



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

MEETING NO. EIGHT

Tuesday, October 10, 2023, 6:30 p.m.

Township Administration Building

318 Canborough Street, Smithville, Ontario

NOTE TO MEMBERS OF THE PUBLIC: All Cell Phones, Pagers and/or PDAs to be turned off. Members of the public who are attending and participating virtually are reminded to keep their microphones muted until they are acknowledged to speak. Additionally, for your information, please be advised that this meeting will be livestreamed as well as recorded and will be available on the Township's website.

Pages

1. PROCEDURAL BY-LAW MATTER

Prior to commencing with the Planning/Building/Environmental Committee meeting, the Clerk advised that the Chair of the Planning/Building/Environmental Committee meeting, being Councillor William Reilly, was unable to attend this evening's meeting. Additionally, Councillor Bell, who is the Vice Chair, advised that he was unable to chair the meeting due to the fact he was unable to attend Pre-agenda; therefore, a Presiding Chair will need to be appointed and the following resolution was put forward to appoint Mayor Ganann as Presiding Chair for this evening's meeting:

1.1 ITEM P70-23

Deputy Clerk (Justin Paylove)

Re: Appointment of Presiding Chair

RECOMMENDATION:

That, in accordance with Section 4.3 of the Township's Procedural By-law, Mayor Ganann be appointed as the Presiding Chair for the Planning/Building/Environmental Committee Meeting of Tuesday, October 10th, 2023 due to the absence of the Chair (Councillor Reilly) and the Vice Chair (Councillor Bell) being unable to chair the meeting.

2. PRESIDING CHAIR - Mayor Cheryl Ganann

Prior to commencing with the Planning/Building/Environmental Committee meeting agenda, Presiding Chair Cheryl Ganann 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 jpaylove@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.

3. LAND ACKNOWLEDGEMENT STATEMENT

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

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

5. PUBLIC MEETING(S)

5.1 Zoning By-law Amendment - Township of West Lincoln Housekeeping Amendments No. 7

Re: The Township of West Lincoln is undertaking amendments to the Township zoning bylaw, 2017-70, as amended, to address a number of issues that have become apparent since the bylaw was first passed. The proposed amendments under consideration include:

- Update the definition of the term 'salvage yard'
- Addition of a definition and permitted use for truck transport terminal
- Adjustments to the R2, R3, R4, RM2, RM3 and RM4 zones for back to back and stacked back to back townhouses as per review completed on our behalf as a commitment to the P. Budd Development appeal of Housekeeping No. 6, done by a consultant (GSP Group).
- Changes to accessory dwelling provisions as per Bill 23.

6. CHANGE IN ORDER OF ITEMS ON AGENDA

7. APPOINTMENTS

8. 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.

9. 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.

9.1 ITEM P71-23

CONSENT AGENDA ITEMS

RECOMMENDATION:

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

1. Items 1 & 2 be and are hereby received for information.
2. Item 3 be and is hereby received and the recommendation contained therein be approved.

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

- | | | |
|----|--|----|
| 1. | Information Report PD-49-2023 - West Lincoln's Top 5 Recommendations from the Housing Affordability Task Force | 6 |
| 2. | Technical Report PD-54-2023 – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23) | 42 |
| 3. | Recommendation Report PD-50-2023 - Service Level Agreement (Planning) with the Region of Niagara | 77 |

10. COMMUNICATIONS

11. STAFF REPORTS

11.1 ITEM P72-23

104

Director of Planning & Building (Brian Treble)

Re: Recommendation Report PD-53-2023 – Draft Official Plan
Amendment No. 66 – Cost Sharing Policy

RECOMMENDATION:

1. That, Report PD-53-2023, regarding “”, dated October 10, 2023 be received; and,
2. That, staff be authorized to circulate Draft Official Plan Amendment No. 66 for input from land owners and agencies and then to present a recommendation report to Committee at a later date.

11.2 ITEM P73-23

114

Susan Smyth (Senior Planner) and Brian Treble (Director of Planning & Building)

Re: Recommendation Report PD-51-2023 – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)

RECOMMENDATION:

1. That, Report PD-51-2023, regarding “Recommendation Report – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)”, dated October 10, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, application for Zoning By-law Amendment File No. 1601-016-22 to change the Development (D) zone to Residential Low Density R1A-229 zone with site-specific provisions contained in Attachment 3, be APPROVED; and,
4. That, application for Draft Plan of Vacant Land Condominium File No. CDM 2000-91-22, be APPROVED, in accordance with the provisions of the Planning Act, R.S.O., 1990, Chapter P.13, and regulations thereunder, subject to draft plan approval conditions contained in Attachment 4 to PD-51-2023; and,
5. That, the Applicant be advised the Township’s draft approval of this Plan of Vacant Land Condominium will lapse three years from the date of approval unless Township Council grants an extension of the approval period prior to the lapsing date. If an extension is requested, an updated review will occur and revisions to the conditions of draft plan approval may be necessary at that time.

143

11.3 ITEM P74-23

Brian Treble (Director of Planning & Building)

Re: Recommendation Report PD-52-23 - Amendments to Noise By-law

RECOMMENDATION:

1. That, Recommendation Report PD-52-2023, regarding “Amendments to Noise By-law”, dated October 10, 2023 be received; and,
2. That, an amending by-law such as the one attached to this report, be passed to update and modernize the Township of West Lincoln Noise By-law; and,
3. That, Mr. and Mrs. Wrzosek be notified of the changes accordingly.

12. OTHER BUSINESS

12.1 ITEM P75-23

Members of Committee

Re: Other Business Matters of an Informative Nature

13. 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).

14. CONFIDENTIAL MATTERS

15. ADJOURNMENT

The Chair declared the meeting adjourned at the hour of _____.

DATE: October 10, 2023

REPORT NO: PD-49-2023

SUBJECT: **Information Report - West Lincoln's Top 5 Recommendations from the Housing Affordability Task Force**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- The Housing Affordability Task Force delivered its final report with 74 recommendations on February 8, 2022 to help Ontario tackle the housing supply crisis and build at least 1.5 million homes by 2031.
- The new Minister of Municipal Affairs is now asking the heads of Councils, to prioritize the municipality's top five recommendations for future consideration and to report their responses by October 6, 2023.
- The 5 recommendations, with their corresponding number from the Task Force Report, have been jointly selected through consultation between Senior Management and the Mayor.
- The Top 5 Recommendations contained in this report generally focus on making the planning system/processes more efficient, ensuring appeals to applications are evidence based. These priorities are very similar to those of AMO as outlined in their letter dated October 3rd, 2023. Such as, supporting the development of skilled trades which are essential to build more homes faster, and provide assistance for the construction of rental housing.
- This report is written for the information of the Committee and will be part of a submission by the Mayor to the Province.
- The Mayor will inform the Minister of Municipal Affairs of our top five priorities and staff will also notify the Region of the same.
- The letter, with the priorities and recommendations from AMO dated October 3rd, 2023, is also supported by the Township of West Lincoln.

RECOMMENDATION:

1. That, Information Report PD-49-2023, regarding "Information Report - West Lincoln's Top 5 Recommendations from the Housing Affordability Task Force", dated October 10, 2023 be received for information.

ALIGNMENT TO STRATEGIC PLAN:

Theme #2

- **CHAMPION** - Strategic Responsible Growth

BACKGROUND:

In February 2022, the Housing Affordability Task Force delivered its final report with 74 recommendations to help Ontario tackle the housing supply crisis and build at least 1.5 million homes by 2031. To date 23 recommendations have been implemented by the Province, many through Bill 23 and 109. The Task Force's final report is found as Attachment 1 to this report. The recommendations aim to allow more homes to be built faster. The Province believes a greater housing supply will help in addressing housing affordability.

CURRENT SITUATION:

The new Minister of Municipal Affairs and Housing has now asked the heads of Councils to prioritize the municipality's top five recommendations for future consideration. For these top five priorities, this could include advice to revisit the way a recommendation has been implemented, as well as how some of the recommendations could or should be implemented with amendments.

Recommendations can be grouped under the following topic areas:

- Setting bold targets and making new housing the planning priority;
- Require greater density on underutilized lands such as underutilized or redundant commercial lands;
- Reduce and streamline urban design rules;
- Depoliticize the approval process and cut red tape;
- Fix the Ontario Land Tribunal;
- Support municipalities that commit to transforming the system;

Planning and Senior Management staff and the Mayor have reviewed the Task force recommendations, dated February 8th, 2023. The Township's 5 recommendations, with their corresponding number from the Task Force Report, have been jointly selected by staff in consultation with the Mayor. Staff and the Mayor have now concluded that the 5 priorities below should be recommended to the Minister for importance, including:

- **26.** Require appellants to promptly seek permission ("leave to appeal") of the Tribunal and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted.
- **42.** Provide Provincial and Federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects.
- **43.** Enable municipalities, subject to adverse external economic events, to withdraw infrastructure allocations from any permitted projects where construction has not been initiated within three years of build permits being

issues.

- **44.** Work with municipalities to develop and implement a municipal services corporation utility model for water and wastewater under which the municipal corporation would borrow and amortize costs among customers instead of using development charges.
- **45.** Improve funding for colleges, trade schools, and apprenticeships; encourage and incentivize municipalities, unions and employers to provide more on-the-job training.

As Council is aware, the Province has made significant changes to the Planning Act, Heritage Act and Development Charges Act through a combination of Bill 23 and Bill 109. Further, the Province is contemplating blending the Provincial Policy statement and Growth Plan in an effort to make further policy changes to build more homes faster.

In many municipalities, building permits for new housing units are down due to higher interest rates, economic instability and the high costs of products and materials.

FINANCIAL IMPLICATIONS:

The 5 recommendations identified jointly with the Mayor to provide to the Minister have no direct financial impact to the municipality.

INTER-DEPARTMENTAL COMMENTS:

Planning, Senior Management and the Mayor reviewed the Task Force recommendations. The 5 recommendations highlighted in this report represent the final deliberations of Senior Staff and the Mayor, and will be submitted by the Mayor prior to October 6th, 2023.

CONCLUSION:

The 5 recommendations, with their corresponding numbers from the Task Force Report, have been selected by Senior Management staff in discussions with the Mayor. The Top 5 Recommendations highlighted in this report generally focus on making the planning system/processes more efficient, ensuring appeals to applications are evidenced based, supporting the development of skilled trades and rental/affordable housing which are all essential goals to build more homes faster.

ATTACHMENTS:

1. Task Force Report

Prepared & Submitted by:

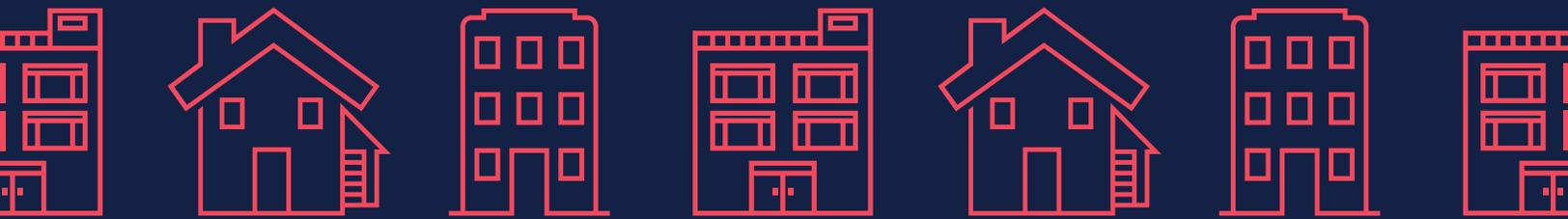


Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO



Report of the
**Ontario Housing
Affordability Task Force**



Contents

Letter to Minister Clark.....	3
Executive summary and recommendations	4
Introduction.....	6
Focus on getting more homes built	9
Making land available to build.....	10
Cut the red tape so we can build faster and reduce costs.....	15
Reduce the costs to build, buy and rent.....	18
Support and incentivize scaling up housing supply	22
Conclusion	26
Appendix A: Biographies of Task Force Members	27
Appendix B: Affordable Housing.....	29
Appendix C: Government Surplus Land	31
Appendix D: Surety Bonds	32
References	33

Letter to Minister Clark

Dear Minister Clark,

Hard-working Ontarians are facing a housing crisis. For many years, the province has not built enough housing to meet the needs of our growing population. While the affordability crisis began in our large cities, it has now spread to smaller towns and rural communities.

Efforts to cool the housing market have only provided temporary relief to home buyers. The long-term trend is clear: house prices are increasing much faster than Ontarian's incomes. The time for action is now.

When striking the Housing Affordability Task Force, you and Premier Ford were clear: you wanted actionable, concrete solutions to help Ontarians and there was no time to waste. You asked us to be bold and gave us the freedom and independence to develop our recommendations.

In the past two months, we have met municipal leaders, planners, unions, developers and builders, the financial sector, academics, think tanks and housing advocates. Time was short, but solutions emerged consistently around these themes:

- More housing density across the province
- End exclusionary municipal rules that block or delay new housing
- Depoliticize the housing approvals process
- Prevent abuse of the housing appeals system
- Financial support to municipalities that build more housing

We present this report to you not as an “all or nothing” proposal, but rather as a list of options that the government has at its disposal to help address housing affordability for Ontarians and get more homes built. We propose an ambitious but achievable target: 1.5 million new homes built in the next ten years.

Parents and grandparents are worried that their children will not be able to afford a home when they start working or decide to start a family. Too many Ontarians are unable to live in their preferred city or town because they cannot afford to buy or rent.

The way housing is approved and built was designed for a different era when the province was less constrained by space and had fewer people. But it no longer meets the needs of Ontarians. The balance has swung too far in favour of lengthy consultations, bureaucratic red tape, and costly appeals. It is too easy to oppose new housing and too costly to build. We are in a housing crisis and that demands immediate and sweeping reforms.

It has been an honour to serve as Chair, and I am proud to submit this report on behalf of the entire Task Force.



Jake Lawrence

Chair, Housing Affordability Task Force

Chief Executive Officer and Group Head, Global Banking and Markets, Scotiabank

Executive summary and recommendations

House prices in Ontario have almost tripled in the past 10 years, growing much faster than incomes. This has home ownership beyond the reach of most first-time buyers across the province, even those with well-paying jobs. Housing has become too expensive for rental units and it has become too expensive in rural communities and small towns. The system is not working as it should.

For too long, we have focused on solutions to “cool” the housing market. It is now clear that we do not have enough homes to meet the needs of Ontarians today, and we are not building enough to meet the needs of our growing population. If this problem is not fixed – by creating more housing to meet the growing demand – housing prices will continue to rise. We need to build more housing in Ontario.

This report sets out recommendations that would set a bold goal and clear direction for the province, increase density, remove exclusionary rules that prevent housing growth, prevent abuse of the appeals process, and make sure municipalities are treated as partners in this process by incentivizing success.

Setting bold targets and making new housing the planning priority

Recommendations 1 and 2 urge Ontario to set a bold goal of adding 1.5 million homes over the next 10 years and update planning guidance to make this a priority.

The task force then recommends actions in five main areas to increase supply:

Require greater density

Land is not being used efficiently across Ontario. In too many neighbourhoods, municipal rules only allow single-family homes – not even a granny suite. Taxpayers have invested heavily in subway, light rail, bus and rail lines and highways, and the streets nearby are ideally suited for more mid- and high-rise housing. Underused or redundant commercial and industrial buildings are ripe to be redeveloped into housing or mixed commercial and residential use. New housing on undeveloped land should also be higher density than traditional suburbs, especially close to highways.

Adding density in all these locations makes better use of infrastructure and helps to save land outside urban boundaries. Implementing these recommendations will provide Ontarians with many more options for housing.

Recommendations 3 through 11 address how Ontario can quickly create more housing supply by allowing more housing in more locations “as of right” (without the need for municipal approval) and make better use of transportation investments.

Reduce and streamline urban design rules

Municipalities require numerous studies and set all kinds of rules for adding housing, many of which go well beyond the requirements of the provincial Planning Act. While some of this guidance has value for urban design, some rules appear to be arbitrary and not supported by evidence – for example, requiring condo buildings to include costly parking stalls even though many go unsold. These rules and requirements result in delays and extra costs that make housing either impossible to build or very expensive for the eventual home buyer or renter.

Recommendation 12 would set uniform provincial standards for urban design, including building shadows and setbacks, do away with rules that prioritize preservation of neighbourhood physical character over new housing, no longer require municipal approval of design matters like a building’s colour, texture, type of material or window details, and remove or reduce parking requirements.

Depoliticize the process and cut red tape

NIMBYism (not in my backyard) is a major obstacle to building housing. It drags out the approval process, pushes up costs, and keeps out new residents. Because local councillors depend on the votes of residents who want to keep the status quo, the planning process has become politicized. Municipalities allow far more public consultation than is required, often using formats that make it hard for working people and families with young children to take part. Too few technical decisions are delegated to municipal staff. Pressure to designate buildings with little or no heritage value as “heritage” if development is proposed and bulk listings of properties with “heritage potential” are also standing in the way of getting homes built. Dysfunction throughout the system, risk aversion and needless bureaucracy have resulted in a situation where Ontario lags the rest of Canada and the developed world in approval times. Ontarians have waited long enough.

Recommendations 13 through 25 would require municipalities to limit consultations to the legislated maximum, ensure people can take part digitally, mandate the delegation of technical decisions, prevent abuse of the heritage process and see property owners compensated for financial loss resulting from designation, restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews, legislate timelines for approvals and enact several other common sense changes that would allow housing to be built more quickly and affordably.

Fix the Ontario Land Tribunal

Largely because of the politicization of the planning process, many proponents look to the Tribunal, a quasi-judicial body, to give the go-ahead to projects that should have been approved by the municipality. Even when there is municipal approval, however, opponents appeal to the Tribunal – paying only a \$400 fee – knowing that this may well succeed in delaying a project to the point where it might no longer make economic sense. As a result, the Tribunal faces a backlog of more than 1,000 cases and is seriously under-resourced.

Recommendations 26 through 31 seek to weed out or prevent appeals aimed purely at delaying projects, allow adjudicators to award costs to proponents in more cases, including instances where a municipality has refused an approval to avoid missing a legislated deadline, reduce the time to issue decisions, increase funding, and encourage the Tribunal to prioritize cases that would increase housing supply quickly as it tackles the backlog.

Support municipalities that commit to transforming the system

Fixing the housing crisis needs everyone working together. Delivering 1.5 million homes will require the provincial and federal governments to invest in change. Municipalities that make the difficult but necessary choices to grow housing supply should be rewarded, and those that resist new housing should see funding reductions.

Recommendations 49 and 50 call for Ontario government to create a large “Ontario Housing Delivery Fund” and encourage the federal government to match funding, and suggest how the province should reward municipalities that support change and reduce funding for municipalities that do not.

This executive summary focuses on the actions that will get the most housing units approved and built in the shortest time. Other recommendations in the report deal with issues that are important but may take more time to resolve or may not directly increase supply (recommendation numbers are indicated in brackets): improving tax and municipal financing (**32-37, 39, 42-44**); encouraging new pathways to home ownership (**38, 40, 41**); and addressing labour shortages in the construction industry (**45-47**).

This is not the first attempt to “fix the housing system”. There have been efforts for years to tackle increasing housing prices and find solutions. This time must be different. **Recommendations 50-55** set out ways of helping to ensure real and concrete progress on providing the homes Ontarians need.

Introduction

Ontario is in a housing crisis. Prices are skyrocketing: the average price for a house across Ontario was \$923,000 at the end of 2021.^[1] Ten years ago, the average price was \$329,000.^[2] Over that period, average house prices have climbed 180% while average incomes have grown roughly 38%.^{[3][4]}

Not long ago, hard-working Ontarians – teachers, construction workers, small business owners – could afford the home they wanted. In small towns, it was reasonable to expect that you could afford a home in the neighbourhood you grew up in. Today, home ownership or finding a quality rental is now out of reach for too many Ontarians. The system is not working as it should be.

Housing has become too expensive for rental units and it has become too expensive in rural communities and small towns.

While people who were able to buy a home a decade or more ago have built considerable personal equity, the benefits of having a home aren't just financial. Having a place to call home connects people to their community, creates a gathering place for friends and family, and becomes a source of pride.

Today, the reality for an ever-increasing number of Ontarians is quite different. Everyone in Ontario knows people who are living with the personal and financial stress of not being able to find housing they can afford. The young family who can't buy a house within two hours of where they work. The tenant with a good job who worries about

where she'll find a new apartment she can afford if the owner decides to sell. The recent graduate who will have to stay at home for a few more years before he can afford to rent or buy.

While the crisis is widespread, it weighs more heavily on some groups than on others. Young people starting a family who need a larger home find themselves priced out of the market. Black, Indigenous and marginalized people face even greater challenges. As Ontarians, we have only recently begun to understand and address the reality of decades of systemic racism that has resulted in lower household incomes, making the housing affordability gap wider than average.

The high cost of housing has pushed minorities and lower income Ontarians further and further away from job markets. Black and Indigenous homeownership rates are less than half of the provincial average.^[5] And homelessness rates among Indigenous Peoples are 11 times the national average. When housing prevents an individual from reaching their full potential, this represents a loss to every Ontarian: lost creativity, productivity, and revenue. Lost prosperity for individuals and for the entire Ontario economy.



As much as we read about housing affordability being a challenge in major cities around the world, the depth of the challenge has become greater in Ontario and Canada than almost anywhere in the developed world.



Canada has the lowest amount of housing per population of any G7 country.

How did we get here? Why do we have this problem?

A major factor is that there just isn't enough housing. A 2021 Scotiabank study showed that Canada has the fewest housing units per population of any G7 country – and, our per capita housing supply has *dropped* in the past five years.^[6] An update to that study released in January 2022 found that two thirds of Canada's housing shortage is in Ontario.^[7] Today, Ontario is 1.2 million homes – rental or owned – short of the G7 average. With projected population growth, that huge gap is widening, and bridging it will take immediate, bold and purposeful effort. And to support population growth in the next decade, we will need one million more homes.

While governments across Canada have taken steps to “cool down” the housing market or provide help to first-time buyers, these demand-side solutions only work if there is enough supply. Shortages of supply in any market have a direct impact on affordability. Scarcity breeds price increases. Simply put, if we want more Ontarians to have housing, we need to build more housing in Ontario.

Ontario must build 1.5 million homes over the next 10 years to address the supply shortage

The housing crisis impacts all Ontarians. The ripple effect of the crisis also holds back Ontario reaching its full potential.

Economy

Businesses of all sizes are facing problems finding and retaining workers. Even high-paying jobs in technology and manufacturing are hard to fill because there's not enough housing nearby. This doesn't just dampen the economic growth of cities, it makes them less vibrant, diverse, and creative, and strains their ability to provide essential services.

Public services

Hospitals, school boards and other public service providers across Ontario report challenges attracting and retaining staff because of housing costs. One town told us that it

could no longer maintain a volunteer fire department, because volunteers couldn't afford to live within 10 minutes drive of the firehall.

Environment

Long commutes contribute to air pollution and carbon emissions. An international survey of 74 cities in 16 countries found that Toronto, at 96 minutes both ways, had the longest commute times in North America and was essentially tied with Bogota, Colombia, for the longest commute time worldwide.^[8] Increasing density in our cities and around major transit hubs helps reduce emissions to the benefit of everyone.

Ontario must build

1.5M

homes over the next 10 years
to address the supply shortage.

Our mandate and approach

Ontario's Minister of Municipal Affairs and Housing tasked us with recommending ways to accelerate our progress in closing the housing supply gap to improve housing affordability.

Time is of the essence. Building housing now is exactly what our post-pandemic economy needs. Housing construction creates good-paying jobs that cannot be outsourced to other countries. Moreover, the pandemic gave rise to unprecedented levels of available capital that can be invested in housing – if we can just put it to work.

We represent a wide range of experience and perspectives that includes developing, financing and building homes, delivering affordable housing, and researching housing market trends, challenges and solutions. Our detailed biographies appear as [Appendix A](#).



We acknowledge that every house in Ontario is built on the traditional territory of Indigenous Peoples.



People in households that spend 30% or more of total household income on shelter expenses are defined as having a “housing affordability” problem. Shelter expenses include electricity, oil, gas, coal, wood or other fuels, water and other municipal services, monthly mortgage payments, property taxes, condominium fees, and rent.

Our mandate was to focus on how to increase market housing supply and affordability. By market housing, we are referring to homes that can be purchased or rented without government support.

Affordable housing (units provided at below-market rates with government support) was not part of our mandate.

The Minister and his cabinet colleagues are working on that issue. Nonetheless, almost every stakeholder we spoke with had ideas that will help deliver market housing and also make it easier to deliver affordable housing. However, affordable housing is a societal responsibility and will require intentional investments and strategies to bridge the significant affordable housing gap in this province. We have included a number of recommendations aimed at affordable housing in the body of this report, but have also included further thoughts in [Appendix B](#).

