an ambitious objective to build 1.5 million new homes over the next 10 years in Ontario and to accomplish that they continue to amend planning policy and legislation.

In 2022, the Province of Ontario's Ministry of Municipal Affairs and Housing released two pieces of legislations which had significant impacts on the planning process in Ontario and in the Township, and significant impact on the overall operations of the Township. Bill 109, the More Homes for Everyone Act received Royal Assent on April 14, 2022 and Bill 23, More Homes Built Faster Act received Royal Assent on November 28, 2022.

On April 6, 2023, the government of Ontario introduced the *Proposed Provincial Planning Statement* and Bill 97, *Helping Home Buyers and Protecting Tenants Act*, 2023, with the goal of supporting the Provincial government's housing objectives.

The *Proposed Provincial Planning Statement* can be viewed on Environmental Registry of Ontario (ERO) under posting #019-6813 (<https://ero.ontario.ca/notice/019-6813>). The deadline for written comments is June 6, 2023.

The proposed Bill 97, can be viewed on the ERO under posting #019-6821 (<https://ero.ontario.ca/notice/019-6821>). The deadline for written comments is May 6, 2023.

A proposed regulation regarding the applicability of site plan control for residential buildings is on the ERO as a separate posting # 019-6822 <https://ero.ontario.ca/notice/019-6822> with a comment deadline of May 21st.

The law firm, Osler, has prepared a comprehensive comparison of the *Proposed Provincial Planning Statement* and Bill 97 that is available on their website at: <https://www.osler.com/osler/media/Osler/Content/PDFs/2023-PPS-comparison-Final.PDF>.

The Region of Niagara Planning staff facilitated discussions with area Planners to assist in the review of the proposed Provincial Policy planning changes. The Region prepared summary charts for these discussions which were used in large part for the creation of Attachment 1 and 2 to this report. The Region's assistance on this matter is appreciated.

CURRENT SITUATION:

Currently, the Provincial planning documents fundamentally used in planning by the Township of West Lincoln are the Provincial Policy Statement, A Places To Grow Plan for the Greater Golden Horseshoe (Growth Plan) and the Greenbelt Plan.

The Province continues to make sweeping land use policy and regulatory changes with the objective of building more homes faster.

Proposed Bill 97

Proposal & Comments

A summary of changes proposed through Bill 97 and staff comments, where important, is provided as Attachment 1. This attachment represents the staff comments on Bill 97 which were submitted to the Province to meet the May 6, 2023 comment deadline.

Regulation-making authority for Site Plan Control for 10 units or less

Bill 23 amended Section 41 of the *Planning Act* to limit the definition of "development" to the construction, erection or placing of a building or structure for residential purposes on a parcel of land with more than 10 residential units. Bill 97 proposes to create regulation-making authority to prescribe specific circumstances where site plan control could be used for residential developments of 10 units or less.

The proposed regulations, under separate ERO posting would permit the use of site plan for parcels of land:

- Any part of which is located within 120 metres of a shoreline; and
- Any part of which is located within 300 metres of a railway line.

These changes are proposed to come into effect immediately on filing of the regulation.

Comment

While the regulation is a step in the right direction there needs clarification as to what constitutes a shoreline such as whether a shoreline pertains to a lake shoreline or watercourse shoreline like a river or stream. Also, if the Province thought it appropriate to use site plan control to deal with hazards and compatibility issue then this rational should have been extended to apply to proximity to manufacturing uses, airports as well as natural heritage features to implement environmental impact statement recommendations.

Proposed Provincial Policy Statement

General

The proposed Provincial Policy Statement replaces both the existing Provincial Policy Statement and Growth Plan. The changes are substantial in an attempt to streamline planning policy.

The effective date would be the date specified through an Order in Council approved by the Lieutenant Governor in Council pursuant to Section 3 of the Planning Act. To provide municipalities and other planning authorities an opportunity to understand and adapt to the policy changes, the Ministry is proposing to release the final policies for a short period of time before they take effect (targeting fall 2023).