We note that government-owned land was also outside our mandate. Many stakeholders, however, stressed the value of surplus or underused public land and land associated with major transit investments in finding housing solutions. We agree and have set out some thoughts on that issue in [Appendix C](#).

How we did our work

Our Task Force was struck in December 2021 and mandated to deliver a final report to the Minister by the end of January 2022. We were able to work to that tight timeline because, in almost all cases, viewpoints and feasible solutions are well known. In addition, we benefited from insights gleaned from recent work to solve the problem in other jurisdictions.

During our deliberations, we met with and talked to over 140 organizations and individuals, including industry associations representing builders and developers, planners, architects, realtors and others; labour unions; social justice advocates; elected officials at the municipal level; academics and research groups; and municipal planners. We also received written submissions from many of these participants. In addition, we drew on the myriad public reports and papers listed in the [References](#).

We thank everyone who took part in sessions that were uniformly helpful in giving us a deeper understanding of the housing crisis and the way out of it. We also thank the staff of the Ministry of Municipal Affairs and Housing who provided logistical and other support, including technical briefings and background.

The way forward

The single unifying theme across all participants over the course of the Task Force’s work has been the urgency to take decisive action. Today’s housing challenges are incredibly complex. Moreover, developing land, obtaining approvals, and building homes takes years.

Some recommendations will produce immediate benefits, others will take years for the full impact.

This is why there is no time to waste. We urge the Minister of Municipal Affairs and Housing and his cabinet colleagues to continue measures they have already taken to accelerate housing supply and to move quickly in turning the recommendations in this report into decisive new actions.

The province must set an ambitious and bold goal to build 1.5 million homes over the next 10 years. If we build 1.5 million new homes over the next ten years, Ontario can fill the housing gap with more affordable choices, catch up to the rest of Canada and keep up with population growth.

By working together, we can resolve Ontario’s housing crisis. In so doing, we can build a more prosperous future for everyone.

The balance of this report lays out our recommendations.

Focus on getting more homes built

Resolving a crisis requires intense focus and a clear goal. The province is responsible for the legislation and policy that establishes the planning, land use, and home building goals, which guide municipalities, land tribunals, and courts. Municipalities are then responsible for implementing provincial policy in a way that works for their communities. The province is uniquely positioned to lead by shining a spotlight on this issue, setting the tone, and creating a single, galvanizing goal around which federal support, provincial legislation, municipal policy, and the housing market can be aligned.

In 2020, Ontario built about 75,000 housing units.^[9] For this report, we define a housing unit (home) as a single dwelling (detached, semi-detached, or attached), apartment, suite, condominium or mobile home. Since 2018, housing completions have grown every year as a result of positive measures that the province and some municipalities have implemented to encourage more home building. But we are still 1.2 million homes short when compared to other G7 countries and our population is growing. The goal of 1.5 million homes feels daunting – but reflects both the need and what is possible. In fact, throughout the 1970s Ontario built more housing units each year than we do today.^[10]

The second recommendation is designed to address the growing complexity and volume of rules in the legislation, policy, plans and by-laws, and their competing priorities, by providing clear direction to provincial agencies, municipalities, tribunals, and courts on the overriding priorities for housing.

1. Set a goal of building 1.5 million new homes in ten years.
2. Amend the Planning Act, Provincial Policy Statement, and Growth Plans to set “growth in the full spectrum of housing supply” and “intensification within existing built-up areas” of municipalities as the most important residential housing priorities in the mandate and purpose.



The “missing middle” is often cited as an important part of the housing solution. We define the missing middle as mid-rise condo or rental housing, smaller houses on subdivided lots or in laneways and other additional units in existing houses.

Making land available to build

The Greater Toronto Area is bordered on one side by Lake Ontario and on the other by the protected Greenbelt. Similarly, the Ottawa River and another Greenbelt constrain land supply in Ottawa, the province's second-largest city.

But a shortage of land isn't the cause of the problem. Land is available, both inside the existing built-up areas and on undeveloped land outside greenbelts.

We need to make better use of land. Zoning defines what we can build and where we can build. If we want to make better use of land to create more housing, then we need to modernize our zoning rules. We heard from planners, municipal councillors, and developers that "as of right" zoning – the ability to by-pass long, drawn out consultations and zoning by-law amendments – is the most effective tool in the provincial toolkit. We agree.

Stop using exclusionary zoning that restricts more housing

Too much land inside cities is tied up by outdated rules. For example, it's estimated that 70% of land zoned for housing in Toronto is restricted to single-detached or semi-detached homes.^[11] This type of zoning prevents homeowners from adding additional suites to create housing for Ontarians and income for themselves. As one person said, "my neighbour can tear down what was there to build a monster home, but I'm not allowed to add a basement suite to my home."

It's estimated that
70%

of land zoned for housing in Toronto is restricted to **single-detached** or **semi-detached** homes.



While less analysis has been done in other Ontario communities, it's estimated that about half of all residential land in Ottawa is zoned for single-detached housing, meaning nothing else may be built on a lot without public consultation and an amendment to the zoning by-law. In some suburbs around Toronto, single unit zoning dominates residential land use, even close to GO Transit stations and major highways.

One result is that more growth is pushing past urban boundaries and turning farmland into housing. Undeveloped land inside and outside existing municipal boundaries must be part of the solution, particularly in northern and rural communities, but isn't nearly enough on its own. Most of the solution must come from densification. Greenbelts and other environmentally sensitive areas must be protected, and farms provide food and food security. Relying too heavily on undeveloped land would whittle away too much of the already small share of land devoted to agriculture.

Modernizing zoning would also open the door to more rental housing, which in turn would make communities more inclusive.

Allowing more gentle density also makes better use of roads, water and wastewater systems, transit and other public services that are already in place and have capacity, instead of having to be built in new areas.

The Ontario government took a positive step by allowing secondary suites (e.g., basement apartments) across the province in 2019. However, too many municipalities still place too many restrictions on implementation. For the last three years, the total number of secondary suites in Toronto has actually declined each year, as few units get permitted and owners convert two units into one.^[12]

These are the types of renovations and home construction performed by small businesses and local trades, providing them with a boost.

Underused and vacant commercial and industrial properties are another potential source of land for housing. It was suggested to us that one area ripe for redevelopment into a mix of commercial and residential uses is the strip mall, a leftover from the 1950s that runs along major suburban streets in most large Ontario cities.

“As of right” zoning allows more kinds of housing that are accessible to more kinds of people. It makes neighbourhoods stronger, richer, and fairer. And it will get more housing built in existing neighbourhoods more quickly than any other measure.

3. Limit exclusionary zoning in municipalities through binding provincial action:

- a) Allow “as of right” residential housing up to four units and up to four storeys on a single residential lot.
- b) Modernize the Building Code and other policies to remove any barriers to affordable construction and to ensure meaningful implementation (e.g., allow single-staircase construction for up to four storeys, allow single egress, etc.).

4. Permit “as of right” conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use.

5. Permit “as of right” secondary suites, garden suites, and laneway houses province-wide.

6. Permit “as of right” multi-tenant housing (renting rooms within a dwelling) province-wide.

7. Encourage and incentivize municipalities to increase density in areas with excess school capacity to benefit families with children.

Align investments in roads and transit with growth

Governments have invested billions of dollars in highways, light rail, buses, subways and trains in Ontario. But without ensuring more people can live close to those transit routes, we’re not getting the best return on those infrastructure investments.

Access to transit is linked to making housing more affordable: when reliable transit options are nearby, people can get to work more easily. They can live further from the centre of the city in less expensive areas without the added cost of car ownership.

The impacts of expanding public transit go far beyond serving riders. These investments also spur economic growth and reduce traffic congestion and emissions. We all pay for the cost of transit spending, and we should all share in the benefits.

If municipalities achieve the right development near transit – a mix of housing at high- and medium-density, office space and retail – this would open the door to better ways of funding the costs. Other cities, like London, UK and Hong Kong, have captured the impacts of increased land value and business activity along new transit routes to help with their financing.

Ontario recently created requirements (residents/hectare) for municipalities to zone for higher density in transit corridors and “major transit station areas”,^[13a] ^[13b] These are areas surrounding subway and other rapid transit stations and hubs. However, we heard troubling reports that local opposition is blocking access to these neighbourhoods and to critical public transit stations. City staff, councillors, and the province need to stand up to these tactics and speak up for the Ontarians who need housing.

The Province is also building new highways in the Greater Golden Horseshoe, and it’s important to plan thoughtfully for the communities that will follow from these investments, to make sure they are compact and liveable.

8. Allow “as of right” zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years if municipal zoning remains insufficient to meet provincial density targets.
9. Allow “as of right” zoning of six to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).
10. Designate or rezone as mixed commercial and residential use all land along transit corridors and redesignate all Residential Apartment to mixed commercial and residential zoning in Toronto.
11. Support responsible housing growth on undeveloped land, including outside existing municipal boundaries, by building necessary infrastructure to support higher density housing and complete communities and applying the recommendations of this report to all undeveloped land.

Start saying “yes in my backyard”

Even where higher density is allowed in theory, the official plans of most cities in Ontario contain conflicting goals like maintaining “prevailing neighbourhood character”. This bias is reinforced by detailed guidance that often follows from the official plan. Although requirements are presented as “guidelines”, they are often treated as rules.

Examples include:

- Angular plane rules that require successively higher floors to be stepped further back, cutting the number of units that can be built by up to half and making many projects uneconomic
- Detailed rules around the shadows a building casts
- Guidelines around finishes, colours and other design details

One resident’s desire to prevent a shadow being cast in their backyard or a local park frequently prevails over concrete proposals to build more housing for multiple families. By-laws and guidelines that preserve “neighbourhood character” often prevent simple renovations to add new suites to existing homes. The people who suffer are mostly young, visible minorities, and marginalized people. It is the perfect

example of a policy that appears neutral on its surface but is discriminatory in its application.^[14]

Far too much time and money are spent reviewing and holding consultations for large projects which conform with the official plan or zoning by-law and small projects which would cause minimal disruption. The cost of needless delays is passed on to new home buyers and tenants.

Minimum parking requirements for each new unit are another example of outdated municipal requirements that increase the cost of housing and are increasingly less relevant with public transit and ride share services. Minimum parking requirements add as much as \$165,000 to the cost of a new housing unit, even as demand for parking spaces is falling: data from the Residential Construction Council of Ontario shows that in new condo projects, one in three parking stalls goes unsold. We applaud the recent vote by Toronto City Council to scrap most minimum parking requirements. We believe other cities should follow suit.

While true heritage sites are important, heritage preservation has also become a tool to block more housing. For example, some municipalities add thousands of properties at a time to a heritage register because they have “potential” heritage value. Even where a building isn’t heritage designated or registered, neighbours increasingly demand it be as soon as a development is proposed.

This brings us to the role of the “not in my backyard” or NIMBY sentiment in delaying or stopping more homes from being built.



New housing is often the last priority

A proposed building with market and affordable housing units would have increased the midday shadow by 6.5% on a nearby park at the fall and spring equinox, with no impact during the summer months. To conform to a policy that does not permit “new net shadow on specific parks”, seven floors of housing, including 26 affordable housing units, were sacrificed.

Multiple dry cleaners along a transit route were designated as heritage sites to prevent new housing being built. It is hard not to feel outrage when our laws are being used to prevent families from moving into neighbourhoods and into homes they can afford along transit routes.

NIMBY versus YIMBY

NIMBYism (not in my backyard) is a large and constant obstacle to providing housing everywhere. Neighbourhood pushback drags out the approval process, pushes up costs and discourages investment in housing. It also keeps out new residents. While building housing is very costly, opposing new housing costs almost nothing.

Unfortunately, there is a strong incentive for individual municipal councillors to fall in behind community opposition – it's existing residents who elect them, not future ones. The outcry of even a handful of constituents (helped by the rise of social media) has been enough, in far too many cases, to persuade their local councillor to vote against development even while admitting its merits in private. There is a sense among some that it's better to let the Ontario Land Tribunal approve the development on appeal, even if it causes long delays and large cost increases, then to take the political heat.

Mayors and councillors across the province are fed up and many have called for limits on public consultations and more “as of right” zoning. In fact, some have created a new term for NIMBYism: BANANAs – Build Absolutely Nothing Anywhere Near Anything, causing one mayor to comment “NIMBYism has gone BANANAs”. We agree. In a growing, thriving society, that approach is not just bad policy, it is exclusionary and wrong.

As a result, technical planning decisions have become politicized. One major city has delegated many decisions to senior staff, but an individual councillor can withdraw the delegation when there is local opposition and force a vote at Council. We heard that this situation is common across the province, creating an electoral incentive for a councillor to delay or stop a housing proposal, or forcing a councillor to pay the electoral cost of supporting it. Approvals of individual housing applications should be the role of professional staff, free from political interference.

The pressure to stop any development is now so intense that it has given rise to a counter-movement – YIMBYism, or “yes in my backyard,” led by millennials who recognize entrenched opposition to change as a huge obstacle to finding a home. They provide a voice at public consultations for young people, new immigrants and refugees, minority groups, and Ontarians struggling to access housing by connecting our ideals to the reality of housing. People who welcome immigrants to Canada should welcome them to the neighbourhood, fighting climate change means supporting higher-density housing, and “keeping the neighbourhood the way it is” means keeping it off-limits. While anti-housing voices can be loud,

a member of More Neighbours Toronto, a YIMBY group that regularly attends public consultations, has said that the most vocal opponents usually don't represent the majority in a neighbourhood. Survey data from the Ontario Real Estate Association backs that up, with almost 80% of Ontarians saying they are in favour of zoning in urban areas that would encourage more homes.

Ontarians want a solution to the housing crisis. We cannot allow opposition and politicization of individual housing projects to prevent us from meeting the needs of all Ontarians.

12. Create a more permissive land use, planning, and approvals system:

- a) Repeal or override municipal policies, zoning, or plans that prioritize the preservation of physical character of neighbourhood
- b) Exempt from site plan approval and public consultation all projects of 10 units or less that conform to the Official Plan and require only minor variances
- c) Establish province-wide zoning standards, or prohibitions, for minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, and heritage view cones, and planes; restore pre-2006 site plan exclusions (colour, texture, and type of materials, window details, etc.) to the Planning Act and reduce or eliminate minimum parking requirements; and
- d) Remove any floorplate restrictions to allow larger, more efficient high-density towers.

13. Limit municipalities from requesting or hosting additional public meetings beyond those that are required under the Planning Act.

14. Require that public consultations provide digital participation options.

15. Require mandatory delegation of site plan approvals and minor variances to staff or pre-approved qualified third-party technical consultants through a simplified review and approval process, without the ability to withdraw Council's delegation.

- 16.** Prevent abuse of the heritage preservation and designation process by:
 - a) Prohibiting the use of bulk listing on municipal heritage registers
 - b) Prohibiting reactive heritage designations after a Planning Act development application has been filed
- 17.** Requiring municipalities to compensate property owners for loss of property value as a result of heritage designations, based on the principle of best economic use of land.
- 18.** Restore the right of developers to appeal Official Plans and Municipal Comprehensive Reviews.

We have heard mixed feedback on Committees of Adjustment. While they are seen to be working well in some cities, in others they are seen to simply add another lengthy step in the process. We would urge the government to first implement our recommendation to delegate minor variances and site plan approvals to municipal staff and then assess whether Committees of Adjustment are necessary and an improvement over staff-level decision making.

Cut the red tape so we can build faster and reduce costs

One of the strongest signs that our approval process is not working: of 35 OECD countries, only the Slovak Republic takes longer than Canada to approve a building project. The UK and the US approve projects three times faster without sacrificing quality or safety. And they save home buyers and tenants money as a result, making housing more affordable.^[15]

A 2020 survey of development approval times in 23 Canadian cities shows Ontario seriously lagging: Hamilton (15th), Toronto (17th), Ottawa (21st) with approval times averaging between 20-24 months. These timelines do not include building permits, which take about two years for an apartment building in Toronto. Nor did they count the time it takes for undeveloped land to be designated for housing, which the study notes can take five to ten years.^[16]

Despite the good intentions of many people involved in the approvals and home-building process, decades of dysfunction in the system and needless bureaucracy have made it too difficult for housing approvals to keep up with the needs of Ontarians. There appear to be numerous reasons why Ontario performs so poorly against other Canadian cities and the rest of the developed world. We believe that the major problems can be summed up as:

- Too much complexity in the planning process, with the page count in legislation, regulation, policies, plans, and by-laws growing every year
- Too many studies, guidelines, meetings and other requirements of the type we outlined in the previous section, including many that go well beyond the scope of Ontario's Planning Act
- Reviews within municipalities and with outside agencies that are piecemeal, duplicative (although often with conflicting outcomes) and poorly coordinated
- Process flaws that include reliance on paper
- Some provincial policies that are more relevant to urban development but result in burdensome, irrelevant requirements when applied in some rural and northern communities.



All of this has contributed to widespread failure on the part of municipalities to meet required timelines. The provincial Planning Act sets out deadlines of 90 days for decisions on zoning by-law amendments, 120 days for plans of subdivision, and 30 days for site plan approval, but municipalities routinely miss these without penalty. For other processes, like site plan approval or provincial approvals, there are no timelines and delays drag on. The cost of delay falls on the ultimate homeowner or tenant.

The consequences for homeowners and renters are enormous. Ultimately, whatever cost a builder pays gets passed on to the buyer or renter. As one person said: "Process is the biggest project killer in Toronto because developers have to carry timeline risk."

Site plan control was often brought up as a frustration. Under the Planning Act, this is meant to be a technical review of the external features of a building. In practice, municipalities often expand on what is required and take too long to respond.

Then: In 1966, a draft plan of subdivision in a town in southwestern Ontario to provide 529 low-rise and mid-rise housing units, a school site, a shopping centre and parks was approved by way of a two-page letter setting out 10 conditions. It took seven months to clear conditions for final approval.

And now: In 2013, a builder started the approval process to build on a piece of serviced residential land in a seasonal resort town. Over the next seven years, 18 professional consultant reports were required, culminating in draft plan approval containing 50 clearance conditions. The second approval, issued by the Local Planning Appeals Board in 2020, ran to 23 pages. The developer estimates it will be almost 10 years before final approval is received.

An Ontario Association of Architects study calculating the cost of delays between site plan application and approval concluded that for a 100-unit condominium apartment building, each additional month of delay costs the applicant an estimated \$193,000, or \$1,930 a month for each unit.^[17]

A 2020 study done for the Building Industry and Land Development Association (BILD) looked at impacts of delay on low-rise construction, including single-detached homes. It estimated that every month an approval is delayed adds, on average, \$1.46 per square foot to the cost of a single home. A two-year delay, which is not unusual for this housing type, adds more than \$70,000 to the cost of a 2,000-square-foot house in the GTA.^[16]

Getting rid of so much unnecessary and unproductive additional work would significantly reduce the burden on staff.^[16b] It would help address the widespread shortages of planners and building officials. It would also bring a stronger sense among municipal staff that they are part of the housing solution and can take pride in helping cut approval times and lower the costs of delivering homes.

Adopt common sense approaches that save construction costs

Wood using “mass timber” – an engineer compressed wood, made for strength and weight-bearing – can provide a lower-cost alternative to reinforced concrete in many mid-rise projects, but Ontario’s Building Code is hampering its use. Building taller with wood offers advantages beyond cost:

- Wood is a renewable resource that naturally sequesters carbon, helping us reach our climate change goals

- Using wood supports Ontario’s forestry sector and creates jobs, including for Indigenous people

British Columbia’s and Quebec’s building codes allow woodframe construction up to 12 storeys, but Ontario limits it to six. By amending the Building Code to allow 12-storey woodframe construction, Ontario would encourage increased use of forestry products and reduce building costs.

Finally, we were told that a shift in how builders are required to guarantee their performance would free up billions of dollars to build more housing. Pay on demand surety bonds are a much less onerous option than letters or credit, and are already accepted in Hamilton, Pickering, Innisfil, Whitchurch-Stouffville and other Ontario municipalities. We outline the technical details in [Appendix D](#).

19. Legislate timelines at each stage of the provincial and municipal review process, including site plan, minor variance, and provincial reviews, and deem an application approved if the legislated response time is exceeded.
20. Fund the creation of “approvals facilitators” with the authority to quickly resolve conflicts among municipal and/or provincial authorities and ensure timelines are met.
21. Require a pre-consultation with all relevant parties at which the municipality sets out a binding list that defines what constitutes a complete application; confirms the number of consultations established in the previous recommendations; and clarifies that if a member of a regulated profession such as a professional engineer has stamped an application, the municipality has no liability and no additional stamp is needed.
22. Simplify planning legislation and policy documents.
23. Create a common, province-wide definition of plan of subdivision and standard set of conditions which clarify which may be included; require the use of standard province-wide legal agreements and, where feasible, plans of subdivision.
24. Allow wood construction of up to 12 storeys.
25. Require municipalities to provide the option of pay on demand surety bonds and letters of credit.

Prevent abuse of the appeal process

Part of the challenge with housing approvals is that, by the time a project has been appealed to the Ontario Land Tribunal (the Tribunal), it has usually already faced delay and compromises have been made to reduce the size and scope of the proposal. When an approved project is appealed, the appellant – which could just be a single individual – may pay \$400 and tie up new housing for years.

The most recent published report showed 1,300 unresolved cases.^[18] While under-resourcing does contribute to delays, this caseload also reflects the low barrier to launching an appeal and the minimal risks if an appeal is unsuccessful:

- After a builder has spent time and money to ensure a proposal conforms with a municipality’s requirements, the municipal council can still reject it – even if its own planning staff has given its support. Very often this is to appease local opponents.
- Unlike a court, costs are not automatically awarded to the successful party at the Tribunal. The winning side must bring a motion and prove that the party bringing the appeal was unreasonable, clearly trying to delay the project, and/or being vexatious or frivolous. Because the bar is set so high, the winning side seldom asks for costs in residential cases.

This has resulted in abuse of the Tribunal to delay new housing. Throughout our consultations, we heard from municipalities, not-for-profits, and developers that affordable housing was a particular target for appeals which, even if unsuccessful, can make projects too costly to build.

Clearly the Tribunal needs more resources to clear its backlog. But the bigger issue is the need for so many appeals: we believe it would better to have well-defined goals and rules for municipalities and builders to avoid this costly and time-consuming quasi-judicial process. Those who bring appeals aimed at stopping development that meets established criteria should pay the legal costs of the successful party and face the risk of a larger project being approved.

The solution is not more appeals, it’s fixing the system. We have proposed a series of reforms that would ensure only meritorious appeals proceeded, that every participant faces some risk and cost of losing, and that abuse of the Tribunal will be penalized. We believe that if Ontario accepts our recommendations, the Tribunal will not face the same volume of appeals. But getting to that point will take time, and the Tribunal needs more resources and better tools now.

Recommendation 1 will provide legislative direction to adjudicators that they must prioritize housing growth and intensification over competing priorities contained in provincial and municipal policies. We further recommend the following:

- 26.** Require appellants to promptly seek permission (“leave to appeal”) of the Tribunal and demonstrate that an appeal has merit, relying on evidence and expert reports, before it is accepted.
- 27.** Prevent abuse of process:
 - a) Remove right of appeal for projects with at least 30% affordable housing in which units are guaranteed affordable for at least 40 years.
 - b) Require a \$10,000 filing fee for third-party appeals.
 - c) Provide discretion to adjudicators to award full costs to the successful party in any appeal brought by a third party or by a municipality where its council has overridden a recommended staff approval.
- 28.** Encourage greater use of oral decisions issued the day of the hearing, with written reasons to follow, and allow those decisions to become binding the day that they are issued.
- 29.** Where it is found that a municipality has refused an application simply to avoid a deemed approval for lack of decision, allow the Tribunal to award punitive damages.
- 30.** Provide funding to increase staffing (adjudicators and case managers), provide market-competitive salaries, outsource more matters to mediators, and set shorter time targets.
- 31.** In clearing the existing backlog, encourage the Tribunal to prioritize projects close to the finish line that will support housing growth and intensification, as well as regional water or utility infrastructure decisions that will unlock significant housing capacity.

Reduce the costs to build, buy and rent

The price you pay to buy or rent a home is driven directly by how much it costs to build a home. In Ontario, costs to build homes have dramatically increased at an unprecedented pace over the past decade. In most of our cities and towns, materials and labour only account for about half of the costs. The rest comes from land, which we have addressed in the previous section, and government fees.

A careful balance is required on government fees because, as much as we would like to see them lowered, governments need revenues from fees and taxes to build critically needed infrastructure and pay for all the other services that make Ontario work. So, it is a question of balance and of ensuring that our approach to government fees encourages rather than discourages developers to build the full range of housing we need in our Ontario communities.

Align government fees and charges with the goal of building more housing

Improve the municipal funding model

Housing requires more than just the land it is built on. It requires roads, sewers, parks, utilities and other infrastructure. The provincial government provides municipalities with a way to secure funding for this infrastructure through development charges, community benefit charges and parkland dedication (providing 5% of land for public parks or the cash equivalent).

These charges are founded on the belief that growth – not current taxpayers – should pay for growth. As a concept, it is compelling. In practice, it means that new home buyers pay the entire cost of sewers, parks, affordable housing, or colleges that will be around for generations and may not be located in their neighbourhood. And, although building

affordable housing is a societal responsibility, because affordable units pay all the same charges as a market unit, the cost is passed to new home buyers in the same building or the not-for-profit organization supporting the project. We do not believe that government fees should create a disincentive to affordable housing.

If you ask any developer of homes – whether they are for-profit or non-profit – they will tell you that development charges are a special pain point. In Ontario, they can be as much as \$135,000 per home. In some municipalities, development charges have increased as much as 900% in less than 20 years.^[20] As development charges go up, the prices of homes go up. And development charges on a modest semi-detached home are the same as on a luxury 6,000 square foot home, resulting in a disincentive to build housing that is more affordable. Timing is also a challenge as development charges have to be paid up front, before a shovel even goes into the ground.

To help relieve the pressure, the Ontario government passed recent legislation allowing builders to determine development charges earlier in the building process. But they must pay interest on the assessed development charge to the municipality until a building permit is issued, and there is no cap on the rate, which in one major city is 13% annually.

Cash payments to satisfy parkland dedication also significantly boost the costs of higher-density projects, adding on average \$17,000 to the cost of a high-rise condo across the GTA.^[21] We heard concerns not just about the amount of cash collected, but also about the money not being spent in the neighbourhood or possibly not being spent on parks at all. As an example, in 2019 the City of Toronto held \$644 million in parkland cash-in-lieu payments.^[22] Everyone can agree that we need to invest in parks as our communities grow, but if the funds are not being spent, perhaps it means that more money is being collected for parklands than is needed and we could lower the cost of housing if we adjusted these parkland fees.



A 2019 study carried out for BILD showed that in the Greater Toronto Area, development charges for low-rise housing are on average more than three times higher per unit than in six comparable US metropolitan areas, and roughly 1.75-times higher than in the other Canadian cities.

For high-rise developments the average per unit charges in the GTA are roughly 50% higher than in the US areas, and roughly 30% higher than in the other Canadian urban areas.^[19]

Modernizing HST Thresholds

Harmonized sales tax (HST) applies to all new housing – including purpose-built rental. Today, the federal component is 5% and provincial component is 8%. The federal and provincial government provide a partial HST rebate. Two decades ago, the maximum home price eligible for a rebate was set at \$450,000 federally and \$400,000 provincially, resulting in a maximum rebate of \$6,300 federally and \$24,000 provincially, less than half of today’s average home price. Buyers of new homes above this ceiling face a significant clawback. Indexing the rebate would immediately reduce the cost of building new homes, savings that can be passed on to Ontarians. When both levels of government agree that we are facing a housing crisis, they should not be adding over 10% to the cost of almost all new homes.

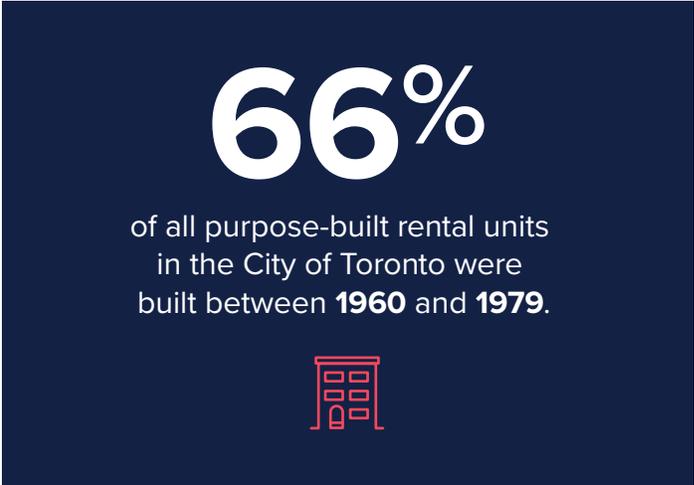
Government charges on a new single-detached home averaged roughly \$186,300, or almost 22% of the price, across six municipalities in southcentral Ontario. For a new condominium apartment, the average was almost \$123,000, or roughly 24% of a unit’s price.

Make it easier to build rental

In cities and towns across Ontario, it is increasingly hard to find a vacant rental unit, let alone a vacant rental unit at an affordable price. Today, 66% of all purpose-built rental units in the City of Toronto were built between 1960 and 1979. Less than 15% of Toronto’s purpose-built rentals were constructed over the ensuing 40 years in spite of the significant population growth during that time. In fact, between 2006 and 2016, growth in condo apartments increased by 186% while purpose-built rental only grew by 0.6%.^[22] In 2018, the Ontario government introduced positive changes that have created growth in purpose-built rental units – with last year seeing 18,000 units under construction and 93,000 proposed against a 5-year average prior to 2020 of 3,400 annually.^[23]

Long-term renters often now feel trapped in apartments that don’t make sense for them as their needs change. And because they can’t or don’t want to move up the housing ladder, many of the people coming up behind them who would gladly take those apartments are instead living in crowded spaces with family members or roommates. Others feel forced to commit to rental units at prices way beyond what they can afford. Others are trying their luck in getting on the wait list for an affordable unit or housing co-op – wait lists that are years long. Others are leaving Ontario altogether.

- 32.** Waive development charges and parkland cash-in-lieu and charge only modest connection fees for all infill residential projects up to 10 units or for any development where no new material infrastructure will be required.
- 33.** Waive development charges on all forms of affordable housing guaranteed to be affordable for 40 years.
- 34.** Prohibit interest rates on development charges higher than a municipality’s borrowing rate.
- 35.** Regarding cash in lieu of parkland, s.37, Community Benefit Charges, and development charges:
 - a) Provincial review of reserve levels, collections and drawdowns annually to ensure funds are being used in a timely fashion and for the intended purpose, and, where review points to a significant concern, do not allow further collection until the situation has been corrected.
 - b) Except where allocated towards municipality-wide infrastructure projects, require municipalities to spend funds in the neighbourhoods where they were collected. However, where there’s a significant community need in a priority area of the City, allow for specific ward-to-ward allocation of unspent and unallocated reserves.
- 36.** Recommend that the federal government and provincial governments update HST rebate to reflect current home prices and begin indexing the thresholds to housing prices, and that the federal government match the provincial 75% rebate and remove any clawback.



A pattern in every community, and particularly large cities, is that the apartments and rented rooms that we do have are disappearing. Apartment buildings are being converted to condos or upgraded to much more expensive rental units. Duplexes get purchased and turned into larger single-family homes.

A major challenge in bridging the gap of rental supply is that, more often than not, purpose-built rental projects don't make economic sense for builders and investors. Ironically, there is no shortage of Canadian investor capital seeking housing investments, particularly large pension funds – but the economics of investing in purpose-built rental in Ontario just don't make sense. So, investments get made in apartment projects in other provinces or countries, or in condo projects that have a better and safer return-on-investment. What can governments do to get that investor capital pointed in the right direction so we can create jobs and get more of the housing we need built?

Some of our earlier recommendations will help, particularly indexing the HST rebate. So will actions by government to require purpose-built rental on surplus government land that is made available for sale. ([Appendix C](#))

Municipal property taxes on purpose-built rental can be as much as 2.5 times greater than property taxes for condominium or other ownership housing.^[24]

The Task Force recommends:

37. Align property taxes for purpose-built rental with those of condos and low-rise homes.

Make homeownership possible for hardworking Ontarians who want it

Home ownership has always been part of the Canadian dream. You don't have to look far back to find a time when the housing landscape was very different. The norm was for young people to rent an apartment in their twenties, work hard and save for a down payment, then buy their first home in their late twenties or early thirties. It was the same for many new Canadians: arrive, rent, work hard and buy. The house might be modest, but it brought a sense of ownership, stability and security. And after that first step onto the ownership ladder, there was always the possibility of selling and moving up. Home ownership felt like a real possibility for anyone who wanted it.

That's not how it works now. Too many young people who would like their own place are living with one or both parents well into adulthood.

The escalation of housing prices over the last decade has put the dream of homeownership out of reach of a growing number of aspiring first-time home buyers. While 73% of Canadians are homeowners, that drops to 48% for Black people, 47% for LGBTQ people^[5] (StatsCan is studying rates for other populations, including Indigenous People who are severely underhoused). This is also an issue for younger adults: a 2021 study showed only 24% of Torontonians aged 30 to 39 are homeowners.^[25]

In Canada, responsibility for Indigenous housing programs has historically been a shared between the federal and provincial governments. The federal government works closely with its provincial and territorial counterparts to improve access to housing for Indigenous peoples both on and off reserve. More than 85% of Indigenous people live in urban and rural areas, are 11 times more likely to experience homelessness and have incidence of housing need that is 52% greater than all Canadians. The Murdered and Missing Indigenous Women and Girls report mentions housing 299 times – the lack of which being a significant, contributing cause to violence and the provision of which as a significant, contributing solution. The Province of Ontario has made significant investments in Urban Indigenous Housing, but we need the Federal Government to re-engage as an active partner.

While measures to address supply will have an impact on housing prices, many aspiring homeowners will continue to face a gap that is simply too great to bridge through traditional methods.

The Task Force recognizes the need for caution about measures that would spur demand for housing before the supply bottleneck is fixed. At the same time, a growing number of organizations – both non-profit and for-profit are proposing a range of unique home equity models. Some of these organizations are aiming at households who have sufficient income to pay the mortgage but lack a sufficient down payment. Others are aiming at households who fall short in both income and down payment requirements for current market housing.

The Task Force heard about a range of models to help aspiring first-time home buyers, including:

- Shared equity models with a government, non-profit or for-profit lender holding a second “shared equity mortgage” payable at time of sale of the home
- Land lease models that allow residents to own their home but lease the land, reducing costs
- Rent-to-own approaches in which a portion of an occupant’s rent is used to build equity, which can be used as a down payment on their current unit or another market unit in the future
- Models where the equity gain is shared between the homeowner and the non-profit provider, such that the non-profit will always be able to buy the home back and sell it to another qualified buyer, thus retaining the home’s affordability from one homeowner to the next.

Proponents of these models identified barriers that thwart progress in implementing new solutions.

- The Planning Act limits land leases to a maximum of 21 years. This provision prevents home buyers from accessing the same type of mortgages from a bank or credit union that are available to them when they buy through traditional homeownership.
- The Perpetuities Act has a similar 21-year limit on any options placed on land. This limits innovative non-profit models from using equity formulas for re-sale and repurchase of homes.
- Land Transfer Tax (LTT) is charged each time a home is sold and is collected by the province; and in Toronto, this tax is also collected by the City. This creates a double-tax in rent-to-own/equity building models where LTT ends up being paid first by the home equity organization and then by the occupant when they are able to buy the unit.
- HST is charged based on the market value of the home. In shared equity models where the homeowner neither owns nor gains from the shared equity portion of their home, HST on the shared equity portion of the home simply reduces affordability.
- Residential mortgages are highly regulated by the federal government and reflective of traditional homeownership. Modifications in regulations may be required to adapt to new co-ownership and other models.

The Task Force encourages the Ontario government to devote further attention to avenues to support new homeownership options. As a starting point, the Task Force offers the following recommendations:

- 38.** Amend the Planning Act and Perpetuities Act to extend the maximum period for land leases and restrictive covenants on land to 40 or more years.
- 39.** Eliminate or reduce tax disincentives to housing growth.
- 40.** Call on the Federal Government to implement an Urban, Rural and Northern Indigenous Housing Strategy.
- 41.** Funding for pilot projects that create innovative pathways to homeownership, for Black, Indigenous, and marginalized people and first-generation homeowners.
- 42.** Provide provincial and federal loan guarantees for purpose-built rental, affordable rental and affordable ownership projects.

Support and incentivize scaling up housing supply

Our goal of building 1.5 million homes in ten years means doubling how many homes Ontario creates each year. As much as the Task Force’s recommendations will remove barriers to realizing this ambitious goal, we also need to ensure we have the capacity across Ontario’s communities to deliver this new housing supply. This includes capacity of our housing infrastructure, capacity within our municipal planning teams, and boots on the ground with the skills to build new homes.

There is much to be done and the price of failure for the people of Ontario is high. This is why the provincial government must make an unwavering commitment to keeping the spotlight on housing supply. This is also why the province must be dogged in its determination to galvanize and align efforts and incentives across all levels of government so that working together, we all can get the job done.

Our final set of recommendations turns to these issues of capacity to deliver, and the role the provincial government can play in putting the incentives and alignment in place to achieve the 1.5 million home goal.

Invest in municipal infrastructure

Housing can’t get built without water, sewage, and other infrastructure

When the Task Force met with municipal leaders, they emphasized how much future housing supply relies on having the water, storm water and wastewater systems, roads, sidewalks, fire stations, and all the other parts of community infrastructure to support new homes and new residents.

Infrastructure is essential where housing is being built for the first time. And, it can be a factor in intensification when added density exceeds the capacity of existing infrastructure, one of the reasons we urge new infrastructure in new developments to be designed for future capacity. In Ontario, there are multiple municipalities where the number one barrier to approving new housing projects is a lack of infrastructure to support them.

Municipalities face a myriad of challenges in getting this infrastructure in place. Often, infrastructure investments are required long before new projects are approved and funding must be secured. Notwithstanding the burden development charges place on the price of new housing, most municipalities report that development charges are still not enough to fully cover the costs of building new infrastructure and retrofitting existing infrastructure in neighbourhoods that are intensifying. Often infrastructure crosses municipal boundaries creating complicated and time-consuming “who pays?” questions. Municipal leaders also shared their frustrations with situations where new housing projects are approved and water, sewage and other infrastructure capacity is allocated to the project – only to have the developer land bank the project and put off building. Environmental considerations with new infrastructure add further cost and complexity. The Task Force recommends:

- 43. Enable municipalities, subject to adverse external economic events, to withdraw infrastructure allocations from any permitted projects where construction has not been initiated within three years of build permits being issued.**
- 44. Work with municipalities to develop and implement a municipal services corporation utility model for water and wastewater under which the municipal corporation would borrow and amortize costs among customers instead of using development charges.**

Create the Labour Force to meet the housing supply need

The labour force is shrinking in many segments of the market

You can't start to build housing without infrastructure. You can't build it without people – skilled trades people in every community who can build the homes we need.

The concern that we are already facing a shortage in skilled trades came through loud and clear in our consultations. We heard from many sources that our education system funnels young people to university rather than colleges or apprenticeships and creates the perception that careers in the skilled trades are of less value. Unions and builders are working to fill the pipeline domestically and recruit internationally, but mass retirements are making it challenging to maintain the workforce at its current level, let alone increase it.

Increased economic immigration could ease this bottleneck, but it appears difficult for a skilled labourer with no Canadian work experience to qualify under Ontario's rules. Moreover, Canada's immigration policies also favour university education over skills our economy and society desperately need. We ought to be welcoming immigrants with the skills needed to build roads and houses that will accommodate our growing population.

The shortage may be less acute, however, among smaller developers and contractors that could renovate and build new "missing middle" homes arising from the changes in neighbourhood zoning described earlier. These smaller companies tap into a different workforce from the one needed to build high rises and new subdivisions. Nonetheless, 1.5 million more homes will require a major investment in attracting and developing the skilled trades workforce to deliver this critically needed housing supply. We recommend:

45. Improve funding for colleges, trade schools, and apprenticeships; encourage and incentivize municipalities, unions and employers to provide more on-the-job training.
46. Undertake multi-stakeholder education program to promote skilled trades.
47. Recommend that the federal and provincial government prioritize skilled trades and adjust the immigration points system to strongly favour needed trades and expedite immigration status for these workers, and encourage the federal government to increase from 9,000 to 20,000 the number of immigrants admitted through Ontario's program.

Create a large Ontario Housing Delivery Fund to align efforts and incent new housing supply

Build alignment between governments to enable builders to deliver more homes than ever before

All levels of government play a role in housing.

The federal government sets immigration policy, which has a major impact on population growth and many tax policies. The province sets the framework for planning, approvals, and growth that municipalities rely upon, and is responsible for many other areas that touch on housing supply, like investing in highways and transit, training workers, the building code and protecting the environment. Municipalities are on the front lines, expected to translate the impacts of federal immigration policy, provincial guidance and other factors, some very localized, into official plans and the overall process through which homes are approved to be built.

The efficiency with which home builders can build, whether for-profit or non-profit, is influenced by policies and decisions at every level of government. In turn, how many home developers can deliver, and at what cost, translates directly into the availability of homes that Ontarians can afford.

Collectively, governments have not been sufficiently aligned in their efforts to provide the frameworks and incentives that meet the broad spectrum of housing needs in Ontario. Much action, though, has been taken in recent years.

- The Ontario government has taken several steps to make it easier to build additional suites in your own home: reduced disincentives to building rental housing, improved the appeal process, focused on density around transit stations, made upfront development charges more predictable, and provided options for municipalities to create community benefits through development.
- The federal government has launched the National Housing Strategy and committed over \$70 billion in funding.^[26] Most recently, it has announced a \$4 billion Housing Accelerator Fund aimed at helping municipalities remove barriers to building housing more quickly.^[27]
- Municipalities have been looking at ways to change outdated processes, rules, and ways of thinking that create delays and increases costs of delivering homes. Several municipalities have taken initial steps towards eliminating exclusionary zoning and addressing other barriers described in this report.

All governments agree that we are facing a housing crisis. Now we must turn the sense of urgency into action and alignment across governments.

Mirror policy changes with financial incentives aligned across governments

The policy recommendations in this report will go a long way to align efforts and position builders to deliver more homes.

Having the capacity in our communities to build these homes will take more than policy. It will take money. Rewarding municipalities that meet housing growth and approval timelines will help them to invest in system upgrades, hire additional staff, and invest in their communities. Similarly, municipalities that resist new housing, succumb to NIMBY pressure, and close off their neighbourhoods should see funding reductions. Fixing the housing crisis is a societal responsibility, and our limited tax dollars should be directed to those municipalities making the difficult but necessary choices to grow housing supply.

In late January 2022, the provincial government announced \$45 million for a new *Streamline Development Approval Fund* to “unlock housing supply by cutting red tape and improving processes for residential and industrial developments”.^[28] This is encouraging. More is needed.

Ontario should also receive its fair share of federal funding but today faces a shortfall of almost \$500 million,^[29] despite two thirds of the Canadian housing shortage being in Ontario. We call on the federal government to address this funding gap.

48. The Ontario government should establish a large “Ontario Housing Delivery Fund” and encourage the federal government to match funding. This fund should reward:

- a) Annual housing growth that meets or exceeds provincial targets
- b) Reductions in total approval times for new housing
- c) The speedy removal of exclusionary zoning practices

49. Reductions in funding to municipalities that fail to meet provincial housing growth and approval timeline targets.

We believe that the province should consider partial grants to subsidize municipalities that waive development charges for affordable housing and for purpose-built rental.

Sustain focus, measure, monitor, improve

Digitize and modernize the approvals and planning process

Some large municipalities have moved to electronic tracking of development applications and/or electronic building permits (“e-permits”) and report promising results, but there is no consistency and many smaller places don’t have the capacity to make the change.

Municipalities, the provincial government and agencies use different systems to collect data and information relevant to housing approvals, which slows down processes and leaves much of the “big picture” blank. This could be addressed by ensuring uniform data architecture standards.

Improve the quality of our housing data to inform decision making

Having accurate data is key to understanding any challenge and making the best decisions in response. The Task Force heard from multiple housing experts that we are not always using the best data, and we do not always have the data we need.

Having good population forecasts is essential in each municipality as they develop plans to meet future land and housing needs. Yet, we heard many concerns about inconsistent approaches to population forecasts. In the Greater Golden Horseshoe, the forecast provided to municipalities by the province is updated only when the Growth Plan is updated, generally every seven years; but federal immigration policy, which is a key driver of growth, changes much more frequently. The provincial Ministry of Finance produces a population forecast on a more regular basis than the Growth Plan, but these are not used consistently across municipalities or even by other provincial ministries.

Population forecasts get translated into housing need in different ways across the province, and there is a lack of data about how (or whether) the need will be met. Others pointed to the inconsistent availability of land inventories. Another challenge is the lack of information on how much land is permitted and how much housing is actually getting built once permitted, and how fast. The Task Force also heard that, although the Provincial Policy Statement requires municipalities to maintain a three-year supply of short-term (build-ready) land and report it each year to the province, many municipalities are not meeting that requirement.^[30]

At a provincial and municipal level, we need better data on the housing we have today, housing needed to close the gap, consistent projections of what we need in the future, and data on how we are doing at keeping up. Improved data will help anticipate local and provincial supply bottlenecks and constraints, making it easier to determine the appropriate level and degree of response.

It will also be important to have better data to assess how much new housing stock is becoming available to groups that have been disproportionately excluded from home ownership and rental housing.

Put eyes on the crisis and change the conversation around housing

Ours is not the first attempt to “fix the housing system”. There have been efforts for years to tackle increasing housing prices and find solutions so everyone in Ontario can find and afford the housing they need. This time must be different.

The recommendations in this report must receive sustained attention, results must be monitored, significant financial investment by all levels of government must be made. And, the people of Ontario must embrace a housing landscape in which the housing needs of tomorrow’s citizens and those who have been left behind are given equal weight to the housing advantages of those who are already well established in homes that they own.

- 50.** Fund the adoption of consistent municipal e-permitting systems and encourage the federal government to match funding. Fund the development of common data architecture standards across municipalities and provincial agencies and require municipalities to provide their zoning bylaws with open data standards. Set an implementation goal of 2025 and make funding conditional on established targets.
- 51.** Require municipalities and the provincial government to use the Ministry of Finance population projections as the basis for housing need analysis and related land use requirements.
- 52.** Resume reporting on housing data and require consistent municipal reporting, enforcing compliance as a requirement for accessing programs under the Ontario Housing Delivery Fund.
- 53.** Report each year at the municipal and provincial level on any gap between demand and supply by housing type and location, and make underlying data freely available to the public.
- 54.** Empower the Deputy Minister of Municipal Affairs and Housing to lead an all-of-government committee, including key provincial ministries and agencies, that meets weekly to ensure our remaining recommendations and any other productive ideas are implemented.
- 55.** Commit to evaluate these recommendations for the next three years with public reporting on progress.

Conclusion

We have set a bold goal for Ontario: building 1.5 million homes in the next 10 years.

We believe this can be done. What struck us was that everyone we talked to – builders, housing advocates, elected officials, planners – understands the need to act now. As one long-time industry participant said, “for the first time in memory, everyone is aligned, and we need to take advantage of that.”

Such unity of purpose is rare, but powerful.

To leverage that power, we offer solutions that are bold but workable, backed by evidence, and that position Ontario for the future.

Our recommendations focus on ramping up the supply of housing. Measures are already in place to try to cool demand, but they will not fill Ontario’s housing need. More supply is key. Building more homes will reduce the competition for our scarce supply of homes and will give Ontarians more housing choices. It will improve housing affordability across the board.

Everyone wants more Ontarians to have housing. So let’s get to work to build more housing in Ontario.

APPENDIX A:

Biographies of Task Force Members

Lalit Aggarwal is President of Manor Park Holdings, a real estate development and operating company active in Eastern Ontario. Previously, Lalit was an investor for institutional fund management firms, such as H.I.G. European Capital Partners, Soros Fund Management, and Goldman Sachs. He is a past fellow of the C.D. Howe Institute and a former Director of both Bridgepoint Health and the Centre for the Commercialization of Regenerative Medicine. Lalit holds degrees from the University of Oxford and the University of Pennsylvania. He is also a current Director of the Hospital for Sick Children Foundation, the Sterling Hall School and the Chair of the Alcohol & Gaming Commission of Ontario.

David Amborski is a professional Urban Planner, Professor at Ryerson University's School of Urban and Regional Planning and the founding Director of the Centre for Urban Research and Land Development (CUR). His research and consulting work explore topics where urban planning interfaces with economics, including land and housing markets. He is an academic advisor to the National Executive Forum on Public Property, and he is a member of Lambda Alpha (Honorary Land Economics Society). He has undertaken consulting for the Federal, Provincial and a range of municipal governments. Internationally, he has undertaken work for the Canadian International Development Agency (CIDA), the World Bank, the Inter-American Development Bank, the Lincoln Institute of Land Policy, and several other organizations in Eastern Europe, Latin America, South Africa, and Asia. He also serves on the editorial boards of several international academic journals.