Comment

In eliminating the Growth Plan, the Province is eliminating a more comprehensive planning approach for the Greater Golden Horseshoe for the more generic Provincial Planning Policies that apply to all of Ontario.

While the Growth Plan represented a comprehensive planning approach, it did represent a prescriptive planning approach that for Township Planning staff was GTA focused and not a Niagara based Growth Plan, beyond the Niagara growth allocations. While the proposed changes provide an opportunity and flexibility to better plan for local interests, the level of comprehensive planning could be greatly reduced depending on local decision making and the pressures for urban sprawl are certainly increased.

Township Planning Staff are supportive of the concept of streamlining planning policy but not at the expense of good comprehensive planning and building complete communities. The proposed changes, in their entirety, turn back the clock on comprehensive planning, building complete attractive sustainable communities and protecting our agricultural lands,

Attachment 2 to this report summarizes the changes proposed through a proposed new PPS. The changes in policy are wide reaching and there are changes in the prescriptive language of the document throughout, relative to the use of words “shall” or “should” or “encourage”. In many cases language has become less prescriptive.

This report provides commentary on changes in policy direction that provide the most concern to staff.

Growth Management

The growth schedules in the Growth Plan which allocate growth targets to the Niagara Region will be eliminated with the introduction of the new PPS. Currently the Region has established growth targets for each municipality based on the current targets in the Growth Plan.

The proposed PPS does state that where planning is conducted by an upper-tier municipality, the land and unit supply maintained by the lower-tier municipality shall be based on and reflect the allocation of population and units by the upper-tier municipality.

Comment

The issue of not having allocated growth targets from the Province and reference to the upper-tier municipality for conformity will create several growth management issues.

The new PPS is expected to be in effect this Fall. Proclamation of parts of Bill 23 relative to the elimination of Regional Planning responsibilities is expected in the Winter of 2024, being January to March, 2024. The timeline for local Official Plan conformity is November 4, 2023. Local Official Plans will need to conform with the Region’s Niagara Official Plan for conformity purposes, which in many cases will be more restrictive than the proposed PPS as the Niagara Official Plan was developed under the umbrella of the existing PPS and Growth Plan. After proclamation and the dissolving of Regional planning responsibilities, municipalities will be able to establish their own growth targets provided certain Provincial land requirements are met. Local municipalities, such as West Lincoln have done their long range planning based on Master Plans incorporating the Region’s growth allocations.

Providing opportunities for local changes in growth allocations could impact the planning and funding of infrastructure to support growth which will only slow housing development not speed it up.

Housing

While Provincial Policy shall require municipalities to provide for an appropriate range and mix of housing options and densities to meet projected needs, there are no specific affordable housing policies addressing affordable housing targets or requiring municipal policy strategies to do so.

Comment

Addressing affordable housing requires a complex multi-disciplinary strategy of which land use planning is one element. Building more homes faster and increasing supply to address housing affordability may lower prices to an extent but is not the land use policy solution on its own or coupled with facilitating the development of secondary units. Provincial policies should establish a framework for a coordinated, comprehensive approach to address affordable housing. Relying on developers to build cheaper housing because of reduced costs for land is not enough of a strategy.

Settlement Area Boundary Expansions

The Township just completed settlement area boundary expansions to provide enough land partnered with appropriate densities to provide the opportunity for a mix of housing types for the next 30 years.

The Province is now requiring enough land for no less than 25 years but more importantly proposed policies no longer require settlement area boundary expansions to occur through a municipal comprehensive review (MCR). Further, proposed Provincial Policy would no longer require the land need for the expansion to be met.

Comment

The Township has already addressed conformity with the Region's Niagara Official Plan on this matter. While the Township's Official Plan can be more restrictive than the PPS on this matter, the less restrictive Provincial Policy could be used as a basis for further possible expansion requests in the Township and pressures for urban sprawl and unnecessary development of agricultural lands.