Andrew Garrett is a real estate executive responsible for growing IMCO's \$11+ Billion Global Real Estate portfolio to secure public pensions and insurance for Ontario families. IMCO is the only Ontario fund manager purpose built to onboard public clients such as pensions, insurance, municipal reserve funds, and endowments. Andrew has significant non-profit sector experience founding a B Corp certified social enterprise called WeBuild to help incubate social purpose real estate projects. He currently volunteers on non-profit boards supporting social purpose real estate projects, youth programs and the visual arts at Art Gallery

of Ontario. Andrew sits on board advisory committees for private equity firms and holds a Global Executive MBA from Kellogg School Management and a Real Estate Development Certification from MIT Centre for Real Estate.

Tim Hudak is the CEO of the Ontario Real Estate Association (OREA). With a passion and voice for championing the dream of home ownership, Tim came to OREA following a distinguished 21-year career in politics, including five years as Leader of the Progressive Conservative Party of Ontario.

In his role, Tim has focused on transforming OREA into Ontario's most cutting-edge professional association at the forefront of advocacy on behalf of REALTORS® and consumers, and providing world-class conferences, standard forms, leadership training and professional guidance to its Members. As part of his work at OREA, Tim was named one of the most powerful people in North American residential real estate by Swanepoel Power 200 for the last five years. Tim is married to Deb Hutton, and together they have two daughters, Miller and Maitland. In his spare time, Tim enjoys trails less taken on his mountain bike or hiking shoes as well as grilling outdoors.

Jake Lawrence was appointed Chief Executive Officer and Group Head, Global Banking and Markets in January 2021. In this role, Jake is responsible for the Bank's Global Banking and Markets business line and strategy across its global footprint. Jake joined Scotiabank in 2002 and has held progressively senior roles in Finance, Group Treasury and Global Banking and Markets. From December 2018 to January 2021, Jake was Co-Group Head of Global Banking and Markets with specific responsibility for its Capital Markets businesses, focused on building alignment across product groups and priority markets to best serve our clients throughout our global footprint. Previously, Jake was Executive Vice President and Head of Global Banking and Markets in the U.S., providing overall strategic direction and execution of Scotiabank's U.S. businesses. Prior to moving into GBM, Jake served as Senior Vice President and Deputy Treasurer, responsible for Scotiabank's wholesale funding activities and liquidity management as well as Senior Vice President, Investor Relations.

Julie Di Lorenzo (GPLLM, University of Toronto 2020), is self-employed since 1982, operates one of the largest female-run Real Estate Development Companies in North America. She was instrumental in the Daniel Burnham award-winning Ontario Growth Management Plan (2004) as President of BILD. Julie served as the first female-owner President of GTHBA (BILD) and on the boards of the Ontario Science Centre, Harbourfront Toronto, Tarion (ONHWP), St. Michael's Hospital, NEXT36, Waterfront Toronto, Chair of IREC Committee WT, Havergal College (Co-Chair of Facilities), York School (interim Vice-Chair), and Canadian Civil Liberties Association Board. Julie has served various governments in advisory capacity on Women's issues, Economic Development, Innovation and Entrepreneurship. Awards include Lifetime Achievement BILD 2017, ICCO Business Excellence 2005 & ICCO Businesswoman of the Year 2021.

Justin Marchand (CIHCM, CPA, CMA, BComm) is Métis and was appointed Chief Executive Officer of Ontario Aboriginal Housing Services (OAHS) in 2018. Justin has over 20 years of progressive experience in a broad range of sectors, including two publicly listed corporations, a large accounting and consulting firm, and a major crown corporation, and holds numerous designations across financial, operations, and housing disciplines. He was most recently selected as Chair of the Canadian Housing and Renewal Association's (CHRA's) Indigenous Caucus Working Group and is also board member for CHRA. Justin is also an active board member for both the Coalition of Hamilton Indigenous Leadership (CHIL) as well as Shingwauk Kinoomaage Gamig, located in Bawaating. Justin believes that Housing is a fundamental human right and that when Indigenous people have access to safe, affordable, and culture-based Housing this provides the opportunity to improve other areas of their lives.

Ene Underwood is CEO of Habitat for Humanity Greater Toronto Area), a non-profit housing developer that helps working, lower income families build strength, stability and self-reliance through affordable homeownership. Homes are delivered through a combination of volunteer builds, contractor builds, and partnerships with non-profit and for-profit developers. Ene's career began in the private sector as a strategy consultant with McKinsey & Company before transitioning to not-for-profit sector leadership. Ene holds a Bachelor of Arts (Honours) from the University of Waterloo and a Master of Business Administration from Ivey Business School.

Dave Wilkes is the President and CEO of the Building Industry and Land Development Association of the GTA (BILD). The Association has 1,300 members and proudly represents builders, developers, professional renovators and those who support the industry.

Dave is committed to supporting volunteer boards and organizations. He has previously served on the George Brown College Board of Directors, Ontario Curling Association, and is currently engaged with Black North Initiative (Housing Committee) and R-Labs I+T Council.

Dave received his Bachelor of Arts (Applied Geography) from Ryerson.

APPENDIX B:

Affordable Housing

Ontario's affordable housing shortfall was raised in almost every conversation. With rapidly rising prices, more lower-priced market rental units are being converted into housing far out of reach of lower-income households. In parallel, higher costs to deliver housing and limited government funding have resulted in a net decrease in the number of affordable housing units run by non-profits. The result is untenable: more people need affordable housing after being displaced from the market at the very time that affordable supply is shrinking.

Throughout our consultations, we were reminded of the housing inequities experienced by Black, Indigenous and marginalized people. We also received submissions describing the unique challenges faced by off-reserve Indigenous Peoples both in the province's urban centres and in the north.

While many of the changes that will help deliver market housing will also help make it easier to deliver affordable housing, affordable housing is a societal responsibility. We cannot rely exclusively on for-profit developers nor on increases in the supply of market housing to fully solve the problem.

The non-profit housing sector faces all the same barriers, fees, risks and complexities outlined in this report as for-profit builders. Several participants from the non-profit sector referred to current or future partnerships with for-profit developers that tap into the development and construction expertise and efficiencies of the private sector. Successful examples of leveraging such partnerships were cited with Indigenous housing, supportive housing, and affordable homeownership.

We were also reminded by program participants that, while partnerships with for-profit developers can be very impactful, non-profit providers have unique competencies in the actual delivery of affordable housing. This includes confirming eligibility of affordable housing applicants, supporting independence of occupants of affordable housing, and ensuring affordable housing units remain affordable from one occupant to the next.

One avenue for delivering more affordable housing that has received much recent attention is inclusionary zoning. In simple terms, inclusionary zoning (IZ) requires developers to deliver a share of affordable units in new

housing developments in prescribed areas. The previous Ontario government passed legislation in April 2018 providing a framework within which municipalities could enact Inclusionary Zoning bylaws.

Ontario's first inclusionary zoning policy was introduced in fall 2021 by the City of Toronto and applies to major transit station areas. Internationally, inclusionary zoning has been used successfully to incentivize developers to create new affordable housing by providing density bonuses (more units than they would normally be allowed, if some are affordable) or reductions in government fees. Unfortunately, the City's approach did not include any incentives or bonuses. Instead, Toronto requires market-rate fees and charges for below-market affordable units. This absence of incentives together with lack of clarity on the overall density that will be approved for projects has led developers and some housing advocates to claim that these projects may be uneconomic and thus will not get financed or built. Municipalities shared with us their concerns regarding the restriction in the provincial IZ legislation that prohibits "cash in lieu" payments. Municipalities advised that having the option of accepting the equivalent value of IZ units in cash from the developer would enable even greater impact in some circumstances (for example, a luxury building in an expensive neighbourhood, where the cost of living is too high for a low-income resident).

Funding for affordable housing is the responsibility of all levels of government. The federal government has committed to large funding transfers to the provinces to support affordable housing. The Task Force heard, however, that Ontario's share of this funding does not reflect our proportionate affordable housing needs. This, in turn, creates further financial pressure on both the province and municipalities, which further exacerbates the affordable housing shortages in Ontario's communities.

Finally, many participants in Task Force consultations pointed to surplus government lands as an avenue for building more affordable housing and this is discussed in [Appendix C](#).

We have made recommendations throughout the report intended to have a positive impact on new affordable housing supply. We offer these additional recommendations specific to affordable housing:

- Call upon the federal government to provide equitable affordable housing funding to Ontario.
- Develop and legislate a clear, province-wide definition of “affordable housing” to create certainty and predictability.
- Create an Affordable Housing Trust from a portion of Land Transfer Tax Revenue (i.e., the windfall resulting from property price appreciation) to be used in partnership with developers, non-profits, and municipalities in the creation of more affordable housing units. This Trust should create incentives for projects serving and brought forward by Black- and Indigenous-led developers and marginalized groups.
- Amend legislation to:
 - Allow cash-in-lieu payments for Inclusive Zoning units at the discretion of the municipality.
 - Require that municipalities utilize density bonusing or other incentives in all Inclusionary Zoning and Affordable Housing policies that apply to market housing.
 - Permit municipalities that have not passed Inclusionary Zoning policies to offer incentives and bonuses for affordable housing units.
- Encourage government to closely monitor the effectiveness of Inclusionary Zoning policy in creating new affordable housing and to explore alternative funding methods that are predictable, consistent and transparent as a more viable alternative option to Inclusionary Zoning policies in the provision of affordable housing.
- Rebate MPAC market rate property tax assessment on below-market affordable homes.

APPENDIX C:**Government Surplus Land**

Surplus government lands fell outside the mandate of the Task Force. However, this question came up repeatedly as a solution to housing supply. While we take no view on the disposition of specific parcels of land, several stakeholders raised issues that we believe merit consideration:

- Review surplus lands and accelerate the sale and development through RFP of surplus government land and surrounding land by provincially pre-zoning for density, affordable housing, and mixed or residential use.
- All future government land sales, whether commercial or residential, should have an affordable housing component of at least 20%.
- Purposefully upzone underdeveloped or underutilized Crown property (e.g., LCBO).
- Sell Crown land and reoccupy as a tenant in a higher density building or relocate services outside of major population centres where land is considerably less expensive.
- The policy priority of adding to the housing supply, including affordable units, should be reflected in the way surplus land is offered for sale, allowing bidders to structure their proposals accordingly.

APPENDIX D: Surety Bonds

Moving to surety bonds would free up billions of dollars for building

When a development proposal goes ahead, the developer typically needs to make site improvements, such as installing common services. The development agreement details how the developer must perform to the municipality's satisfaction.

Up until the 1980s, it was common practice for Ontario municipalities to accept bonds as financial security for subdivision agreements and site plans. Today, however, they almost exclusively require letters of credit from a chartered bank. The problem with letters of credit is that developers are often required to collateralize the letter of credit dollar-for-dollar against the value of the municipal works they are performing.

Often this means developers can only afford to finance one or two housing projects at a time, constraining housing supply. The Ontario Home Builders' Association estimates that across Ontario, billions of dollars are tied up in collateral or borrowing capacity that could be used to advance more projects.

Modern "pay on demand surety bonds" are proven to provide the same benefits and security as a letter of credit, while not tying up private capital the way letters of credit do. Moving to this option would give municipalities across Ontario access to all the features of a letter of credit with the added benefit of professional underwriting, carried out by licensed bonding companies, ensuring that the developer is qualified to fulfill its obligations under the municipal agreement.

Most important from a municipal perspective, the financial obligation is secured. If a problem arises, the secure bond is fully payable by the bond company on demand. Surety companies, similar to banks, are regulated by Ontario's Office of the Superintendent of Financial Institutions to ensure they have sufficient funds in place to pay out bond claims.

More widespread use of this instrument could unlock billions of dollars of private sector financial liquidity that could be used to build new infrastructure and housing projects, provide for more units in each development and accelerate the delivery of housing of all types.

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DATE: October 10, 2023

REPORT NO: PD-54-2023

SUBJECT: **Technical Report – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- In June of 2017 the Council of the Township of West Lincoln approved the new Comprehensive Zoning Bylaw 2017-70.
- In each of the following years the Zoning By-law has been updated through minor housekeeping amendments to keep the bylaw functioning as intended and to correct a number of site specific issues.
- Township Planning staff have again identified a number of minor issues that should be addressed through a seventh round of housekeeping amendments to the Zoning By-law. These issues include:
 - Update the definition of the term ‘salvage yard’ to be considered with Regional licensing by-law.
 - Addition of a definition and permitted use for truck transport terminal
 - Adjustments to the R2, R3, R4, RM2, RM3 and RM4 zones for back to back and stacked back to back townhouses as per review completed on our behalf as a commitment to the P. Budd Development appeal of Housekeeping No. 6, done by a consultant (GSP Group).
 - Changes to accessory dwelling provisions as per Bill 23.
- Township Planning staff propose to hold a Public Meeting at the October 10th, 2023 Planning, Building, Environmental Committee Meeting.
- Following input received from the public and agencies, planning staff recommend that a recommendation report be prepared and presented at a future committee meeting.
- Two further changes are proposed as a result of consultation to date:
 - Height of industrial buildings modified to 20 metres for M1 and M2 from 10 metres
 - Height of apartment building in RH to 21.5 metres and RM4 zone to 20 metres and RM7 and RM3 zone to 15 metres.

RECOMMENDATION:

1. That, Technical Report PD-54-2023, regarding “Technical Report – Comprehensive Zoning By-law 2017-70, as amended, Housekeeping Amendment No. 7 (File No. 1601-007-23)”, dated October 10, 2023 be RECEIVED; and,
2. That, staff present a recommendation report to a future Planning/Building/Environmental Committee meeting when all public and agency comments have been received and given full consideration.

ALIGNMENT TO STRATEGIC PLAN:

- **Build** - a safe, connected caring and active community
- **Champion** - strategic and responsible growth

BACKGROUND:

Township Council in June of 2017 approved the new Comprehensive Zoning By-law 2017-70. This was the first time a new Comprehensive Zoning By-law was passed since the Township passed its first Zoning By-law in 1979.

Several minor issues have been identified since the bylaw was passed, concerning both Township wide regulations and site specific zonings. Many of these issues have been addressed through previous housekeeping amendments which have taken place each year since the bylaw’s adoption.

A few new issues have come to the attention of Township Planning staff, and staff are proposing to address these issues through a seventh round of housekeeping amendments. As these changes would result in amending the Township Zoning By-law, a public consultation process is required.

A number of changes are triggered by Provincial Changes through Bill 109 and Bill 23 and PPS/P2G changes, as well.

CURRENT SITUATION:

Township Planning Staff have identified a number of issues that need to be addressed, mostly on a Township wide level. A draft bylaw with these changes can be found at Attachment 1.

Included in the draft by-law are the following:

- 1) Changes to the regulations of the R2, R3, R4, RM2, RM3 and RM4 zones.
- 2) Changes to definitions including salvage yard and truck transport terminal.
- 3) Adding truck terminal and Industrial use as a permitted use.
- 4) Minor Secondary Suite revisions.

A report from GSP group is attached to this report that recommends some of the changes. A review of policy makes the following observations:

1. Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction for all planning matters in the Province. All planning decisions in the Province shall be consistent with the policies in this Plan. The PPS encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Section 1.4 Housing provides the policies related to an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents. To assist with the objectives for housing unit supply and residential intensification with the implementation of targets for affordability to all income households is to increase the building heights to maximize the unit count in a smaller building footprint. The increase in building heights will provide opportunities to integrate different housing types to meet the social, health, economic and well being requirements of the growing Township. Section 1.7 Long-Term Economic Prosperity provides the policies for promoting opportunities for economic development and community investment-readiness and responding to changes in market based needs for housing and the workforce. The proposed changes to the building heights in the M1 and M2 zones as well as the RH, RM3, RM4 and RM7 will align with the objectives for the optimization of utilizing land in a well-designed built form that is compatible to the adjacent uses.

2. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Growth Plan establishes a long-term framework for growth and development in the Greater Golden Horseshoe ('GGH') region, which encourages the efficient use of land through the development of complete communities that are compact, transit supportive, and provide a range of housing and employment opportunities. The Growth Plan utilizes a land use planning horizon to 2051.

The Growth Plan builds upon the policy foundations of the PPS, as well as responds to key challenges in the GGH region by providing enhanced policy directions designed to make efficient use of investments in infrastructure and public service facilities, while ensuring the protection of agricultural and natural areas and supporting climate change mitigation and adaptation. Guiding principles of the Growth Plan are established to support the achievement of complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; provide flexibility to capitalize on economic and employment opportunities; support a mix of housing options; improve the integration of land use planning with planning and investment in infrastructure; protect and enhance the natural environment; conserve and promote cultural heritage; and, integrate climate change considerations into planning and growth management. The proposed changes to the building heights will provide the necessary flexibility in strategic locations throughout the municipality to optimize opportunities for new development geared to intensify land available for higher densities and growth.

3. Niagara Region Official Plan

The Niagara Regional Official Plan is the long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond. This Plan is required to be consistent with the Provincial Policy Statement (2020), conform to the Growth Plan (2019, as amended) and Greenbelt Plan (2017), and not conflict with the Niagara Escarpment Plan (2017).

Chapter 2 – Growing Region Directive of the Plan is providing policies to manage growth strategically and diversify the housing stock to accommodate all ages and incomes. This chapter contains general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara. Relative to the proposed changes to the building heights, it will assist with inviting new development opportunities with the goal of providing buildings with built forms that have a function, configuration and relationship to streets and adjacent uses including open spaces.

Chapter 6 – Vibrant Region Directive of the Plan is providing policies that focus on creating vibrant urban and rural settlements and the tools necessary to effectively and proactively manage growth in a coordinated and comprehensive approach. The Region provides urban design policies to assist municipalities in achieving a high-quality built environment through the design of the built form and support the development of healthy, vibrant and safe communities. The proposed changes to the building heights in the M1 and M2 zone can provide for more flexibility in the type and size of larger scaled industrial buildings making the municipality more competitive and ability to retain and attract employment investment that contributes to growth of the Township. Likewise, the proposed increase in the building heights of the medium and high density residential uses (RM2, RM3, RM4, RH zone) will help to manage growth within the urban settlement areas and accommodate growth through strategic intensification and higher densities to protect the character of rural and agricultural areas.

4. Township of West Lincoln

The Township's Official Plan directs new forms of development and intensified growth to the settlement area of Smithville which offers full municipal services and the transportation network throughout the Township and to adjoining municipalities. The Official Plan provides policies to direct growth to underutilized lands in the settlement area including greenfield lands that is to develop at not less than 50 people and jobs per hectare and support infill and intensification targets. The proposed changes to buildings heights will permit the ability to intensify lands are higher densities and opportunities for the integration of a mix and range of housing options with compact built forms in appropriate locations, to ensure compatibility with established residential areas. Furthermore, the higher density and larger scaled buildings will condense growth in central locations in the urban settlement area and the sustainability of the agricultural areas and natural heritage environment.

Additional changes are proposed as follows:

1. Height of industrial buildings in the M1 and M2 zones to 20 metres from 10 metres.
2. Height of apartment building in RM4 15 metres to 20 metres and RH zones from 15 metres to 21.5 metres and RM2 and RM3 from 10 metres to 15 metres.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report as this application for zoning amendment is being initiated by the Township of West Lincoln. The approval timelines of Bills 109 and 23 do not apply. Under Bill 109, the *More Homes for Everyone Act, 2022*, starting on July 1st, 2023, the municipality is now required to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

INTER-DEPARTMENTAL COMMENTS:

Notice of the proposed changes to the Township of West Lincoln Zoning By-law were circulated in the local newspaper and publicised on September 14, 2023. Additionally, the notice was posted on the Township website and circulated to agencies and departments on September 18, 2023. Notice would also be mailed to property owners should there be any site specific zone changes proposed. The Township has received one agency and two public comments at this time.

Any comments received prior to the public meeting have been considered in this process and can be found at attachment 3 to this report. Township will also include any further formal comments from agencies or departments in the final recommendation report.

CONCLUSION:

Staff recommend the attached draft by-law be reviewed to give consideration to comments received through the consultation process. Staff will then prepare and present a recommendation report to committee for the Housekeeping round 7 zoning bylaw amendment as initiated by the Township of West Lincoln at a future meeting.

ATTACHMENTS:

1. Draft Zoning Amendment Bylaw for Public Consideration
2. GSP Reporting letter
3. Agency and Public Comments

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. 2023-XX

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

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

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

1. THAT, Part 2 “Definitions” of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting the Definition of Salvage Yard and replacing with the following:

Salvage Yard – means a salvage and recycling use in which junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment. A “salvage yard” **may include an outdoor storage use** but shall not be construed to include such activity when conducted entirely within an enclosed building. Pawnshops and establishments for the sale, purchase, or storage of used cars in operable condition, used or salvaged machinery in operable condition or the processing of used, discarded or salvaged materials as a minor part of manufacturing operations, are also not a salvage yard.

2. THAT, Part 2 “Definitions” of Zoning Bylaw 2017-70 as amended, is hereby amended by adding a new definition of Truck Transport Terminal, as follows:

Truck Transport Terminal – Means the use of land, buildings or structures or portion thereof where commercial vehicles, primary transport trucks, are kept for hire, rental or lease, or stored or parked for remuneration, or from which commercial vehicles or transport trucks are dispatched for hire as common carriers.

3. THAT, Part 8 “Employment Zones” of Zoning Bylaw 2017-70 as amended, is hereby amended by adding Industrial Use as a permitted use in the M1 zone and by adding Truck Transport Terminal as a permitted use in M1 and M2 Zones.

Table 18: Permitted Uses in Employment Zones (*By-law No. 2022-67*)

Uses	Zones where Permitted		
<i>Principal Uses</i>			
<i>Animal shelter</i>	M1		
<i>Commercial kennel</i>	M1		
<i>Commercial school</i>	M1		
<i>Communications establishment</i>		M2	
<i>Contractors establishment</i>		M2	
<i>Dry cleaning/laundry establishment</i>	M1		
<i>Industrial use</i>	M1	M2	
<i>Mineral aggregate operation</i>			M3
<i>Motor vehicle body shop</i>		M2	

Uses	Zones where Permitted		
	M1	M2	M3
Office, including a medical office	M1		
Pet care establishment	M1		
Recreation facility	M1		
Service shop		M2	
Studio	M1		
Truck Transport Terminal	M1	M2	
Veterinary clinic	M1		
Wayside pit or quarry (see s. 3.27)	M1	M2	M3
Accessory Uses ⁽¹⁾			
Accessory buildings or structures and accessory uses (see s. 3.1)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
Office		M2 ⁽¹⁾	
Outside storage	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
Renewable energy system (see s. 3.15)	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾
Retail store	M1 ⁽¹⁾	M2 ⁽¹⁾	M3 ⁽¹⁾

4. THAT, Table 19 within Part 8 – “Employment Zones” of Zoning Bylaw 2017-70 as amended, is hereby amended by changing the Maximum height to 20 metres in the M1 and M2 Zone.

Table 19: Regulations for Permitted Uses in Employment Zones (Bylaw No., 2021-70)

	Zone Requirements		
	M1	M2	M3
Minimum lot area	2,000m ²		-
Minimum lot frontage	30m		-
Minimum front yard	15m		30m ⁽¹⁾
Minimum exterior side yard	7.5m		30m ⁽¹⁾
Minimum interior side yard	Adjoining a lot in a Residential Zone	15m	30m
	Other (Bylaw 2022-67)	5m	
Minimum rear yard	Adjoining a lot in a Residential Zone	15m	30m
	Other	7.5m	
Maximum lot coverage	50%		-
Maximum height	10m		15m ⁽¹⁾
Minimum landscaped open space	10% ⁽²⁾		-
Maximum outside storage	25% ⁽³⁾		-
Maximum accessory retail gross floor area	10% of gross floor area		-

⁽¹⁾ Minimum yard requirements apply to buildings, structures and aggregate stockpiles.

⁽²⁾ A minimum of 50% of required landscaped open space shall be located in the front yard.

⁽³⁾ 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.

5. THAT Part 3 “General Provisions” of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting Article 3.2.1 – Accessory Dwelling Units and replacing with the following:

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 **two (2)** 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, accessory dwelling units 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 units and any other uses on the lot. **Accessory dwelling units shall not be may only be permitted to have separate septic systems in extenuating circumstances.** (By-law 2021-70).
- f) **Notwithstanding Section 3.12**, Parking for accessory dwelling units shall be provided in accordance with Section 3.12 **not be required to provide more than one space per accessory unit.**
- 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 non-residential zone, an **one** accessory dwelling unit shall be permitted 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.

6. THAT, Table 15 within Part 6 – Residential Zones, Subsection 6.3 - Regulations of Zoning Bylaw 2017-70 as amended, is hereby amended by deleting **Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones** and replacing with the following **Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones**:

Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones
(Bylaw 2021-94)

Regulation		Zone Requirements				
		RM1	RM2	RM3	RM4	RH
Minimum lot area (per dwelling unit)	Apartment dwelling	-	-	160m ²	-	100m ²
	Duplex dwelling	-	250m ²	-	-	-
	Fourplex dwelling	-	220m ²	180m ²	-	-
	Retirement home	-	-	-	-	120m ²
	Semi-detached dwelling ⁽¹⁾	270m ²	200 m ²	-	-	-
	Stacked townhouse dwelling	-	-	160m ²	-	-
	Back to back townhouse dwelling ⁽⁷⁾	-	-	-	75m ²	-
	Street townhouse dwelling	225m ²	180m ²	-	-	-
	Townhouse dwelling	-	180m ²	180m ²	-	-
	Triplex dwelling	-	220m ²	180m ²	-	-
Minimum lot frontage ⁽²⁾	Apartment dwelling	-	-	30m	-	-
	Duplex dwelling	-	15m	-	-	-
	Fourplex dwelling	-	25m	-	-	-
	Retirement home	-	-	-	-	30m
	Semi-detached dwelling ⁽¹⁾	9m/unit	8m/unit	-	-	-
	Stacked townhouse dwelling	-	-	30m	-	-
	Back to back townhouse dwelling	-	-	-	5.5m/unit	-
	Street townhouse dwelling	7.5m/unit	6m/unit	-	-	-
	Townhouse dwelling	-	30m	-	-	-
	Triplex dwelling	-	20m	18m	-	-
Minimum front yard	Dwelling	-	4.5m	-	-	7.5m
	Private garage	-	6m	-	-	
Minimum exterior side yard		-	3m	-	-	Greater of 50% of building height or 3m
Minimum interior side yard	Adjoining a lot in a low density residential zone	-	3m ⁽³⁾	-	-	
	Adjoining a lot in any other zone	-	1.2m ⁽³⁾	-	-	3m
Minimum rear yard ⁽⁴⁾	Adjoining a lot in a low density residential zone	-	7.5m	-	7.5m	7.5m
	Adjoining a lot in any other zone	-	6m	-	6m	6m
Maximum lot coverage		40%	40%	40%	40%	50%
Minimum separation distance between dwellings on the	Between exterior side walls	-	-	3m	-	-
	Between exterior front or rear walls	-	-	12m	-	-

Regulation					Zone Requirements	
		RM1	RM2	RM3	RM4	RH
same lot	Between exterior front or rear walls and side walls		7.5m			
	Maximum height	10m	10m		12m	21.5m
Minimum landscaped open space			25%		25%	
Minimum amenity area ⁽⁵⁾⁽⁶⁾	Dwelling with 3 or 4 dwelling units on one lot	-	20m ² per dwelling unit			
	Dwelling with 5 to 8 dwelling units on one lot		40m ² plus 10m ² per dwelling unit			
	Dwelling with 9 or more dwelling units on one lot		40m ² plus 5m ² per dwelling unit	40m ² plus 10m ² per dwelling unit	80m ² plus 10m ² per dwelling unit	

⁽¹⁾Where *semi-detached dwellings* are located in the RM2 or RM3 zone, the *dwelling units* shall be located on lands within a Registered Plan of Condominium or shall be tied to a common elements condominium *private street*.

⁽²⁾ Where multiple attached *dwellings* are located on the same *lot* in the RM2 or RM3 Zone, including more than one type of attached *dwelling*, the minimum *lot frontage* requirement of the RM2 or RM3 zone, as applicable, shall be 30 metres in the case of a *lot* that contains one or more *fourplex* and/or *townhouse dwelling* and/or *stacked townhouse dwelling*, 45 metres in the case of *back-to-back townhouse dwelling*, and 20 metres in all other cases, and shall apply to the entire *lot*. For *semi-detached dwellings* where each unit is located on a separate *lot*, and for *street townhouse dwellings*, each *lot* shall meet the prescribed minimum *lot frontage*.

⁽³⁾Where each *dwelling unit* of a *semi-detached dwelling* is located on a separate *lot*, and for *street townhouse dwellings*, no *interior side yard* shall be required along the common *lot line* of the attached wall joining two *dwelling units*.

⁽⁴⁾ ~~No rear yard is required for a back-to-back townhouse dwelling.~~ Where each dwelling unit of a Back to Back townhouse dwelling is located on a separate lot and not part of a condominium; no rear yard and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.

⁽⁵⁾ No common outdoor *amenity area* provided at grade shall have an area less than 60m². Limit the mass of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight.

⁽⁶⁾ Each unit in a back to back townhouse development shall contain an individual balcony with an area of 5.5 m², separated from adjoining units by a wall or privacy screen and with a maximum projection of 1.8m from the front wall of the back to back townhouse building.

⁽⁷⁾ For stacked back to back units, minimum lot area per unit shall not be less than 50m² per unit.

7. THAT, all other provisions of By-law 2017-70 continue to apply.
8. THAT, the Clerk of the Township of West Lincoln is hereby authorized to effect any minor modifications or corrections to the By-law of a descriptive, numerical or grammatical nature as may be deemed necessary after passage of this By-law.
9. THAT, this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XX DAY OF XX, 2023.

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-XX

The Township's Comprehensive Zoning By-law 2017-70 was passed by the Council of the Corporation of the Township of West Lincoln on June 26, 2017. This By-law amends Zoning By-law 2017-70, as amended, to address issues that have become apparent during its first few years of implementation.

A Public Meeting was held on XX and XX member of the public provided oral comments. XX written comments was additionally received from property owners. No other public comments were received. All comments received were evaluated by staff and Council through their decision.

File: 1601-XXX-XX

Township of West Lincoln

DRAFT



SHAPING GREAT COMMUNITIES

To: Gerrit Boerema **Date:** Feb. 28, 2022
From: Kshitiz Jaswal, GSP Group
File No.: 23025
Re: **Zoning Bylaw Review – Residential Medium and High Density
The Township of West Lincoln**

As per your request, I am providing you my review of the Zoning Bylaw regulations for Residential Medium and High-Density zones.

To conduct the review, development scenarios were created, pertaining to each dwelling type as identified in the draft zoning by-law, to test the applicable zoning regulations. The scenarios were tested to evaluate the maximum built form of a dwelling type can be achieved with the application of zoning regulations. Following were the criteria of the analysis:

1. Evaluate if the zoning regulations are flexible enough to allow for different massing, architectural styles, and adequate GFA for a dwelling type.
2. Evaluate scenarios where zoning regulation may allow for over-building or under-building for a dwelling type while conforming to zoning by-law.
3. Evaluate if the resulting built form reflect the Official Plan residential policies and Urban Design manual guidelines.

Following is summary of the review and recommendations:

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

72 Victoria Street South, Suite 201, Kitchener, ON N2G 4Y9 519 569 8883
162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
gspgroup.ca

Semi-Detached Dwelling:

RM1 Zone: Zoning bylaw regulations performed well in the three criteria's and allowed for built form flexibility with space for landscaping and amenity area.

Recommendations:

The maximum lot coverage can be reduced to 40%, to control over building and without meaning fully impacting the building GFA.

RM2 and RM3 Zone: Zoning bylaw regulations allowed for built form flexibility but can allow over building for this dwelling type. Potential to build a semi-detached with 3 storeys + basement + attic roof. Bringing the height from avg. grade to top of pitched roof ~14m (or 5 storeys). That is too tall for a semi-detached dwelling type.

Recommendations:

Reduce the maximum height to 10m (3 Storeys).

Duplex Dwelling:

RM2 Zone: Potential to build ~4,500 SF/unit (including basement) with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. This can result in very large building volume and scale for a duplex dwelling. A duplex dwelling is similar to semi-detached in scale and size.

Recommendations:

Reduce the maximum height to 10m (3 Storeys), Min. Frontage can be reduced to 15m and/or reducing maximum lot coverage to 40%, and minimum landscape space to 25% to avoid scenarios where majority of lot is used for surface parking.

Fourplex Dwelling:

RM2 Zone: With attached garage, potential to build ~4,700 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations.

RM3 Zone : With attached garage, potential to build ~3,400 SF/unit with flat roof and ~3,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With surface parking, potential to build ~2,000 SF/unit with flat roof.

This can result in very large building volume and scale for a four-plex dwelling. A four-plex dwelling, when stacked horizontally, is similar to Street Towns/Block Towns in scale and size.

Recommendations:

Recommend reducing the maximum height to 10m (3 Storeys), Min. lot frontage to 25m, minimum landscape 25%, and lot coverage to 40%. Lot area in RM2 zone for fourplex dwelling can go down to 220 SM/unit.

Triplex Dwelling:

RM2 and RM3 Zone: With attached garage, potential to build ~4,500 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With the 50% lot coverage and min. lot area requirement, it results in a 14.5 m rear yard setback (RM2 zone). Which proves that minimum lot area regulation can result in inefficient use of land. Similar to Four-plex Dwelling, 12 m height can result in very large building volume and scale for a triplex dwelling.

Recommendations:

Reducing the maximum height to 10m (3 Storeys), minimum landscape 25%, minimum lot area to reduce to 220SM/ unit for RM2, lot area reduced to 180 SM/unit for RM3, and lot coverage to 40%.

Street Townhouse Dwelling:

RM1, RM2, and RM3 Zone: Zoning bylaw regulations performed well in the three criteria's and allowed for built form flexibility with space for landscaping and amenity area.

Recommendations:

Reduce the maximum height to 10m (or 3 storey) for RM2 and RM3 zone to create a scale differentiation between the Stack townhouses and Back-to-Back townhouses, to reflect OP height policies. Given the large lot areas and the definition of "Height", 3 storey is more than adequate for a townhouse dwelling.

Townhouse Dwelling:

RM2 and RM3 Zone: Zoning bylaw regulations performed well in the three criteria's and allowed for built form flexibility with space for landscaping and amenity area.

Recommendations:

Lot area for Townhouse in RM2 zone is inconsistent with the Street Townhouse in the same zone. Give the same scale of dwelling type, I would recommend reducing it to 180 SM.

Since this type of dwelling will usually be part of a condominium, I would recommend adding a minimum 25% landscape open space requirement.

Stacked Townhouse Dwelling:

RM3 and RM4 Zone: RM3 zone regulations generally performed well in the three criteria. Stacked Townhouse dwellings, permitted in RM4 zone, have no regulation pertaining to lot area, lot frontage, lot coverage, and rear yard. That can create over building scenarios.

Recommendations:

For RM4 zone, recommend adding the regulation for min. lot coverage, and rear yard to avoid over building and protect low density residential zones.

For RM3 zone, currently there is no minimum landscape, and amenity area requirement. I would recommend adding the minimum landscape requirement of 25% and minimum amenity area requirement for the sub section "Dwelling with 9 or more dwelling units on one lot".

Back-to-Back Townhouse Dwelling:

RM4 Zone: Back-to-Back townhouse generally performed well with the zoning regulations. Although, the zoning regulations for stacked Back-to-Back townhouse can result in under building scenarios or in-efficient use of land.

Recommendations:

Currently the draft zoning bylaw limits the maximum BTB units to Five (5) BTB unit modules in a row or total Ten (10) dwelling units. This seems low and may cause inefficient use of the land. A townhouse dwelling, which has similar built form are permitted Eight (8) unit modules in a row. I recommend allowing for a minimum of Three (3) BTB unit modules (6 dwelling units) to a maximum of Eight (8) BTB unit modules (16 dwelling units) to provide flexibility and allow for efficient use of land and creating a longer street frontage.

Back-to-back townhouse dwelling have common rear wall, similar to the side walls of townhouse dwelling. Therefore, similar to side yard requirement for townhouses, Back-to-Back Townhouse should have a rear yard requirement when part of a condominium lot (which is common for this dwelling type). Without a rear yard, it could be an issue specially when abutting a lower density land use. A building could be built very close to the lot line while compliant with the Zoning Bylaw. I recommend a Min.7.5m building setback from a rear property line of a condominium lot with the following exception clause:

“(4) Where each dwelling unit of a Back-to-Back townhouse dwelling is located on a separate lot and not part of a condominium, no rear yard, and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units.”

Recommend limiting the mass of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight. This can be regulated through urban design guidelines.

Stacked Back-to-Back (ST-BTB) townhouses are comprised of units that are stacked vertically and/or horizontally with access from grade fronting onto a public street, condominium road, pedestrian mews or open space. ST-BTB townhouses cannot be a freehold unit and are legally more similar to Stack townhouses than Back-to-Back townhouses. The min. lot area (75 sqm/unit) works well for a BTB unit but does not seem to work for ST-BTB specially in the case of small to medium sized lots. The built form and massing of the ST-BTB and a BTB are similar, but with the proposed zoning regulation, it will require twice the amount of land to build one block of ST-BTB. This may discourage developers from building ST-BTB as they can build two blocks of BTB instead. I would recommend adding a note in the zoning bylaw that “For Stacked Back-to-Back units, Min. lot area is 50 sqm/unit.”

Apartment Dwelling:

RM3 and RM4 Zone: On a 0.5 Ha lot, 31 units (62 uph) are permitted as per the minimum lot area requirement. A 31-unit apartment building, with large two-bedroom units, can be constructed with 18% lot coverage, 9m height, and meeting/exceeding all other regulations. Even though the minimum lot area regulation seems restrictive, the resulting density and form is in keeping with the official plan medium density policies.

Recommendations:

I recommend adding minimum rear yard requirement for RM4 zone, and minimum landscape and amenity area for RM3 zone.

RH Zone: On a 0.5 Ha lot, 41 units are permitted as per the minimum lot area requirement. The minimum lot area requirement proves to be very restrictive, especially for Residential High-density zone and allows for a lower density compared to the Back-to-Back townhouse density in RM4 zone (lot area:75 SM/unit).

Recommendations:

As the residential high-density zone (RH) is the densest residential zone, I recommend to reduce the minimum lot area requirement to 60 SM to allow for a compact and efficient form of apartment dwelling. (For comparison, City of Brantford has Min. lot area requirement of 50SM for apartments in their residential high-density zone.)

Additional Notes:

I recommend crating a separate zoning chart per dwelling type (enclosed) instead of a combined chart for ease of understanding.

I trust the above information is to your satisfaction. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours truly,
GSP Group

Kshitiz (Jas) Jaswal, M.Arch., M.Plan.
Urban Designer

Encl: Review illustrations.

Scenarios to avoid

Over-built massing



Over-built height

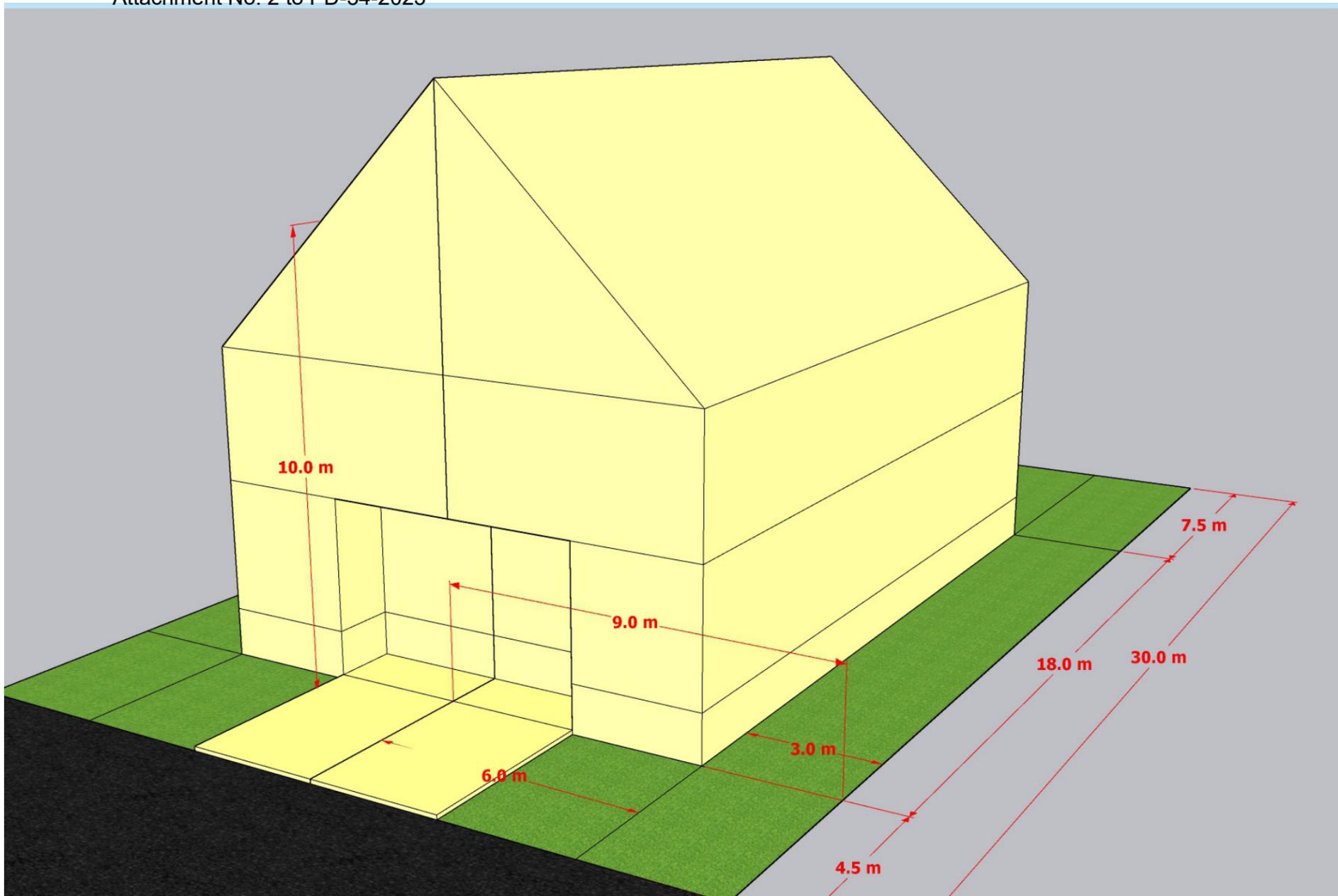


Under-built or In-efficient use of land



Semi-detached dwelling

	RM1	RM2	RM3
Permitted in zones	X	X	X
Min. Lot Area/Unit	270m ²	200 m ²	
Min. Lot Frontage	9m/unit	8m/unit	
Min. Front Yard			
<i>Dwelling</i>	4.5m		
<i>Private Garage</i>	6m		
Min.Exterior Side Yard	3m		
Minimum interior side yard			
<i>Adjoining a lot in a low density residential zone</i>	3m(3)		
<i>Adjoining a lot in any other zone</i>	1.2m(3)		
Min. rear Yard			
<i>Adjoining a lot in a low density residential zone</i>	7.5m		
<i>Adjoining a lot in any other zone</i>	6m		
Maximum lot coverage	45%	50%	
Minimum separation distance between dwellings on the same lot	N/A		
<i>Between exterior side walls</i>	N/A		
<i>Between exterior front or rear walls</i>	N/A		
<i>Between exterior front or rear walls and side walls</i>	N/A		
Maximum height	10m	12m	
Minimum landscaped open space	N/A		
Minimum amenity area (5)(6)	N/A		

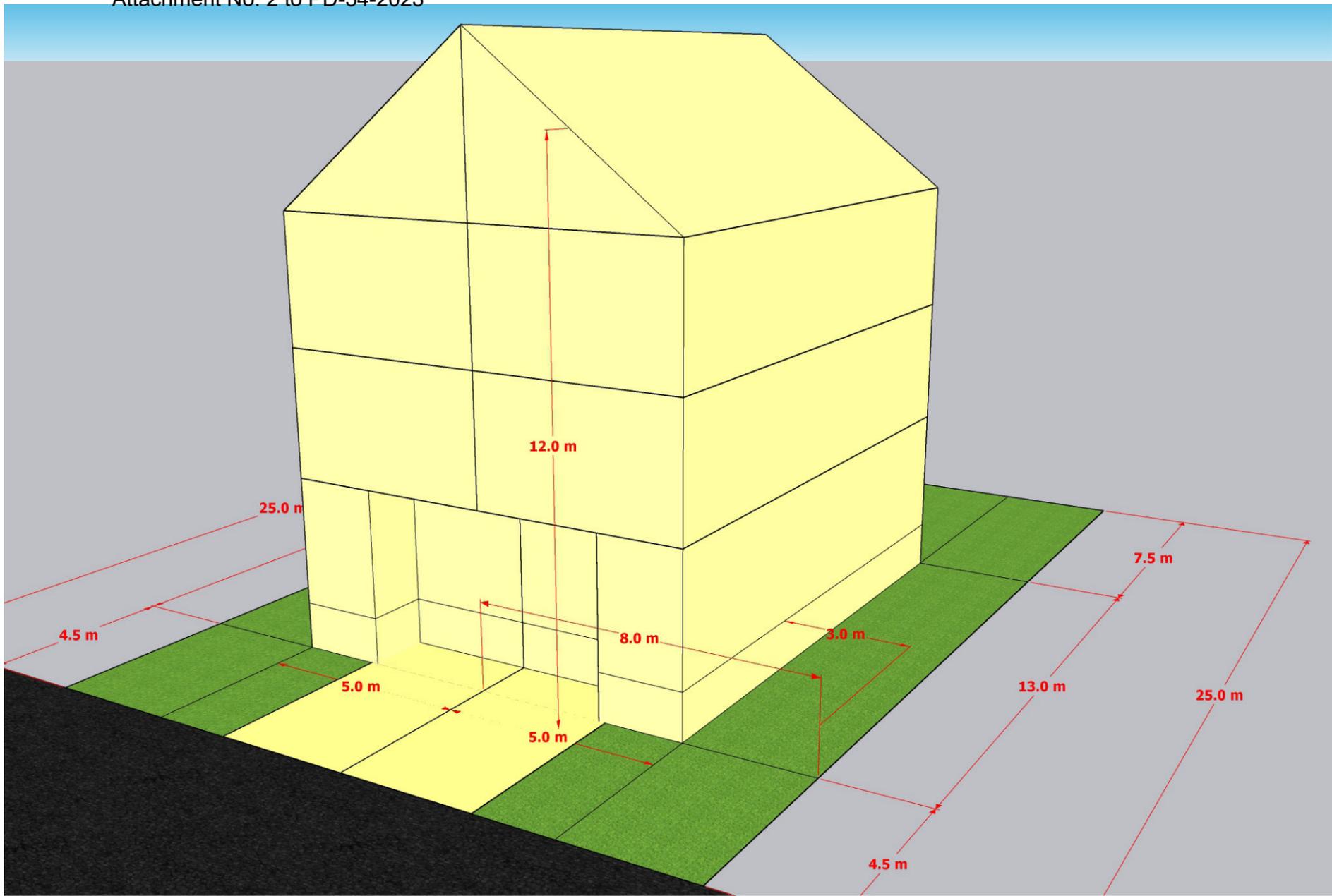


Zone: RM1
 Potential to build ~3,000 SF/unit (including basement & attic), with minimum lot area requirement, **40% lot coverage**, and meeting all other regulations.

1) I would recommend reducing the maximum lot coverage to 40%.