Employment Areas and Employment Lands

The Province is proposing changes to the types of uses allowed on Employment Lands outside Employment Areas as well as within Employment Areas. Employment Areas will be more limited to manufacturing type uses and the Province is allowing greater flexibility for uses on Employment Lands outside Employment Areas provided certain criteria are addressed. It should be noted municipalities cannot be more restrictive relative to permitted uses on Employment Lands outside Employment Areas.

The proposed Provincial Policies also make converting Employment Lands and lands within Employment Areas easier from a Provincial Policy perspective. The conversion of lands within an Employment Area would no longer require a MCR.

Comments

The Township will have to do an assessment of its Employment Lands outside the Employment Areas to determine policy issues which will need to be addressed as part of the local Official Plan conformity exercise.

More flexible Provincial Policies on employment land conversions will inevitably create pressure within the Township to convert lands. The Township has just approved a framework for growth incorporating infrastructure planning. Conversion of Employment Areas was not envisioned by this framework. The Province needs to maintain strong policies on the conversion of Employment Lands particularly within Employment Areas. It is important to ensure municipalities will have sufficient lands for employment purposes as part of developing complete communities. Communities with job opportunities are more attractive to move to, providing more impetus to build homes within that community.

Local municipalities should be allowed to be more restrictive than provincial policies to address local planning issues of concern from a local context.

Agriculture

The importance of agriculture to the economy and social fabric of West Lincoln is well known. The Province is proposing changes that will allow up to two secondary units within or in close proximity to a dwelling in the agricultural area with potential for up to three rural residential lot severances per agricultural parcel.

The proposed new lot severance policy is as follows:

1. Residential lot creation in prime agricultural areas is only permitted in accordance with Provincial guidance for:
 - a. new residential lots created from a lot or parcel of land that existed on January 1, 2023, provided that:
 1. agriculture is the principal use of the existing lot or parcel of land;
 2. the total number of lots created from a lot or parcel of land as it existed on January 1, 2023 does not exceed three;
 3. any residential use is compatible with, and would not hinder, surrounding agricultural operations; and,
 4. any new lot:
 - i. is located outside of a specialty crop area;
 - ii. complies with the minimum distance separation formulae;
 - iii. will be limited to the minimum size needed to accommodate the use while still ensuring appropriate sewage and water services;
 - iv. has existing access on a public road, with appropriate frontage for ingress and egress; and
 - v. is adjacent to existing non-agricultural land uses or consists primarily of lower-priority agricultural lands.

More importantly the Province is proposing that municipalities are not allowed to be more restrictive than this approach and must include these consent policies in their Official Plans and implement appropriately by zoning requirements.

Comment

The Township has taken a comprehensive approach in planning for Agricultural lands within the Township while providing for agriculturally related uses and on farm diversified uses. In addition, an important part of this planning involves the protection of agricultural lands for long term food supply. Preventing the fragmentation of agricultural lands and establishment of non-farm residential lots is key to both protecting the land base and agricultural operations by minimizing land use conflicts.

The Province should eliminate the policy mentioned above in this report. West Lincoln had many retirement lots created prior to 2005 which provides the opportunity for this policy to apply.

It is Planning Staff's opinion this policy fundamentally goes against good planning for the agricultural land base and economy. Further these lots would not contribute in any significant way to increasing the housing supply and certainly not affordable housing.

Natural Heritage

The Natural Heritage policies under proposed Section 4.1 and related definitions remain under consideration of the Provincial Government. Once the proposed changes are ready for review and input, they will be made available through a separate posting on the ERO.

Comments

Planning Staff await the proposed changes. The Province needs to be mindful of local Official Plan conformity exercises and compliance with the Region's Niagara Official Plan.

Natural Heritage planning is complex, particularly because of intricate policy differences for natural heritage policy between the various Provincial Plans. The Province should provide a consistent simpler policy approach while still providing the same level of protection

Watershed Planning

The Province is encouraging watershed planning but the policies are a substantial change from the watershed led planning approach in the Growth Plan.

Comment

While sub watershed plans are expensive and time consuming this type of planning is important in protecting the natural environment system. The Province should ensure this type of study takes place, particularly for large greenfield areas and expansion areas.

Timing Comments

As mentioned the timing of the expected application of new PPS policies versus proclamation relative to Regional Planning responsibilities will make the local Official Plan conformity exercise more complex and time consuming.

Small Planning Departments have limited staff resources. Dealing with complex policy issues while dealing with regular development applications and meeting Bill 109 timelines will be challenging. The Province should extend the deadline for local Official Plan conformity.

Further relative to Bill 109, the Province should extend the timeline for decisions on development applications till after local Official Plans have been approved.

FINANCIAL IMPLICATIONS:

Given the timing and magnitude of Provincial Planning Policy changes and Bill 109 decisions on planning applications, the Planning Department may need assistance from consultants or additional staff assistance for the local Official Plan conformity exercise.

INTER-DEPARTMENTAL COMMENTS:

The proposed Provincial Planning policies have been reviewed by the Township's Planning Department with input from the Region's Planning Staff and Area Planners.

CONCLUSION:

Township Planning Staff are supportive of the concept of streamlining planning policy but not at the expense of good comprehensive planning and building complete communities. The proposed changes, in their entirety, turn back the clock on comprehensive planning, building complete attractive sustainable communities and protecting our agricultural lands. Further, local municipalities should be allowed to be more restrictive than Provincial Policies to address local planning issues of concern from a local context

ATTACHMENTS:

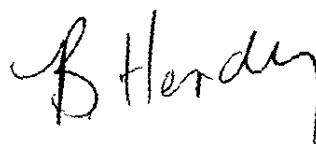
1. Summary of Bill 109 Changes and Comments
2. Summary of Proposed Provincial Planning Statement Changes

Prepared & Submitted by:



Dave Heyworth
Manager of Planning

Approved by:



Bev Hendry
CAO



Brian Treble
Director of Planning & Building

Summary of Bill 97 Changes

ERO #019-6821 includes proposed *Planning Act*, *City of Toronto Act, 2006*, and *Ministry of Municipal Affairs and Housing Act* Changes (Schedules 2, 4, and 6 of Bill 97)

The proposed *City of Toronto Act, 2006* amendments are not included in this table.

Bill 97 also proposes changes to the *Building Code Act, 1992*, *Development Charges Act, 1997* and *Municipal Act, 2001* (Schedules 1, 3 and 5) which are not subject to this ERO consultation.

The proposed *Municipal Act, 2001* amendments are included in this table for information purposes only.

Topic	Legislation Section	Summary of Proposed Change	Township Staff Comments	In-force Date
Schedule 6 - Proposed amendments to the Planning Act				
New effective date for Bill 109 planning fee refunds	S. 34 (10.12) and new S. 34 (10.13) and (10.14)	Bill 97 proposes to delay the requirement for municipalities to refund zoning by-law and site plan application fees where no decision is made within the statutory time period to July 1, 2023. If any fee refunds were owing between January 1 and July 1, 2023, the refund is deemed not to have been required. In addition, a municipality is not required to refund fees if the municipality is prescribed by regulation when it receives the application (no exemptions are proposed at this time).	While this time delay is appreciated the date is still troublesome given the myriad of provincial land use planning policy and regulatory changes occurring which take up significant staff time to review and absorb and prepare for. The date should coincide with the date at which all provincial land use policy changes are completed and preferably after local Official Plans have been updated and approved.	Royal Assent
Information to be forwarded to OLT for a site plan application appeal	S. 41 (12.0.2)	Bill 97 proposes to amend subsection 41 (12.0.2) to provide that any information or material that an applicant must provide to a municipality under subsections 41 (3.3) and (3.4) must also be forwarded by the clerk to the Ontario Land Tribunal in the case of an appeal to the Tribunal under subsection 41 (12) or	Not required	Royal Assent