Semi-detached dwelling

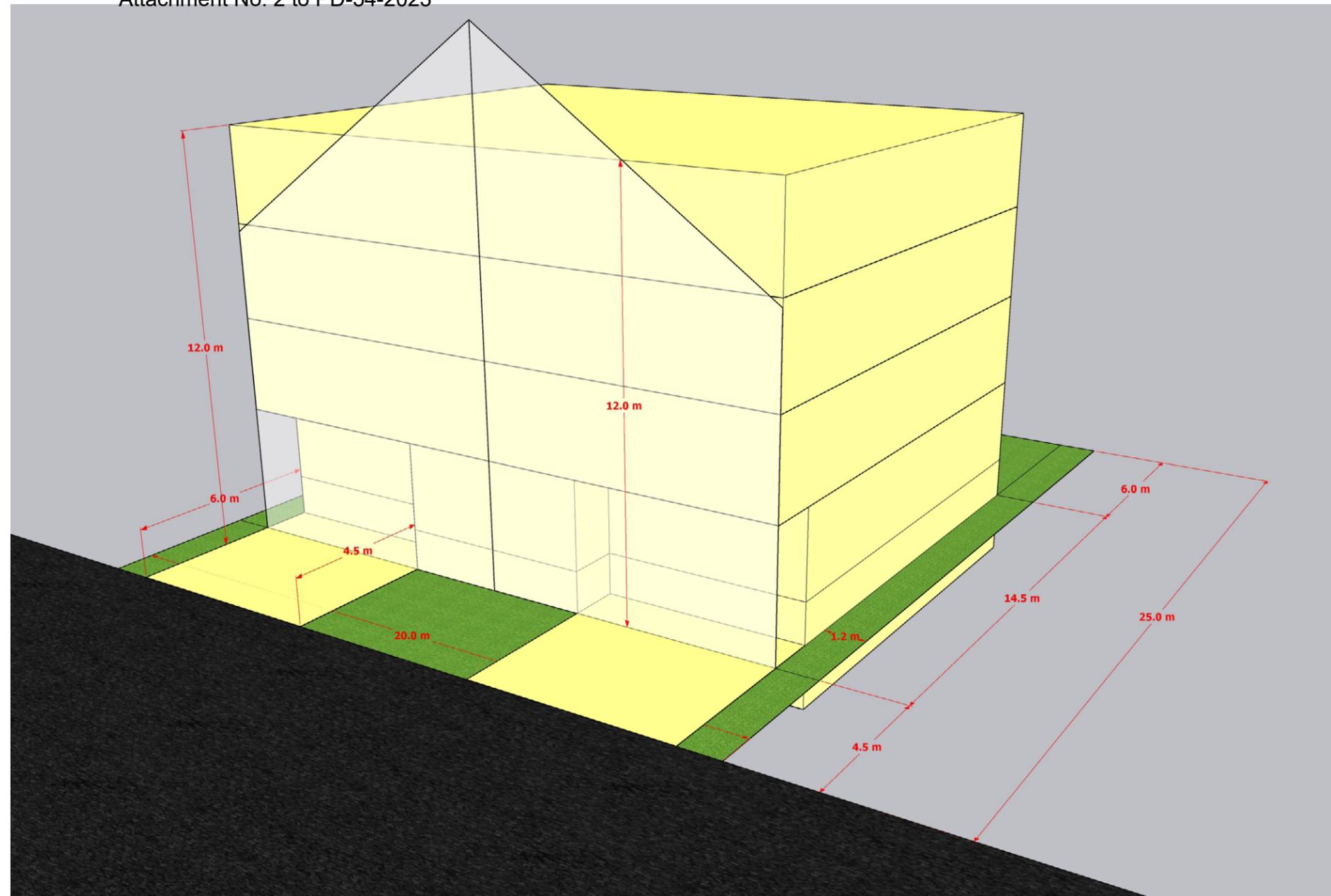
	RM1	RM2	RM3
Permitted in zones	X	X	X
Min. Lot Area/Unit	270m2	200 m2	
Min. Lot Frontage	9m/unit	8m/unit	
Min. Front Yard			
	<i>Dwelling</i>		
	<i>Private Garage</i>		
		4.5m	
		6m	
Min.Exterior Side Yard		3m	
Minimum interior side yard			
<i>Adjoining a lot in a low density residential zone</i>		3m(3)	
<i>Adjoining a lot in any other zone</i>		1.2m(3)	
Min. rear Yard			
<i>Adjoining a lot in a low density residential zone</i>		7.5m	
<i>Adjoining a lot in any other zone</i>		6m	
Maximum lot coverage	45%	50%	
Minimum separation distance between dwellings on the same lot		N/A	
<i>Between exterior side walls</i>		N/A	
<i>Between exterior front or rear walls</i>		N/A	
<i>Between exterior front or rear walls and side walls</i>		N/A	
Maximum height	10m	12m	
Minimum landscaped open space		N/A	
Minimum amenity area (5)(6)		N/A	



Zone: RM2 and RM3
 Potential to build ~2,000 SF/unit (including basement), with minimum lot area requirement, **33% lot coverage**, and meeting all other regulations.

1) Potential to build a semi-detached with 3 storey + basement + attic roof. Bringing the height from avg. grade to top of roof ~14m (or 5 storeys). That is too tall for a semi-detached. I would recommend reducing the maximum height to 10m (3 Storeys). With the max. permitted lot coverage of 50%, the reduced height should not have any meaningful impact on the build-able GFA but would tame down the scale of the building.

Duplex dwelling		RM1	RM2
Permitted in zones			X
Min. Lot Area/Unit			250m ²
Min. Lot Frontage			20m
Min. Front Yard			
	<i>Dwelling</i>		4.5m
	<i>Private Garage</i>		6m
Min.Exterior Side Yard			3m
Minimum interior side yard			
	<i>Adjoining a lot in a low density residential zone</i>		3m(3)
	<i>Adjoining a lot in any other zone</i>		1.2m(3)
Min. rear Yard			
	<i>Adjoining a lot in a low density residential zone</i>		7.5m
	<i>Adjoining a lot in any other zone</i>		6m
Maximum lot coverage			50%
Minimum separation distance between dwellings on the same lot			
	<i>Between exterior side walls</i>		3m
	<i>Between exterior front or rear walls</i>		12m
	<i>Between exterior front or rear walls and side walls</i>		7.5m
Maximum height			12m
Minimum landscaped open space			N/A
Minimum amenity area (5)(6)			N/A



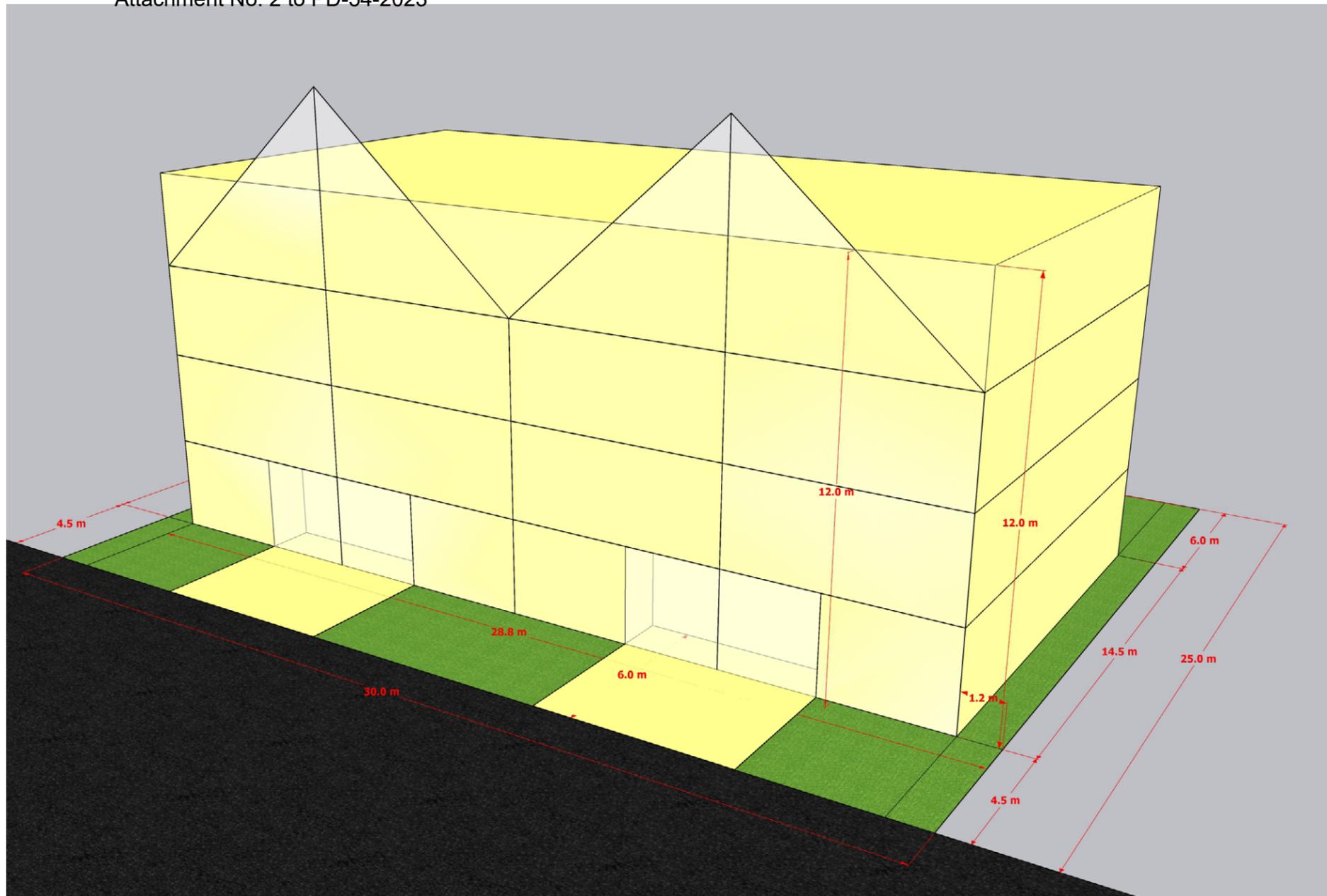
Zone: RM2

Potential to build ~4,500 SF/unit (including basement) with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations.

1) This can result in very large building volume and scale for a duplex dwelling. A duplex dwelling is similar to semi-detached in scale and size. I would recommend reducing the maximum height to 10m (3 Storeys), Min. Frontage can be reduced to 15m and/or reducing maximum lot coverage to 40%, and minimum landscape space to 25%.

Fourplex dwelling

	RM1	RM2	RM3
Permitted in zones		X	X
Min. Lot Area/Unit		250m ²	180m ²
Min. Lot Frontage		30m	
Min. Front Yard			
<i>Dwelling</i>		4.5m	
<i>Private Garage</i>		6m	
Min.Exterior Side Yard		3m	
Minimum interior side yard			
<i>Adjoining a lot in a low density residential zone</i>		3m(3)	
<i>Adjoining a lot in any other zone</i>		1.2m(3)	
Min. rear Yard			
<i>Adjoining a lot in a low density residential zone</i>		7.5m	
<i>Adjoining a lot in any other zone</i>		6m	
Maximum lot coverage		50%	
Minimum separation distance between dwellings on the same lot			
<i>Between exterior side walls</i>		3m	
<i>Between exterior front or rear walls</i>		12m	
<i>Between exterior front or rear walls and side walls</i>		7.5m	
Maximum height		12m	
Minimum landscaped open space		N/A	
Minimum amenity area (5)(6)		20 m ² /unit	



Zone: RM2

With attached garage, potential to build ~4,700 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations.

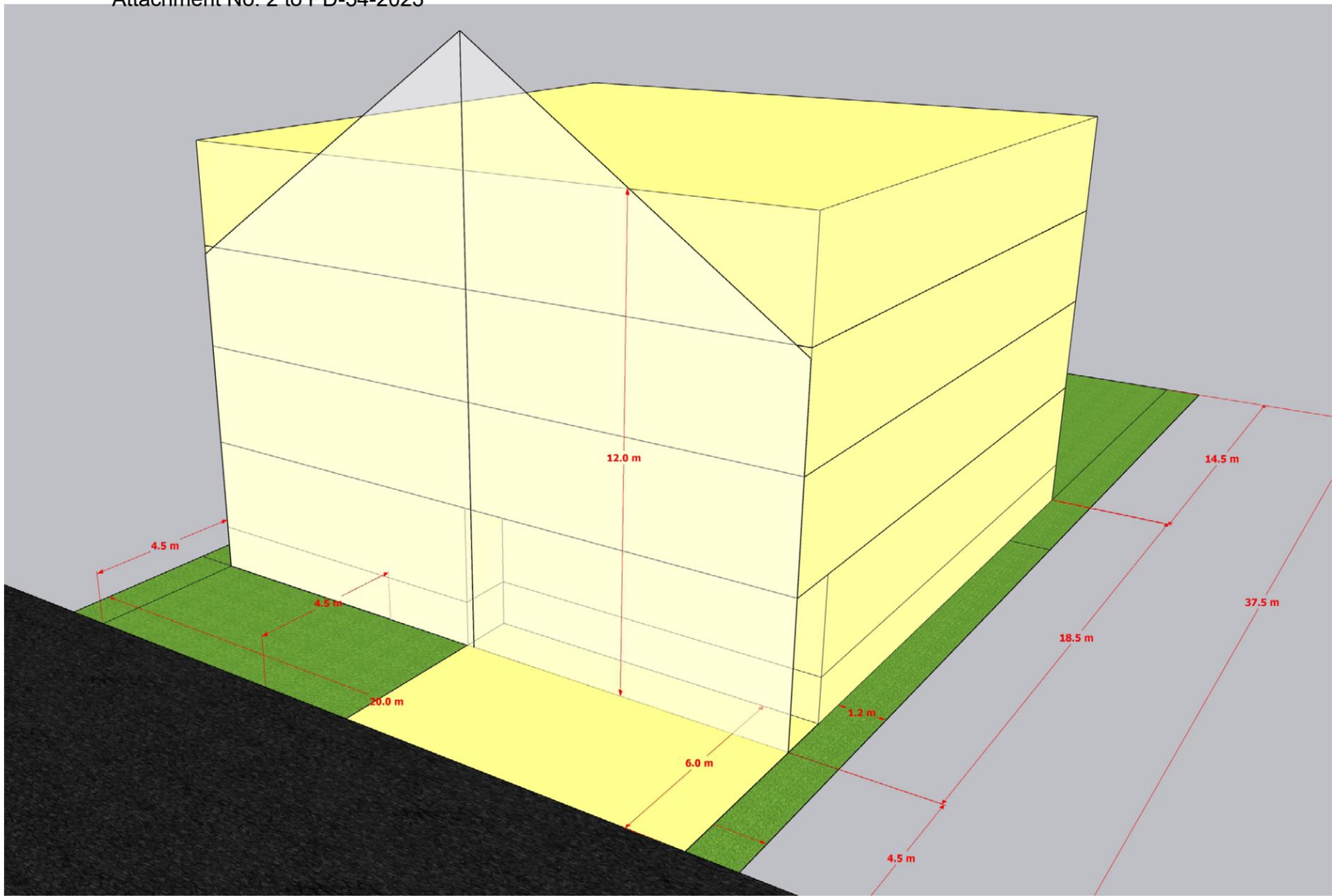
Zone: RM3 (illustrated in the graphic above)

With attached garage, potential to build ~3,400 SF/unit with flat roof and ~3,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With surface parking, potential to build ~2,000 SF/unit with flat roof.

1) This can result in very large building volume and scale for a four-plex dwelling. A four-plex dwelling, when stacked horizontally, is similar to Street Towns/Block Towns in scale and size. I would recommend reducing the maximum height to 10m (3 Storeys), Min. lot frontage to 25m, minimum landscape 25%, and lot coverage to 40%. Lot area in RM2 zone for fourplex can go down to 220 SM/unit.

Triplex dwelling

	RM1	RM2	RM3
Permitted in zones		X	X
Min. Lot Area/Unit		250m ²	200m ²
Min. Lot Frontage		20m	18m
Min. Front Yard			
	<i>Dwelling</i>	4.5m	
	<i>Private Garage</i>	6m	
Min.Exterior Side Yard		3m	
Minimum interior side yard			
<i>Adjoining a lot in a low density residential zone</i>		3m(3)	
<i>Adjoining a lot in any other zone</i>		1.2m(3)	
Min. rear Yard			
<i>Adjoining a lot in a low density residential zone</i>		7.5m	
<i>Adjoining a lot in any other zone</i>		6m	
Maximum lot coverage		50%	
Minimum separation distance between dwellings on the same lot			
<i>Between exterior side walls</i>		3m	
<i>Between exterior front or rear walls</i>		12m	
<i>Between exterior front or rear walls and side walls</i>		7.5m	
Maximum height		12m	
Minimum landscaped open space		N/A	
Minimum amenity area (5)(6)		20 m ² /unit	



Zone: RM2 & RM3

With attached garage, potential to build ~4,500 SF/unit with flat roof and ~4,000 SF/unit with pitched roof, with minimum lot area requirement, 50% lot coverage, and meeting all other regulations. With the 50% lot coverage and min. lot area requirement, it results in a 14.5 m rear yard setback (RM2 zone).

1) Similar to Four-plex Dwelling, this can result in very large building volume and scale for a triplex dwelling. A triplex dwelling, is similar to Street Towns/Block Towns in scale and size. I would recommend reducing the maximum height to 10m (3 Storeys), minimum landscape 25%, minimum lot area to reduced to 220SM/ unit for RM2, lot area reduced to 180 SM/unit for RM3, and lot coverage to 40%.

Street townhouse dwelling			
	RM1	RM2	RM3
Permitted in zones	X	X	X
Min. Lot Area/Unit	225m2	180m2	
Min. Lot Frontage	7.5m/unit	6m/unit	
Min. Front Yard			
	<i>Dwelling</i> 4.5m		
	<i>Private Garage</i> 6m		
Min.Exterior Side Yard	3m		
Minimum interior side yard			
<i>Adjoining a lot in a low density residential zone</i>	3m(3)		
<i>Adjoining a lot in any other zone</i>	1.2m(3)		
Min. rear Yard			
<i>Adjoining a lot in a low density residential zone</i>	7.5m		
<i>Adjoining a lot in any other zone</i>	6m		
Maximum lot coverage	45%	50%	
Minimum separation distance between dwellings on the same lot			
<i>Between exterior side walls</i>	N/A	3m	
<i>Between exterior front or rear walls</i>	N/A	12m	
<i>Between exterior front or rear walls and side walls</i>	N/A	7.5m	
Maximum height	10m	12m	
Minimum landscaped open space	N/A	N/A	
Minimum amenity area (5)(6)	N/A	40m2 plus 10m2 per	

Townhouse dwelling			
	RM1	RM2	RM3
Permitted in zones		X	X
Min. Lot Area/Unit		200m2	180m2
Min. Lot Frontage		30m	
Min. Front Yard			
	<i>Dwelling</i> 4.5m		
	<i>Private Garage</i> 6m		
Min.Exterior Side Yard	3m		
Minimum interior side yard			
<i>Adjoining a lot in a low density residential zone</i>	3m(3)		
<i>Adjoining a lot in any other zone</i>	1.2m(3)		
Min. rear Yard			
<i>Adjoining a lot in a low density residential zone</i>	7.5m		
<i>Adjoining a lot in any other zone</i>	6m		
Maximum lot coverage		50%	
Minimum separation distance between dwellings on the same lot			
<i>Between exterior side walls</i>	3m		
<i>Between exterior front or rear walls</i>	12m		
<i>Between exterior front or rear walls and side walls</i>	7.5m		
Maximum height		12m	
Minimum landscaped open space		N/A	
Minimum amenity area (5)(6)		40m2 plus 10m2 per	

Street Townhouse Dwelling

The regulations will generally result in a good built form.
 1) Only recommendation would be to reduce the maximum height to 10m (or 3 storey) for RM2 and RM3 zone to create a scale differentiation between the Townhouses and Stack/Back to Back townhouses and to reflect OP height policies. Given the large lot areas and the definition of Height, 3 storey is more than adequate for a townhouse dwelling.

Townhouse Dwelling

1) Same comment as above.
 2) Lot area for Townhouse in RM2 zone is inconsistent with the Street Townhouse in the same zone. Give the scale of dwelling type, I would recommend to reduce it to 180 SM.
 3) Since this type of dwelling will usually be part of a condominium, I would recommend adding a minimum 25% landscape open space requirement.

Stacked Townhouse

Stacked townhouse dwelling		RM1	RM2	RM3	RM4
Permitted in zones				X	X
Min. Lot Area/Unit				160m ²	N/A
Min. Lot Frontage				30m	N/A
Min. Front Yard					
	<i>Dwelling</i>			4.5m	
	<i>Private Garage</i>			6m	
Min.Exterior Side Yard				3m	
Minimum interior side yard					
	<i>Adjoining a lot in a low density residential zone</i>			3m(3)	
	<i>Adjoining a lot in any other zone</i>			1.2m(3)	
Min. rear Yard					
	<i>Adjoining a lot in a low density residential zone</i>			7.5m	N/A
	<i>Adjoining a lot in any other zone</i>			6m	N/A
Maximum lot coverage				50%	N/A
Minimum separation distance between dwellings on the same lot					
	<i>Between exterior side walls</i>			3m	
	<i>Between exterior front or rear walls</i>			12m	
	<i>Between exterior front or rear walls and side walls</i>			7.5m	
Maximum height				12m	
Minimum landscaped open space				N/A	25%
Minimum amenity area (5)(6)				-	40m ² plus 15m ² per

Stacked Townhouse dwellings are permitted in RM4 zone and have no regulation pertaining to lot area, lot frontage, lot coverage, and rear yard. I would recommend adding the regulation for min. lot coverage, and rear yard to avoid over building and protect low density residential zones.

For Stack Towns in RM3 zone, currently there is no minimum landscape, and amenity area requirement. I would recommend adding the minimum landscape requirement of 25% and minimum amenity area requirement for the sub section "*Dwelling with 9 or more dwelling units on one lot*".

Back to Back townhouse dwelling

	RM1	RM2	RM3	RM4
Permitted in zones				X
Min. Lot Area/Unit				75m ²
Min. Lot Frontage				5.5m/unit
Min. Front Yard				4.5m
<i>Dwelling</i>				6m
<i>Private Garage</i>				
Min.Exterior Side Yard				3m
Minimum interior side yard				
<i>Adjoining a lot in a low density residential zone</i>				3m(3)
<i>Adjoining a lot in any other zone</i>				1.2m(3)
Min. rear Yard				
<i>Adjoining a lot in a low density residential zone</i>				N/A
<i>Adjoining a lot in any other zone</i>				N/A
Maximum lot coverage				N/A
Minimum separation distance between dwellings on the same lot				
<i>Between exterior side walls</i>				3m
<i>Between exterior front or rear walls</i>				12m
<i>Between exterior front or rear walls and side walls</i>				7.5m
Maximum height				12m
Minimum landscaped open space				25%
Minimum amenity area (5)(6)				40m ² plus 15m ² per



Back to Back Townhouse

1) In the definition “a maximum of 10 Dwelling units” are we limiting maximum units in a row to 5 units which seems less to make efficient use of the land and compared to 8 units in a Townhouse which has a similar massing and lot area. I would recommend changing this to a minimum of 3 (6 BTB units) and a maximum of 8 Unit (16 BTB units) modules in a row.

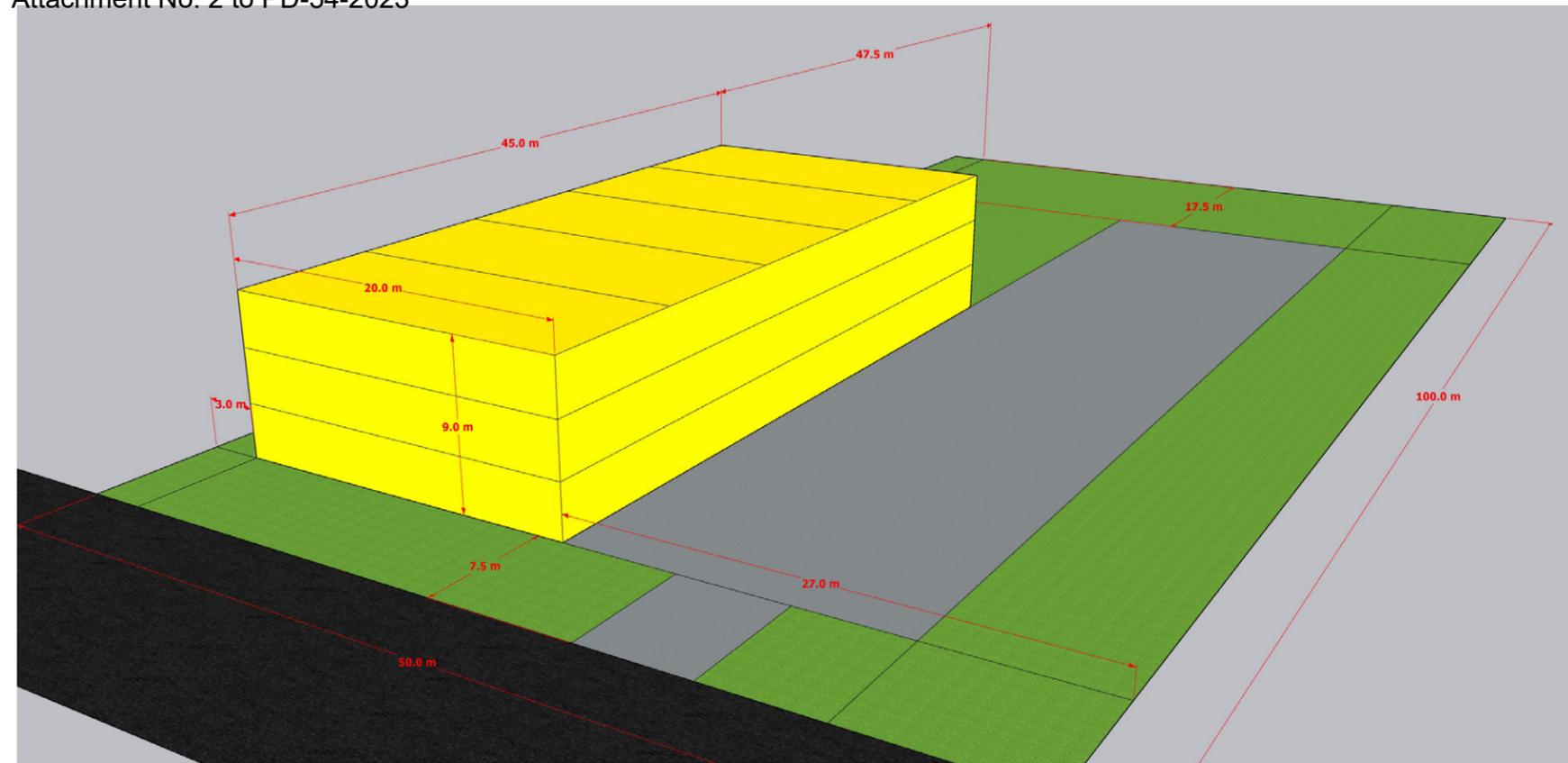
2) Back to back townhouse dwelling have common rear wall, similar to the side walls of townhouse dwelling. Therefore, similar to side yard requirement for townhouses, Back to Back Townhouse should have a rear yard requirement when part of a condominium lot (which is common for this dwelling type) with the following exception clause:

“(4) Where each dwelling unit of a Back to Back townhouse dwelling is located on a separate lot, no rear yard, and interior side yard shall be required along the common lot line of the attached wall joining two dwelling units. Excluding Stacked Back to Back townhouse dwelling.”