		(12.0.1). Subsections 41 (3.3) and (3.4) address prescribed information as well as other information that a municipality may require an applicant to provide.		
Clarification regarding parking for primary residential unit	S. 16(3.1) and S. 35.1(1.1)	Bill 23 introduced restrictions on the ability to require more than one parking space where additional residential units are permitted as of right. Bill 97 proposes to clarify that official plans and zoning by-laws can still require more than one parking space for the primary residential unit.	Not required	Royal Assent
Change "parcel of urban residential land" to "parcel of land"	S. 17(24.1)c), 17(36.1), 22(7.2)c)(iii), and 34(19.1)c)	Currently, the <i>Planning Act</i> limits appeals to official plan policies and zoning by-laws that authorize the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a "parcel of urban residential land". Bill 97 proposes to change "parcel of urban residential land" to "parcel of land".	Planning staff are concerned over the ability for up to two additional units establishing in an agricultural area especially when coupled with proposed provincial lot creation policies in the agricultural area. It is planning staff's opinion the units allowed in the agricultural area should be left as is.	Royal Assent
Regulation-making authority for site plan control for 10 units or less	S. 41 (1.2)	<p>Bill 23 amended section 41 of the <i>Planning Act</i> to limit the definition of "development" to the construction, erection or placing of a building or structure for residential purposes on a parcel of land with more than 10 residential units. Bill 97 proposes to create regulation-making authority to prescribe specific circumstances where site plan control could be used for residential developments of 10 units or less.</p> <p>A separate ERO #019-6822 https://ero.ontario.ca/notice/019-6822 (comment period April 6 - May 21, 2023) addresses new regulations proposed through Bill 97 under the <i>Planning Act</i> and</p>	While the regulation is a step in the right direction there needs to be clarification as to what constitutes a shoreline such as a shoreline pertains to a lake shoreline or watercourse shoreline like a river or stream. Also if the province thought it appropriate to use site plan control to deal with hazards and compatibility issue then this rational should have been extended to proximity to manufacturing uses, airports and natural heritage features to implement environmental impact statement recommendations.	Royal Assent

		<p><i>City of Toronto Act, 2006</i> with respect to site plan control. The proposed regulations would permit the use of site plan for parcels of land:</p> <ul style="list-style-type: none"> - Any part of which is located within 120 metres of a shoreline; and - Any part of which is located within 300 metres of a railway line. <p>These changes are proposed to come into effect immediately on filing of the regulation.</p>		
Appeals of interim control by-laws	S.38(4)	<p>Bill 97 proposes to apply a single procedure to enable any person or public body who received notice of the passing of an interim control by-law to appeal the by-law at the time of initial passing (rather than only at the time of extension). Bill 97 proposes to provide 20 days for municipalities to give notice of the passing of an interim control by-law or a by-law extension (instead of the current 30 days) and for appeals to be made within 50 days of the by-law being passed.</p>	Not applicable	
New authority for Minister's zoning orders	New S. 47 (4.0.1)	<p>Bill 97 proposes to give the Minister new authority to order, as part of a Minister's Zoning Order, that policy statements, provincial plans and official plans do not apply when other land use planning approvals are applied for (e.g. a plan of subdivision).</p>	Local municipalities have to be consistent with provincial policy. The province should be a leader in promoting good planning principles and abide by their own policy framework.	Royal Assent
New Ministerial authority to require development agreements	New S. 49.2	<p>Bill 97 proposes to provide the Minister of Municipal Affairs and Housing with the authority to require, by order, landowners to enter development agreements with the Minister or with a municipality in relation to lands that have been assigned to the Provincial</p>	Bill 97 needs to clarify what lands/circumstances this would apply to, whether lands subject to a Ministers Zoning Order or otherwise	Royal Assent