Without a rear yard, it could be an issue specially when abutting a lower density land use. A building could be built very close to the lot line while compliant with the Zoning Bylaw. I would recommend a Min.7.5m building setback from a rear property line.

3) I would recommend limiting the mass of 4th floor to 75-80% of the third floor to allow for building articulation, step-back, and sunlight. This can regulated through urban design guidelines.

Apartment dwelling		RM1	RM2	RM3	RM4	RH
Permitted in zones				X	X	X
Min. Lot Area/Unit				160m ²	120m ²	
Min. Lot Frontage				N/A	30m	
Min. Front Yard				4.5m	6m	7.5m
	<i>Dwelling</i> <i>Private Garage</i>					
Min.Exterior Side Yard				3m		Greater of 50% of building height or 3m
Minimum interior side yard						
	<i>Adjoining a lot in a low density residential zone</i>			3m(3)		Greater of 50% of building height or 3m
	<i>Adjoining a lot in any other zone</i>			1.2m(3)		3m
Min. rear Yard						
	<i>Adjoining a lot in a low density residential zone</i>			7.5m	N/A	7.5m
	<i>Adjoining a lot in any other zone</i>			6m	N/A	6m
Maximum lot coverage				50%	N/A	50%
Minimum separation distance between dwellings on the same lot						
	<i>Between exterior side walls</i>			3m		
	<i>Between exterior front or rear walls</i>			12m		
	<i>Between exterior front or rear walls and side walls</i>			7.5m		
Maximum height				12m		15m
Minimum landscaped open space					25%	
Minimum amenity area (5)(6)					40m ² plus 15m ² per	80m ² plus 5.5m ² per



Apartment Dwelling

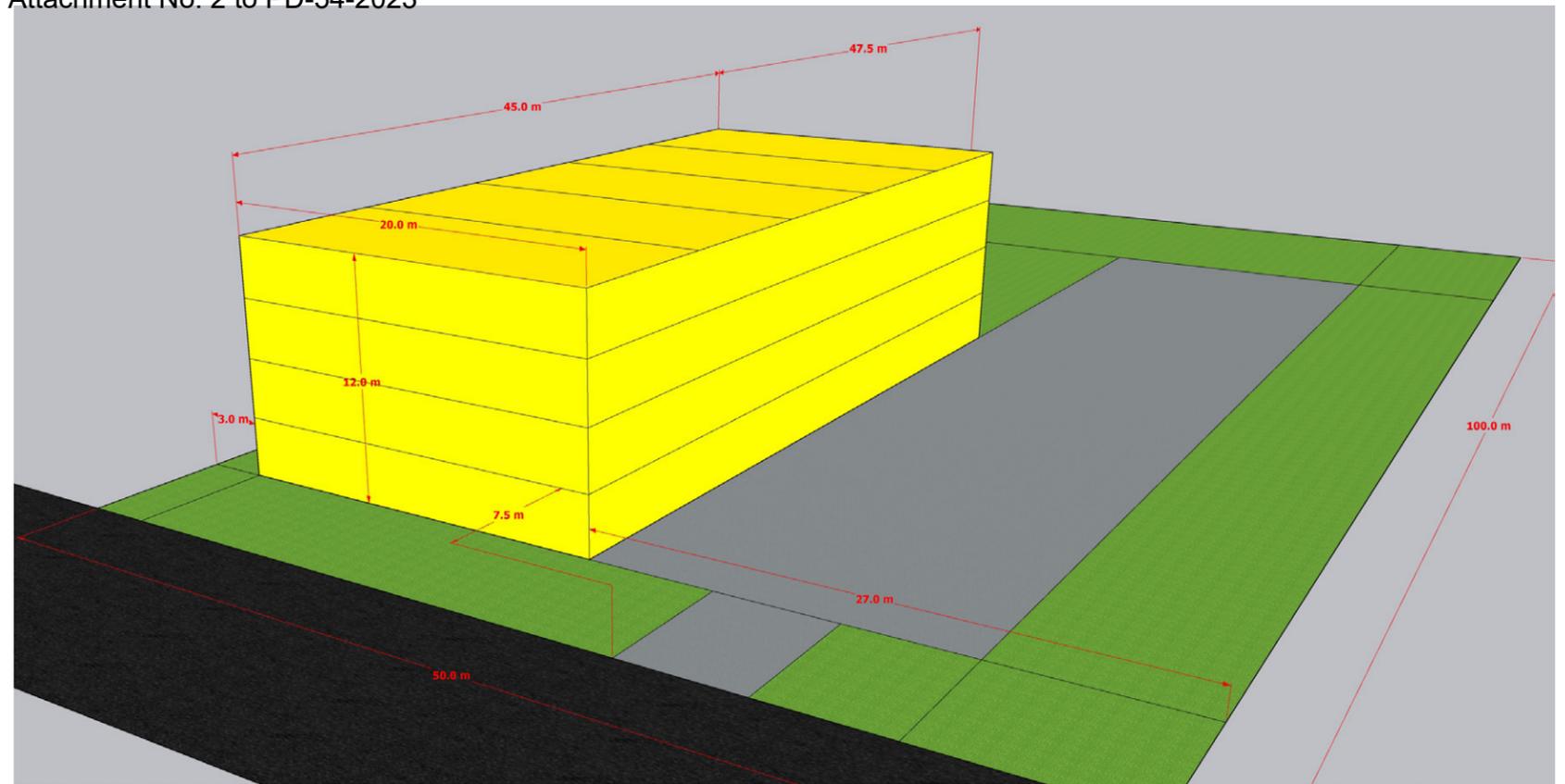
RM3 and RM4 Zone: On a 0.5 Ha lot, 31 units (62 uph) are permitted as per the minimum lot area requirement. A 31 unit apartment building (shown above), with large two-bedroom units, can be constructed with **18% lot coverage, 9m height**, and meeting/exceeding all other regulations. Even though the minimum lot area regulation proves to be the most restrictive, the resulting density and form is in keeping with the official plan medium density policies.

1) I would recommend adding minimum rear yard requirement for RM4 zone, and minimum landscape and amenity area for RM3 zone.

RH Zone: On a 0.5 Ha lot, 41 units are permitted as per the minimum lot area requirement. The minimum lot area requirement proves to be very restrictive for this zone and allows for lower density compared to the Back to Back townhouse density in RM4 zone (*lot area:75 SM/unit*).

1) As the residential high density zone (RH) is the densest form of dwelling, I would recommend to reduce the minimum lot area requirement to 60 SM to allow for a compact and efficient form of apartment dwelling. (*For comparison, City of Brantford has Min. lot area requirement of 50SM for apartments in their residential high density zone.*)

Retirement home				
	RM1	RM2	RM3	RM4
Permitted in zones				RH
				X
Min. Lot Area/Unit				120m ²
Min. Lot Frontage				30m
Min. Front Yard				7.5m
	<i>Dwelling</i>			
	<i>Private Garage</i>			
Min.Exterior Side Yard				Greater of 50% of building height or 3m
Minimum interior side yard				
	<i>Adjoining a lot in a low density residential zone</i>			
	<i>Adjoining a lot in any other zone</i>			
Min. rear Yard				7.5m
	<i>Adjoining a lot in a low density residential zone</i>			
	<i>Adjoining a lot in any other zone</i>			
Maximum lot coverage				50%
Minimum separation distance between dwellings on the same lot				
	<i>Between exterior side walls</i>			
	<i>Between exterior front or rear walls</i>			
	<i>Between exterior front or rear walls and side walls</i>			
Maximum height				15m
Minimum landscaped open space				25%
Minimum amenity area (5)(6)				80m ² plus 5.5m ² per



Retirement Home

RH Zone: Same comment as above.

Good afternoon Jeni

Regional staff has reviewed the proposed Township of West Lincoln House Keeping Amendments No. 7 (File No. 1601-007-23). Staff note that the proposed amendments do not impact any Regional & Provincial interests.

As an observation, staff has noted that there is a typo below Table 15 (footnote #4) where 'unit' is spelt 'unti'.

Thank you,

Connor Wilson

Development Planner
Growth Strategy and Economic Development
Niagara Region
Phone: 905-980-6000 Ext. 3399
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7



From: Jeni Fisher <jfisher@westlincoln.ca>
Sent: September 18, 2023 11:43 AM
To: Brian Treble <btreble@westlincoln.ca>
Cc: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>; Sue Mabee <Sue.Mabee@dsbn.org>; Clark.Euale@ncdsb.com; mbirbeck@npca.ca; Notifications@enbridge.com; ro_wcentre@bell.ca; Busnello, Pat <pat.busnello@niagararegion.ca>; Wilson, Connor <Connor.Wilson@niagararegion.ca>; CP_Proximity-Ontario@cpr.ca; mr18enquiry@mpac.ca; tedc@metisnation.org; Derrick Pont <pontdj@hotmail.com>; Consultation <consultations@metisnation.org>; Leroy Hill <jocko@sixnationsns.com>; hdi2@bellnet.ca; Tracey General <traceyghdi@gmail.com>; Fawn Sault <Fawn.Sault@mncfn.ca>; megan.devries@mncfn.ca; Peter.Epler@mncfn.ca; Lonny Bomberry <lonnybomberry@sixnations.ca>; Dawn LaForme <dlaforme@sixnations.ca>; tanyahill-montour@sixnations.ca; Jennifer Dockstader <executivedirector@fenfc.org>; Chris Shawanoo <executivedirector@nrnc.ca>; Mike DiPaola <mdipaola@westlincoln.ca>; Jennifer Bernard <jbernard@westlincoln.ca>; Tim Hofsink <thofsink@westlincoln.ca>; Dennis Fisher <dfisher@westlincoln.ca>; John Bartol <jbartol@westlincoln.ca>; Lyle Killins <killins@live.com>; Jessica Dyson <jdyson@westlincoln.ca>; Justin Paylove <jpaylove@westlincoln.ca>; Beverly Hendry <bhendry@westlincoln.ca>; DL-Council Members <DL-CouncilMembers@westlincoln.ca>; Dave Heyworth <dheyworth@westlincoln.ca>; Susan Smyth <ssmyth@westlincoln.ca>; Stephanie Pouliot <spouliot@westlincoln.ca>; Lisa Kasko-Young <lyoung@westlincoln.ca>; Newdevelopment@rci.rogers.com; Randy.Leppert@cogeco.com; friedmanjo_e21@gmail.com; mike@sullivanplanning.ca; jim.sorley@npei.ca; Ray Vachon <rvachon@westlincoln.ca>; fredv@royalpage.ca; suzanne@christianfarmers.org; West Lincoln

Chamber <westlincolnchamber@bellnet.ca>

Subject: Notice of Public Meeting

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good Morning,

Please find attached the Notice of Public Meeting for Township of West Lincoln Housekeeping Amendments No. 7 (File No. 1601-007-23), to be held on October 10th, 2023 at 6:30pm.

If you have any concerns or comments, please be sure to send them prior to September 29th by 4pm so have them included in the staff report or up until October 6th 4pm to be read into public record.

Sincerely,

Jeni

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>Jeni Fisher</p> <p>Planning Secretary</p> <p>Tel: 905-957-3346 ext 5134 Email: jfisher@westlincoln.ca Web: www.westlincoln.ca</p> <p>   </p>
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From: Rob Brouwer <rob@bigcountryraw.ca>
Date: September 22, 2023 at 1:29:41 PM EDT
To: Brian Treble <btreble@westlincoln.ca>
Subject: Building Max Height - Housekeeping Amendment

Hi Brian

Wanted to find out if you could propose a maximum building height change from 10M to 15M at your upcoming housekeeping amendment meeting.

Many new warehouse builds (if not most) now are much higher than 10M, as they reduce the land footprint, and are more economical to build. Warehouse lift trucks are also getting much more advanced/automated allowing palletization at greater heights.

I took a quick look at it appears the welland bi-law is already at 15M. I have attempted to attach a link below. You can find the information on section 12, page 12-4.

https://ehq-production-canada.s3.ca-central-1.amazonaws.com/14581bc46712e3ade0845ecea55d8205b3111f22/original/1620219838/1f21c9a5d14e7cb006644d8405240610_City_of_Welland_-_Industrial_and_Agricultural-Rural_Zoning.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIA4KKNQAKIOR7VAOP4%2F20230922%2Fca-central-1%2Fs3%2Faws4_request&X-Amz-Date=20230922T161123Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=b005a1ebf6647634864dd5d347aace987a0cc83c1e9b5ddfd02dcb07a7a4217a

If you need any other information from me in advanced of your meeting, I'm happy to help.

Thanks!

Rob Brouwer
President
Big Country Raw Ltd



October 5, 2023

Brian Treble
Director of Planning and Building
Township of West Lincoln
btreble@westlincoln.ca

**RE: Zoning By-law Housekeeping Amendment No. 7
File No. 1601-007-23**

Dear Mr. Treble

NPG Planning Solutions Inc. are planning consultants to Phelps Homes Ltd. on various lands within the Township.

We understand that a Public Meeting is scheduled for October 10, 2023 regarding File No. 1601-007-23, a proposed Housekeeping Amendment to Comprehensive Zoning By-law 2017-70. We are pleased to provide this comment letter for Council and Staff review. Our comments revolve around the proposed changes/additions to the Accessory Dwelling Unit regulations as well as changes to the Residential Multiple Zone regulations.

Accessory Dwelling Units

We appreciate the Township's efforts to update the Zoning By-law for consistency with recent *Planning Act* changes to additional residential units provisions/regulations. We have reviewed the proposed changes outlined in the draft Zoning By-law Amendment (attached to PBD-48-2023), and have the following questions and comments related to the Accessory Dwelling Unit (ADU) provisions:

1. 3.2.1 a)

Why does this provision restrict ADU location to above the ground floor? Does this restrict basement units and ground floor units within a dwelling? Does this restrict ground floor units in an accessory building? Consider removing this restriction.



NPG Planning Solutions
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npgsolutions.ca

(905) 321 6743
info@npgsolutions.ca



2. 3.2.1 c)

This section states that ADUs shall comply with the regulations of the applicable zone. Is this minimum lot area per dwelling unit regulation (Tables 14 and 15) intended to apply to ADUs, in addition to the principal dwelling unit? Consider clarifying that ADUs are not subject to this regulation, as this would restrict the creation of ADUs.

3. 3.2.1 g)

Are the regulations in subsection g) only intended to apply to ADUs in non-residential zones? They do not appear to apply to ADUs in residential zones properties. Please confirm.

4. 3.2.1 g) ii)

This subsection contains minimum and maximum floor areas for ADUs in non-residential zones. Does this contravene subsection 35.1(1.2), which stipulates that minimum floor areas cannot be regulated for additional residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land? Per comment 3 above, if 3.2.1 g) does not apply to residential zones, this comment may be moot. Please confirm.

5. *Table 13: Permitted Uses in Residential Zones*

This table should be amended to permit ADUs in RM1, RM2, RM2, RM4 and RH Zones.

Residential Multiple Zones

We have reviewed the amended version of *Table 15: Regulations for Permitted Uses in Medium and High Density Residential Zones*. We commend the Township for updating its zoning regulations for medium and high density uses as this is an important part of streamlining development approvals. The following comments are offered for consideration:

6. Definition of “stacked townhouse dwelling”



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The Definition of stacked townhouse dwelling stated that “pairs of dwelling units are stacked and divided vertically and each pair of dwelling units is divided horizontally from the next attached pair, and each dwelling unit has an independent entrance from the exterior of the dwelling to the interior of the dwelling unit”.

- a) The definition states that each module of a stacked townhouse would only have a pair of units (two). It is not uncommon for stacked townhouses to have three units in each module. Consider revising to eliminate restrictions of three module stacked townhouses.
- b) The definition states that each dwelling unit must have an independent entrance from the exterior of the dwelling to the interior of the dwelling unit. It is not uncommon for stacked townhouse dwellings to have entrances from a common hallway or vestibule. Consider revising.

7. *Table 15: Permitted Uses in Medium and High Density Residential Zones*

- a) There are no RM4 provisions for stacked townhouses although it is a permitted use in this zone.
- b) Stacked back to back townhouses are permitted in the RM4 Zone with a minimum lot area of 50m² per unit (footnote 7). This equates to the highest density of any dwelling unit in any zone. The Township should consider decreasing the minimum lot area per unit for apartment dwellings to be in line with stacked back to back townhouses. Related to Table 13, stacked back to back townhouses should also be permitted in the RH Zone at this density.
- c) Related to Table 13, back to back townhouses and stacked back to back townhouses should also be permitted in the RM3 Zone, similar to back to back townhouses.
- d) Maximum height in RM1 to RM3 Zone is currently 12 m and is proposed to be changed to 10 m in certain zones. The Table is not clear as to what zone this change will occur in, as there is a formatting issue with the table columns. We assume the intent is to reduce the height in the RM2 Zone only.
- e) Addition to footnote 5, related to massing of 4th floor: in our opinion this is not an appropriate zoning regulation and should be contained in Urban Design Guidelines. This appears to be GSPs opinion a well, per the February 2022 GSP Memo.



We look forward to participating in continued discussions on this matter and reviewing the final draft By-laws.

Sincerely,

A handwritten signature in black ink that reads 'A Butler'.

Aaron Butler, MCIP, RPP
Principal Planner, Niagara
NPG Planning Solutions Inc.



NPG Planning Solutions
4999 Victoria Ave | Niagara Falls, ON L2E 4C9
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 (905) 321 6743
 info@npgsolutions.ca

DATE: October 10, 2023

REPORT NO: PD-50-2023

SUBJECT: **Recommendation Report - Service Level Agreement (Planning) with the Region of Niagara**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- Bill 23 received Royal Assent on November 28, 2022 resulting in significant changes to the Planning Act, including the removal of upper-tier planning responsibilities upon royal proclamation.
- As a result of this change, the Region organized facilitated discussions with local area municipal CAOs and Planning Directors to determine a new model of planning service delivery that supports the changes to provincial legislation, expected growth needs across the Region, and an improved or at least sustained customer-centered service approach and level of service delivery.
- The Service Level Agreement (SLA) for Planning Services was prepared through this consultative and collaborative approach.
- The SLA sets out the terms of service delivery between the Township and Region following the proclamation and removal of upper-tier planning responsibilities.
- The SLA supports staff capacity and expertise which will be of high importance in meeting Bill 109 timelines.

RECOMMENDATION:

1. That, Report PD-50-2023, regarding “Recommendation Report - Service Level Agreement (Planning) with the Region of Niagara”, dated October 10, 2023 be received; and,
2. That, Council receives and endorses the Planning Service Level Agreement, found at Attachment 1, between the Township of West Lincoln and the Regional Municipality of Niagara (“Niagara Region”); and,
3. That, the CAO be authorized to sign the Agreement on behalf of the Township upon the date of provincial proclamation for the amendments to the Planning Act related to upper-tier municipal planning responsibilities.

ALIGNMENT TO STRATEGIC PLAN:

- **Champion** - Strategic and Responsible Growth
- **Advance** - Organizational Capacity and Effectiveness

BACKGROUND:

Bill 23, an Omnibus Bill which proposed significant changes to the Planning Act received Royal Assent on November 28th, 2022, following a short consultation period.

One significant change made to the Planning Act through Bill 23 was the removal of planning responsibilities for several upper-tier municipalities, including the Niagara Region. This change will mean that much of the planning and planning-related functions that Niagara Region currently has responsibility for, will be downloaded to local municipalities. Although the planning responsibilities will be removed, upper-tier municipalities are permitted to provide advice and assistance to a lower-tier municipality with the permission of the local Council. At this time, Township Staff does not know when this change will take effect as the date for proclamation has not been set. It is anticipated that it could be as early as winter 2024. In anticipation of this change, the CAO, the Director of Planning and Building Services, and representatives from Niagara Region and other area municipalities met several times to discuss the transfer of planning review functions that Niagara Region has traditionally performed. The Region retained a facilitator to guide discussions to develop a new planning service delivery framework that responds to the changes to provincial legislation, expected growth needs across the Region and an improved customer-service approach.

CURRENT SITUATION:

Township planning staff have looked at the increased planning responsibilities, once planning approvals are removed from the Region, as well as the Township staffing and expertise. West Lincoln would benefit from the full range of planning services being offered by entering an SLA with the Region.

The Agreement sets out the services to be provided by Niagara Region to the Township concerning planning matters and to promote the delivery of efficient and effective municipal planning services using a "one-window" approach.

The SLA, (Attachment 1) will replace the current approved Memorandum of Understanding (MOU) between the Niagara Region, area municipalities and the Niagara Peninsula Conservation Authority (NPCA).

Appendix A of the Agreement sets the details and timeframes to which the Niagara Region has committed to providing comments on applications. The Township requests a development application service review to be provided by the Region for planning applications, to encompass:

- Land Use Compatibility
- Environmental Review
- Former Landfill Sites
- Screening to Address Water Protection and Environmental Heritage

- Urban Design
- Flexibility to request additional services, if required

The Regional review service will be covered by the fees collected by the Township on development applications, ensuring no impact on the local ratepayer. Regional Staff will undertake the review role on behalf of the area municipality, and formal comments will appear as Township comments. Further, where and when needed, Regional Planning Staff could also work directly from the local municipality's office

In the event of a conflict between the Region and the Township as to the interpretation of a Provincial Plan, Provincial Policy and/or an Official Plan Policy, planning staff of the Region and the Township shall work together to resolve the interpretation issue and if such issue is not resolved, the Township, as the approval authority, shall make a final determination in respect of the conflict.

Appendix B outlines the fees for application review currently charged for the various applications and other general planning services that the Niagara Region has historically undertaken. The fees for development application review are based on the application fees in accordance with the Region's Fees and Charges By-law. Currently, Niagara Region operates on a fee-for-service approach to cover the staff time to undertake the review function. This same approach is used in the SLA.

Appendix C of the Agreement allows the Township to purchase additional planning resources/ expertise from Niagara Region hourly (\$85.00/hour) on a project basis for larger studies. This service is offered as a cost-saving measure for specific project management or an alternative to hiring consulting services.

The Agreement also provides guidance on:

- Monthly invoicing for the services provided to the Township;
- Annual fee adjustment per the Consumer Price Index (CPI) or adjustments identified in the Region's Fees and Charges By-law;
- Opportunity to review fees at the end of the first year of the term of the Agreement to determine if any adjustment is required;
- Insurance and indemnity;
- Conflict and dispute resolution; and,
- Amendments via mutual Agreement, including the opportunity to change or add services.

The terms of the Agreement will take effect 90 days following the proclamation of the Region becoming an upper-tier municipality without planning authority. It is set to expire 90 days following the next municipal election. The timing has been set to allow for an effective transition of responsibilities at the onset and to allow time to bring a new agreement to a new Council following the next election. Discussions between the Niagara Region and the Township would commence to either extend or amend the Agreement, as needed, 12 months before the expiry of the Agreement. The Agreement may also be terminated, without cause, with eighteen (18) months written notice.

Currently the Region has certain planning responsibilities and the Region's Niagara Official Plan is in full force and effect. Currently planning services are coordinated by a Memorandum of Understanding (MOU) between the Niagara Region, area municipalities and the Niagara Peninsula Conservation Authority (NPCA). The SLA will replace the MOU for participating municipalities once the Region's planning responsibilities are removed upon proclamation of Bill 23.

FINANCIAL IMPLICATIONS:

For services related to the development review function, costs will be covered by the application review. For services outlined in Appendix C, generally pertaining to broader planning projects/studies, the hourly rate would apply (\$85.00/hour). This rate is anticipated to be less expensive than hiring additional staff or procuring consulting services.