		Land and Development Facilitator. The Minister may also require a landowner to pay for or provide contributions that are more than the <i>Planning Act</i> , the <i>Development Charges Act, 1997</i> , or any other legislation. The requirement to enter into the agreement will act as a condition of development, as only existing uses are permitted until the owner has entered into all agreements required by the order.		
Changes to employment area protections	S. 1 (1)	Modify the definition of "area of employment" to only include heavy industry and other employment uses that cannot be located near sensitive uses, (i.e., not suitable for mixed use). This is related to proposed policy changes for employment uses in the proposed 2023 Provincial Planning Statement. A transition provision is included to address land designated in an official plan for clusters of business and economic uses that may not meet the definition.	<p>This definition change and accompanying policy changes for Employment Areas will create issues from a timing perspective relative to Official Plan conformity. The Township's and Regional Official Plan policies for Employment Areas contain uses beyond those specified in the proposed change.</p> <p>While a transitional provision exists, it would appear to apply to existing uses in Employment Area. The Township and Region both have vacant lands identifies as Employment Areas in their Official Plans. Changes to Employment Area policies may be necessary although, municipalities can be more restrictive for Employment Areas, which will be cumbersome given the timing of Official Plan conformity and expected initiation of the new PPS in the Fall of this year.</p>	On Proclamation
Regulation-making authority for new Provincial Planning Statement	New S. 3 (6.1)	Bill 97 proposes to give the Minister authority to make regulations providing for transitional matters relating to the applicability of the proposed Provincial Planning Statement (or other new	Transitional regulations could be beneficial but will depend on the wording of the regulation itself.	Royal Assent

		policy statements issued under the <i>Planning Act</i>).		
Schedule 4- Proposed Ministry of Municipal Affairs and Housing Act Amendment				

Proposed 2023 Provincial Policy Statement Changes

Topic Area	Proposed Change / Integration
Aggregates	The proposed PPS (2023) has not made significant changes to the aggregate resources section. References to rehabilitation in speciality crop areas have been removed – however rehabilitation in these areas would be directed by the Greenbelt Plan. [Proposed Section 4.5]
Agriculture	The proposed PPS (2023) eliminates the requirement to use the provincially-mapped Agricultural System (which was introduced through the 2017 Growth Plan). Municipalities would now lead the designation of prime agricultural areas, including specialty crop areas. Using the provincial mapping remains an option, as the definition of “Agricultural System” includes identification of an agricultural land base “based on mapping provided by the province where mapping is available and requested”. [Proposed Section 4.3.1]
Agriculture	The proposed PPS (2023) eliminates alternative evaluations for settlement area expansions. Under the PPS 2020, a proposed settlement area expansion into prime agricultural areas required an evaluation of alternative locations for expansion.
Agriculture	The proposed PPS (2023) expands the definition of “on-farm diversified uses” to include all “land-extensive energy facilities”, such as ground-mounted solar or battery storage, whereas previously only ground-mounted solar facilities were identified. [Proposed definition of “on-farm diversified use”]
Built Boundary	The proposed PPS (2023) has not carried forward the concept of a delineated built-up areas that was previously contained in the Growth Plan.
Employment Areas	The proposed PPS (2023) changes the definition of “employment areas”. A corresponding change to the Planning Act is also being proposed through Bill 97. The focus of the definition is now on uses that cannot locate in mixed use areas, such as heavy industry, manufacturing and large scale warehousing. [Proposed definition of “employment areas”]

Employment Land Conversions	<p>The proposed PPS (2023) allows municipalities to consider (and landowners can apply for) the removal of land from employment areas outside of a municipal comprehensive review. The tests to be met include that there is a need for the removal, and the land is not required for employment uses over the long term.</p> <p>Currently, the PPS 2020 requires planning authorities to protect and preserve employment areas for current and future uses and permits conversions within employment areas to non-employment uses only where it had been demonstrated that the land was not required for employment purposes over the long term and that there is a need for the conversion.</p> <p>The Growth Plan requires that conversions of lands within employment areas may only be permitted through a municipal comprehensive review where the applicant had satisfied certain criteria</p> <p>In the proposed PPS 2023, an employment conversion request can happen at any time. Applicants do not need to wait until a municipality is undertaking a municipal comprehensive review. [Proposed section 2.8.2.4]</p>
Growth Management	<p>The proposed PPS (2023) has not carried forward the Growth Plan requirement for municipalities to plan to specific population and employment targets for a horizon year.</p> <p>The expectation that municipalities will continue to use the 2051 targets at a minimum. Over time, municipalities will be expected to carry out their own forecasting.</p> <p>[Proposed section 2.1 & 2.1.3.]</p>
Growth Management	<p>The proposed PPS (2023) requires municipalities, when updating official plans, to have enough land designated for at least 25 years (a change from up to 15 years), with planning expressly allowed to extend beyond this horizon for infrastructure, employment areas and strategic growth areas. [Proposed section 2.1.1]</p>
Housing	<p>The proposed PPS (2023) expands the definition of “housing options”. Municipalities are already required to provide for 15 years of designated and available residential land and a three-year supply of serviced land for an appropriate range and mix of “housing options”. The definition has been expanded to specifically include more examples of “soft intensification” and broader housing arrangements and forms. [Proposed definition of “housing options”]</p>

Housing	The proposed PPS (2023) removes the definition of “affordable”. The PPS 2020 generally defined “affordable” as a function of income for ownership and rental housing. This approach is consistent with the province’s proposed changes to the inclusionary zoning regulation. [Proposed definitions]
Intensification	The proposed PPS (2023) establishes broader permissions for residential intensification. The proposed PPS 2023 provides three specific examples of residential intensification, to facilitate future development: (1) the conversion of existing commercial and institutional buildings for residential use, (2) development and introduction of new housing options within previously developed areas, and (3) redevelopment that results in a net increase in residential units. [Proposed section 2.2.1.b) 2.]
Intensification	The proposed PPS (2023) removes mandatory intensification and density targets for all municipalities. The Growth Plan required municipalities to meet specific intensification and density targets to accommodate forecasted growth. This requirement has not been carried forward, except for the density targets for MTSAs in large and fast-growing municipalities. Instead, municipalities are encouraged to establish density targets “as appropriate, based on local conditions.” Large and fast-growing municipalities are also encouraged, but not required, to plan for a minimum density target of 50 residents and jobs per gross hectare. [Proposed section 2.3.5]
Land Use Compatibility	The proposed PPS (2023) encourages industrial and manufacturing uses that do not give rise to potential adverse effects from odour, noise and other contaminants to be developed outside of employment areas in strategic growth areas and other mixed-use areas where frequent transit service is available. It also promotes the transition of uses in lands outside of employment areas to prevent adverse effects on sensitive land uses. [Proposed section 3.5]
Land Use Compatibility	The proposed PPS (2023) enhances protections for industrial and manufacturing uses as well as other major facilities from encroachment of sensitive land uses while making subtle, but critical, revisions to the policy language. [Proposed section 3.5]
Land Use Compatibility	The proposed PPS (2023) removes requirement for proponent of sensitive land uses to demonstrate need or evaluate alternative locations for sensitive land uses where avoidance of adverse effects is not possible. [Proposed section 3.5]

Major Transit Station Areas	The proposed PPS (2023) carries forward the concept of major transit station areas from the Growth Plan, with the definition and minimum density targets being generally the same. [Proposed definition of “major transit station area”]
Natural Heritage	<p>The proposed PPS (2023) does not include natural heritage policies. These policies and related definitions remain under consideration by the government at the time of the April 6, 2023 release. The indication is that the natural heritage policies will be released through a separate ERO posting at a future date. [See note after proposed section 4.1]</p> <p>The vision statement in the proposed PPS 2023 suggests a shift in focus from conserving biodiversity and protecting essential ecological processes to one that balances the use and management of natural resources with attention to appropriate housing supply. [Proposed vision]</p>
Natural Heritage	The Growth Plan (2017) introduced a “Natural Heritage System For the Growth Plan” including mapping, definitions, and policies which were required to be implemented by municipalities through Official Plan updates. It is unclear if the Province intends to carry forward the requirements of the Natural Heritage System for the Growth Plan into the PPS (2023). [See note after proposed section 4.1]
Provincially significant employment zones	The proposed PPS (2023) has not carried forward Provincially Significant Employment Zones which were introduced to the Growth Plan in 2019. Lands designated as PSEZ are protected from conversion to non-employment uses, except where demonstrated to be appropriate through a full municipal comprehensive review. The implementation document suggests alternative approaches to protect these lands, possibly through the use of minister’s zoning orders
Rural Housing and Lot Creation	In addition to a principal dwelling associated with an agricultural operation in prime agricultural areas, the proposed PPS (2023) permits up to two additional residential units as subordinate to the principal dwelling. [Proposed section 4.3.2.5]
Rural Housing and Lot Creation	<p>The proposed PPS (2023), through a new policy, now permits the creation of up to three residential lots from an existing agricultural parcel. [Proposed section 4.3.3.1]</p> <p>The proposed PPS (2023) prevents zoning by-laws and Official Plan from being more restrictive in regards to the severing of agricultural lands. [Proposed section 4.3.3.2]</p>

Schools	The proposed PPS (2023), establishes schools as an element of a “complete community” and directs collaboration between planning authorities and school boards. [Proposed section 2.1.4 & 6.2.4]
Schools	The proposed PPS (2023) acknowledges and encourages the use of non-traditional school locations where appropriate for the community. [Proposed section 3.1.6]
Settlement Area Expansions	The proposed PPS (2023) removes the requirement to demonstrate “need” for a settlement area expansion. The proposed PPS 2023 also reduces the criteria that a municipality must consider before identifying a new settlement area or allowing a boundary expansion, focusing on whether there is sufficient capacity in infrastructure and public service facilities to support the expansion or new settlement area, and avoiding or minimizing impacts on agricultural land and operations. [Proposed section 2.3.4]
Settlement Area Expansions	<p>The proposed PPS (2023) has not carried forward the concept of a municipal comprehensive reviews which was cornerstone policy of the Growth Plan as a way to plan the expansion of settlement areas in an orderly fashion.</p> <p>The implication of this change is that municipalities may consider settlement area expansions at any time. There is no limitation on the ability of landowners from applying for an expansion. [Proposed section 2.3.4]</p>
Settlement Area Expansion	The proposed PPS (2023) would allow for the creation of new settlement areas. Previously this was not permitted. [Proposed section 2.3.4]
Large and Fast-Growing Municipalities	<p>The proposed PPS (2023) introduces and identifies “large and fast-growing municipalities” (Niagara Falls, St Catharines in Niagara) that must grow based on Growth Plan directions. [Proposed definition of “large and fast-growing municipalities” and Proposed Appendix – Schedule 1]</p> <p>“Large and fast-growing municipalities” will be required to identify strategic growth areas in their official plans [Proposed section 2.4.1.1] and encouraged to plan for a minimum density target of 50 residents and jobs per hectare. [Proposed section 2.3.5]</p>

Strategic Growth Areas	The proposed PPS (2023) has carried forward / integrated the concept of strategic growth areas from the Growth Plan. They are to be identified in official plans, and should be the focus of growth. They include major transit station areas. [Proposed section 2.4 and proposed definition of “strategic growth area”]
Water Resource Systems	
Watershed Planning	<p>The proposed PPS (2023) includes significantly less of an emphasis on the need for watershed planning and subwatershed planning to inform land-use planning.</p> <p>The Growth Plan (2017) included numerous references to watershed and subwatershed planning – and the requirement for these to inform land use planning.</p> <p>With the exception of proposed policy 4.2.3 which encourages watershed planning there are no other references. There are no references to subwatershed planning in the proposed PPS (2023). [Proposed section 4.2.3]</p>