INTER-DEPARTMENTAL COMMENTS:

Discussions have taken place between the CAO, Director of Planning and Building, Manager of Planning Services and Director of Public Works and Director of Finance. Discussions took place relative to services and costs.

CONCLUSION:

The Township and Region desire to deliver an efficient and effective planning service to the public based on an understanding of each other's roles and responsibilities. This SLA will assist the Township in providing expertise and is flexible to offer planning assistance when and where needed. Staff support the SLA and recommend its endorsement by Township Council and future execution by the CAO.

ATTACHMENTS:

1. Service Level Agreement with Appendices

Prepared & Submitted by:

Approved by:



Brian Treble
Director of Planning & Building

Bev Hendry
CAO

Macro Planning Services

Service	Municipality										
	Fort Erie	Grimsby	Lincoln	Niagara Falls	Niagara-on-the-Lake	Pelham	Port Colborne	St. Catharines	Thorold	Wainfleet	Welland
Growth Management											
-Population and employment forecasts and distribution											
-Planning/Infrastructure/Finance integration											
-Infrastructure Staging											
-Adequate and sustainable financing	No for employment land										
Cross-boundary Matters											
-Natural Environment											
-Servicing											
-Growth (incl. District Plans)											
Natural Environment Planning											
-Watershed planning											
-Hydrology/Hydrogeology											
-Natural features and systems (e.g. hazard lands, wetlands, karst features)											
Duty to Consult Indigenous Peoples											
Other Requests of the Area Municipalities (e.g. assist with local plan development)?	Yes for Glendale, maybe for others										
NPCA roles (to be confirmed)											

Big Data & Analytics

Natural Environment (includes floodplain and wetland mapping and inventories)												
Archaeology												
Growth Monitoring												
Housing Affordability (e.g. ownership, rental, BAMR thresholds)												
Supply and absorption (e.g. housing and employment lands)												
Shared data portal												
Development Review Time Tracking												
GIS and IT Support												

Would like to break this out No for Archaelology Already have an Archeology Master Plan

Development Planning

Service	Municipality											
	Fort Erie	Grim sby	Lincoln	Niagara Falls	Niagara-on-the-Lake	Pelham	Port Colborne	St. Catharines	Thorold	Wainfleet	Welland	West Lincoln
Land use compatibility (e.g. noise, dust, odour, D6 guidelines - peer review)												
Archaeological assessment												
Environmental Impact Statement review												
Employment land protection/conversion												
Records of site condition (principle of development)												
Former Landfill sites												
Gas and petroleum resources												
Screening to address source water protection												
Stormwater management review					As needed							is there an ability in the future to use if need be?
Servicing (Water, waste water, roads, transit waste collection)					As needed							
Traffic Impact reviews												
Hydrogeological studies (includes flood plain mapping)												
Aggregate application review (involves JART, peer review)												
Niagara Escarpment Plan applications												
Urban Design (on request of the Area Municipalities)			Specific to prominent locations			Along regional roads/site plan	Future: regional roads/secondary plans				As needed	
Clearing conditions and registrations?								Conditions respecting environmental systems		Site specific		how do we deal with older files, transfer of files/conditions
Other requests of the Area Municipalities?												cultural heritage?

building permits for EIS
timing

SWM review (Mou) Timing?

clearance of conditions?

**APPENDIX “A” Township of West Lincoln
 Planning Services and Timeframes Provided by the Region
 at Same Rate for All Local Municipalities**

Development Planning Service Review to be provided for planning applications include:

- Land Use Compatibility
- Archeological Assessment
- Environmental Review
- Employment land protection/conversion
- Record of Site Condition
- Former Landfill sites
- Gas and Petroleum Resources
- Screening to address Water Protection
- Urban Design
- Duty to Consult

Process Type	Pre-Consultation Timeframes	Complete Application Timeframes
Site specific Regional Official Plan Amendment	Region to receive required information/plans a min. of 10 calendar days prior to pre-consultation. Region to provide comments 12 calendar days After Pre-Consultation meeting. Any peer reviews to be identified at pre-consultation meeting. Recommend meetings in advance of pre-con for complex applications	Region to provide comments within 20 calendar days

Process Type	Pre-Consultation Timeframes	Complete Application Timeframes
	Area Municipality provide Pre-Consultation notes to applicant within 14 calendar days	
Secondary Plan (Local Official Plan Amendment)	<i>Same as above</i>	As determined in consultation with the area municipality
Complete Application Review	N/A	Region to provide comments within 20 calendar days
Other Comprehensive Local Official Plan Amendment	Same as above	As determined in consultation with the area municipality
Site specific Local Official Plan Amendment	Same as above	Region to provide comments within 20 calendar days
Combined OPA/Zoning Amendment	Same as above	Region comments within 20calendar days
Comprehensive zoning by-law (initiated by area municipality)	Same as above	As determined in consultation with the area municipality
Site specific zoning by-law amendment (including Holding Provision)	Same as above	Region to provide comments within 20 calendar days
Draft plans of subdivision or condominium	Same as above	Region to provide comments within 35 calendar days

Process Type	Pre-Consultation Timeframes	Complete Application Timeframes
Modifications to Draft Approved Subdivision and Condominium	Same as above	Region to provide comments within 35 calendar days
Consent	Same as above	Region to provide comments within 10 calendar days in urban areas and within 14 calendar days in rural areas (on private services).
Minor Variance	Same as above	Region to provide comments within 10 calendar days.
Site Plan	Same as above	Region to provide comments within 14 calendar days
Extension of draft Approval	Same as above	Region to provide comments within 10 calendar days
Clearance of Conditions	Same as above	Region to provide comments within 15 calendar days
Niagara Escarpment Development Permit	Same as above	Region to provide comments within 30 calendar days
Niagara Escarpment Plan Amendment	Same as above	Region to provide comments within 60 calendar days

APPENDIX “B”

**Planning Services Provided by the Region Upon Request
Fee for Service Funded by Development Applications**

Appendix B- Niagara Region Planning Fee for Service

Development Planning Review Service:	
Includes Provincial Policy and Regional review for the below listed applications. Depending on then nature of the application the review will include <i>Land Use Compatibility</i> ¹ , <i>Archaeological assessment, Employment Land Conversion, Former Landfill Sites, Gas and Petroleum Resources, Screening to address Source Water Protection</i>	
<i>*development planning fee only includes planning review</i>	
Service	Fee
Official Plan Amendments	
Regional Official Plan Amendment Review	\$11,205
Regional Official Plan Amendment Application Fee - Urban Boundary Expansion	\$11,205
ROPA to establish or expand and a pit or quarry	\$114,100
Major Official Plan Amendment Review (<i>3 or more types of Provincial/Regional policy review</i>)	\$4,775
Minor Official Plan Review (<i>2 or less types of Provincial/Regional policy review</i>)	\$2,450
Subdivision, Vacant Land or Common Element Condominium Base Fee:	
Draft Plan Review Base Fee (Fee is based on the entire area of the subdivision and consists of a base fee and per hectare fee)	\$1,790
Draft Plan Per Hectare Fee (Fee is based on the entire area of the subdivision and consists of a base fee and per hectare fee)	\$790
Revision to Submission by Applicant (Prior to Draft Approval)	\$1,925

¹ Peer Reviews will not be a fee for service but will be required to be paid for by the applicant when required for a development application. Peer Reviews will be identified during pre-con including cost estimate.

Modification of Draft Plan Approval	\$1,925
Extension of Draft Plan Approval	\$1,395
Extension of Draft Plan Approval (Approved prior to 2006)	\$2,775
Clearance of Draft Plan Conditions (per phase)	\$1,925
Standard Condominium Base Fee	
Standard Condominium – Draft Plan Review	\$1,775
Revisions to Submission by Applicant (Prior to Approval)	\$1,245
Modification of Standard Draft Plan of Condominium Approval	\$1,245
Extension of Standard Draft Plan of Condominium Approval	\$890
Extension of Standard Draft Plan of Condominium Approval (Approved prior to 2006)	\$890
Clearance of Conditions (Standard Plan of Condominium)	\$1,600
Zoning By-law Fees	
Major Zoning By-law Amendment Review	\$2,500
Minor Zoning By-law Amendment Review	\$1,395
Agricultural Purposes Only (APO) zoning amendment	\$1,090
Revision to Submission by Applicant (Major) (Prior to Approval)	\$1,075
Removal of holding symbol	\$895
Consent Fees	
Consent Review- Urban	\$510
Consent Review – Rural/ Outside Urban	\$835

Final certification fee (active consent files still remaining under the authority of the Region will be subject to Final Certification Fee, payable upon request for final certification, prior to registration.)	\$740
Site Plan Fees	
Major Site Plan	\$1,345
Revision to Submission by Applicant (Prior to approval)	\$780
Clearance of Site Plan Conditions	\$995
Minor Variance	
Minor Variance	\$760
Niagara Escarpment Plan Applications	
Development Permit Review	\$2,225
Minor Development Permit Review (no provincial/regional interests- pools sheds, etc)	\$830
Environmental Site Assessments (brownfields) Request to Use Non-potable Water Site Condition Standards	
Response to request	\$410
Response to Request- Update Letterer	\$150
Secondary Plans	
Secondary Plans (privately initiated)	\$6,935
Pre-Consultations	
Pre-Consultation Review	\$500
Special Studies	
1. Environmental Review	
Major EIS Review (2 or more features)	\$3,000
Minor EIS Review (1 feature)	\$1,500
EIS TOR Review	\$535
EIS Second Submission and greater (Addendum) Review	Half of Original Fee
EIS Draft Review	\$535
Review of Restoration Plan	\$760
Review of Tree Preservation Plan	\$380

Review of Monitoring Plan	\$975
2. Urban Design	
Major Urban Design Review	\$1,000
Minor Urban Design Review	\$300
3. General Planning Services	
Growth Management ² <ul style="list-style-type: none"> - Localized review of infrastructure capacity - Detailed evaluation of urban boundary expansion areas, review of population and employment forecasts and distribution, staging of development, cross boundary matters 	Fee for service based on agreed upon terms
District Plans/ Secondary Plans/ Master Plans	Fee for service based on agreed upon terms (\$85.00 per hour)
Duty to Consult with Indigenous Nations <ul style="list-style-type: none"> - Manage relationships, provide consultation 	Fee for service based on agreed upon terms (\$85.00)
Natural Heritage System Mapping Maintenance ³	Fee for service based on agreed upon terms (\$85.00)
GIS support an other mapping	Fee for service based on agreed upon terms (\$85.00)
Ontario Land Tribunal Support	Fee for service based on agreed upon terms (\$85.00)

² The Region will continue to provide Growth Management at a regional infrastructure, housing supply activity, employment activity

³ The EIS review fee captures maintenance of the Regional Natural Heritage System Map, for those municipalities not utilizing environmental planning review function and will require maintenance, it will be a fee for service

APPENDIX “C”

**Planning Services Provided by the Region Upon Request
Fee for Service Funded as Budgeted for by the Town**

Special Projects to be based on a rate per hour. **(\$ 85.00)**

Special Project Service List Include the following, based on available staffing capacity:

- **Growth Management**
 - Population and employment forecasts and distribution
 - Planning/Infrastructure/Finance integration
 - Infrastructure Staging
 - Adequate and sustainable financing

- **Special Projects**
 - Secondary Plans
 - Watershed planning
 - Archaeology
 - GIS support

- **Sustainability Initiatives**

- **Secondment Requests**

APPENDIX “D”

MOU- Engineering Services (to be developed and updated)

PLANNING SERVICES AGREEMENT

BETWEEN:

THE REGIONAL MUNICIPALITY OF NIAGARA

(hereinafter called the “Region”)

-and-

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

(hereinafter called the “Township)

(Change to “City” or “Township” throughout as appropriate)

(hereinafter together referred to as the “Parties” and individually as a “Party”)

WHEREAS the Region is an upper-tier municipality established pursuant to the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”);

AND WHEREAS the Township is a lower-tier local municipality within the Region and incorporated pursuant to the provisions of the *Municipal Act, 2001*;

AND WHEREAS pursuant to subsection 15(2) of the *Planning Act*, R.S.O. 1990, c. P.13 (“*Planning Act*”) the Council of an upper-tier municipality, on such conditions as may be agreed upon with the Council of a lower-tier municipality, may provide advice and assistance to the lower-tier municipality in respect of planning matters generally;

AND WHEREAS the Region and the Township desire to enter into an agreement whereby the Region shall provide advice and assistance to the Township in respect of planning matters;

AND WHEREAS the Region and Township desire to deliver timely and streamlined planning services to the public, based upon a mutual understanding of their respective roles and responsibilities, and seek to collaborate without duplication of service in order to achieve efficient and cost effective resourcing;

AND WHEREAS the Region desires to provide planning services to its lower-tier municipalities which exhibit equity as between the lower-tier municipalities, recognizing that each lower-tier municipality has different circumstances and different resource needs resulting in allocations of Regional resources that will aim to be fair but which may be different for each lower-tier municipality;

AND WHEREAS the Region and the Township acknowledge that entering into a Planning Services Agreement will facilitate the ability of the Region to continue providing planning services, data collection and data analysis, mapping services and growth management analysis and advice, for use by the Region and its lower-tier municipalities;

AND WHEREAS the Region and the Township desire to enter into this Planning Services Agreement (“Agreement”);

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Region and the Township agree as follows:

1. PURPOSE AND SCOPE

- 1.1. This Agreement sets out the advice, assistance and services to be provided by the Region to the Township in respect of planning matters so as to promote the delivery of efficient and effective municipal planning services using a “one-window” approach.
- 1.2. The Parties acknowledge and agree that notwithstanding any other provision of this Agreement, the planning services provided by the Region under this Agreement shall be provided on an as-needed basis in accordance with the Township’s planning needs and the volume of development applications received and that this Agreement does not guarantee a minimum or any number of service requests by the Township.
- 1.3. The Parties further acknowledge and agree that in furtherance of the “one-window” approach to providing municipal planning services, Region planning staff may on occasion use Township resources such as office space, communications equipment and letterhead, to provide services under this Agreement. However, this Agreement does not and shall not be taken to create an employment relationship between any member of Region planning staff and the Township.
- 1.4. The Parties further acknowledge and agree that this Agreement shall encompass, address and govern all planning services provided by or exchanged between the Region and the Township but shall not encompass, address or govern other service relationships between the Region and the Township, including but not limited to all non-planning services.

2. TERM

- 2.1. This Agreement shall be subject to approval by the Council of the Region and the Council of the Township and upon such approvals, shall be deemed effective on the date that is ninety (90) days following the proclamation of amendments to the *Planning Act* pursuant to which the Region becomes an upper-tier municipality without planning responsibilities and shall, unless terminated earlier in accordance with this Agreement, expire on the date that is ninety (90) days following the next regular municipal election (“the Term”).
- 2.2. At least twelve (12) months prior to the expiry of the Term, staff of the Parties shall enter into good faith negotiations to extend or amend this Agreement on such terms and conditions as may be agreed to by the Parties and approved by their respective Councils.

- 2.3. The terms and conditions of this Agreement shall apply to all services requested, commenced and/or provided prior to the end of the Term, including during the negotiation period prescribed by paragraph 2.2. In the event that the Parties have agreed to extend or amend this Agreement but have not sought Council approval by the end of the Term, the terms and conditions of this Agreement shall continue to apply until Council has considered the proposed extension or amendment of this Agreement, provided that this occurs within nine (9) months of the end of the Term, failing which this Agreement shall expire.

3. PLANNING SERVICES PROVIDED BY THE REGION

- 3.1. The Region shall provide to the Township the planning services set out in Appendix “A”, which is appended hereto and forms part of this Agreement and shall adhere to all timeframes for service delivery set out therein.
- 3.2. The Township shall circulate all pre-consultation applications to the Region where the application identifies a service to be provided by the Region in accordance with Appendix “A”. Where the Region is able to provide the services identified in the pre-consultation application, the Township shall not receive such services from any other source.
- 3.3. The Region may decline a request to provide Services in Appendix “C” where providing the Services would require efforts beyond current capacity including Services requested by other municipalities which;
1. require more time than the Region’s representatives can reasonably commit,
 2. lead to or constitute a conflict of interest, or
 3. prevent the Region or its representatives from meeting any other duties.
- 3.4. The Region shall charge fees in accordance with the Region’s Fees and Charges By-law for the planning services provided to the Township under paragraph 3.1, which shall be the same rate as is charged by the Region to all of its local municipalities for the services set out in Appendix “A”.
- 3.5. The Region shall provide to the Township the planning services set out in Appendix “B”, which is appended hereto and forms part of this Agreement, upon receipt of a written request by the Township, and shall adhere to all timeframes for service delivery set out therein.
- 3.6. The Region shall charge fees in accordance with the Region’s Fees and Charges By-law for the planning services provided to the Township under paragraph 3.4, which shall be based upon the rates set out in Appendix “B”, and which shall be funded by the fee(s) for the development application to which the services relate.
- 3.7. The Region shall provide to the Township the planning services set out in Appendix “C”, which is appended to and forms part of this Agreement, upon the exchange of a written service request from the Township and a written service and budget proposal

from the Region, which shall be agreed to by the Parties before the services are provided.

- 3.8. The Region shall charge fees in accordance with Region's Fees and Charges By-law for the planning services provided to the Township under paragraph 3.6, which shall be based upon the hourly rates set out in Appendix "C", and which shall be funded as budgeted for by the Township.
- 3.9. The fees required to be paid by the Township to the Region under this Agreement, shall be collected by the Township and remitted to the Region. The fees shall be invoiced by the Region to the Township on a monthly basis.
- 3.10. Notwithstanding paragraph 3.8, the Region shall be responsible for and reimburse the Township for any fees required to be refunded under sections 34(10.12) and 41(11.1) of the *Planning Act* if the Region does not meet the timelines set out in Appendix "A" or any timelines applicable to the services set out in Appendix "B" or Appendix "C", irrespective of the reason(s) for non-compliance.
- 3.11. The Township shall be responsible for and indemnify the Region, if necessary, for any fees required to be refunded by the Region under sections 34(10.12) and 41(11.1) of the *Planning Act* if the Township does not meet the timelines as set out in Appendix "A" or Appendix "C", irrespective of the reason(s) for non-compliance.
- 3.12. Notwithstanding the foregoing, the Parties may mutually agree to waive reimbursement or indemnification of fees refunded under paragraphs 3.9 and/or 3.10.
- 3.13. The Region will provide planning advice and opinions as necessary and participate in any proceeding including proceedings before the Ontario Land Tribunal in accordance with the provisions and rates set out in this Agreement in accordance with the Region's Fees and Charges By-law.
- 3.14. The fees charged by the Region under this Agreement may be increased and adjusted annually in accordance with the Consumer Price Index or any applicable fee increases, or adjustments identified in the Region's Fees and Charges By-law.
- 3.15. The Township will pay all of the Region's invoices issued under this Agreement within thirty (30) days of the invoice date. Should the Township fail to make payment or portion thereof on invoices issued under this Agreement, the Township shall pay to the Region interest due on the amount in default at **the rate of fifteen (15) per cent per** annum, accrued monthly, from the due date of the invoice until the payment is made.
- 3.16. The fees charged by the Region under this Agreement shall be paid in full by the Township in accordance with the terms of this Agreement and shall not be credited to or set off against any other amounts owing or payable by the Parties pursuant to any other agreement or arrangement between them.

- 3.17. At the end of the first year of the Term, the Parties shall conduct a review of fees charged by the Region under this Agreement and shall determine if any fees require adjustment for one (1) or more subsequent years of the Term.
- 3.18. Planning services provided by the Region under this Agreement shall comply with all applicable professional and industry standards.
- 3.19. At the end of each year of the Term, the Parties may, at the request of either Party, conduct a joint review of all services provided by the Region under this Agreement in the preceding year. The purpose of the review shall be to assess and determine if the timelines, service requirements and levels of service prescribed by this Agreement have been met. For greater certainty, any such review shall not encompass, address or alter the nature of services to be provided by the Region under this Agreement in subsequent years of the Term.

4. CONFLICT

- 4.1. In the event of a conflict between the Region and the Township as to the interpretation of a Provincial Plan, Provincial Policy and/or an Official Plan Policy, planning staff of the Region and the Township shall work together to resolve the interpretation issue and if such issue is not resolved, the Township, as the approval authority, shall make a final determination in respect of the conflict.
- 4.2. Either Party may decline to request or provide planning services in relation to a specific matter if there is an actual or perceived conflict between the interests of the Region and the interests of the Township in relation to that matter arising under this Agreement. The Chief Administrative Officer of the Region and the Chief Administrative Officer of the Township shall have authority to determine if there is an actual or perceived conflict of interest and, where a Party identifies an actual or perceived conflict of interest, it shall immediately notify the other Party of same.

5. INSURANCE AND INDEMNITY

- 5.1. During the Term, the Region shall obtain and maintain in full force and effect a policy of errors and omissions insurance with limits of not less than two million dollars (\$2,000,000.00). The policy shall provide for no less than thirty (30) days' notice of cancellation or non-renewal and shall name the Township as an additional insured but only with respect to this Agreement.
- 5.2. During the Term, the Township shall obtain and maintain in full force and effect a policy of errors and omissions insurance with limits of not less than two million dollars (\$2,000,000.00). The policy shall provide for no less than thirty (30) days' notice of cancellation or non-renewal and shall name the Region as an additional insured but only with respect to this Agreement.
- 5.3. The Region and the Township shall each indemnify and save harmless the other from claims of any kind arising from or in any way related to this Agreement.

6. DISPUTE RESOLUTION

- 6.1. In the event that a dispute arises as to the interpretation, application and/or execution of this Agreement, including but not limited to any Party's rights or obligations under this Agreement and/or an allegation of default or breach, the Party that disputes the other Party's position or conduct shall provide written notice of the dispute.
- 6.2. Where a notice of dispute is received in accordance with paragraph 6.1, the Parties' planning staff shall use best efforts to resolve the dispute for a period of thirty (30) days from the date on which the notice is delivered. The Parties may extend the negotiation period if they agree that a reasonable extension is likely to resolve the dispute.
- 6.3. In the event that the Parties' planning staff fail to resolve the dispute, the Parties' Chief Administrative Officers shall use best efforts to resolve the dispute for a period of thirty (30) days from the date on which the discussions commence. The Parties may extend the negotiation period if they agree that a reasonable extension is likely to resolve the dispute.
- 6.4. In the event that the Parties fail to resolve a dispute under paragraphs 6.2 or 6.3, the parties shall refer the matter to non-binding mediation by a mediator agreed on by the Parties. If mediation fails to resolve the dispute, the Parties shall refer the matter to arbitration by an arbitrator agreed on by the Parties and shall proceed in accordance with the provisions of the *Arbitration Act, 1991*, S.O. 1991, c. 17, without any right of appeal.
- 6.5. Each Party shall bear its own costs associated with the determination of disputes arising under this Agreement, including but not limited to legal, mediation and arbitration costs.

7. EVENTS OF DEFAULT AND TERMINATION

- 7.1. Any of the following circumstances constitutes a default under this Agreement:
 - (a) if a Party fails to make any payment required under this Agreement and such failure continues for a period of one hundred and eighty (180) days after written notice thereof has been given by the other Party pursuant to the provisions of this Agreement; and/or
 - (b) other than a default under (a) above, if a Party is in default under any of the provisions of this Agreement and such default continues for a period of fourteen (14) days after written notice thereof has been given by the other Party.
- 7.2. Upon an event of default set out in paragraph 7.1, either Party may terminate this Agreement on sixty (60) days' written notice to the other Party.
- 7.3. Notwithstanding sections 7.1 and 7.2, either Party may terminate this Agreement without cause, upon eighteen (18) months' notice.

8. NOTICE

- 8.1. Any and all information, records, notices, approvals, waivers, agreements, extensions or other communications pursuant to this Agreement given by the Region or the Township shall be in writing unless the Parties agree otherwise in writing.
- 8.2. Any notices required to be given pursuant to this Agreement shall be delivered by personal delivery, regular or prepaid first class mail, or email and addressed to the Party to whom it is given as follows:

If to the Region: THE REGIONAL MUNICIPALITY OF NIAGARA
 1815 Sir Isaac Brock Way
 P.O. Box 1042
 Thorold ON L2V 4T7
 Attention: INSERT NAME AND EMAIL ADDRESS

If to the Township(ship): THE CORPORATION OF THE TOWNSHIP(SHIP) OF NAME
 INSERT ADDRESS
 INSERT ADDRESS
 INSERT ADDRESS
 Attention: INSERT NAME AND EMAIL ADDRESS

or such other address or email address of which either Party has notified the other, in writing, and any such notice shall be deemed sufficient under this Agreement.

- 8.3. Any notice given pursuant to this Agreement shall be deemed to have been given to and received by the Party to whom it is addressed as follows:
- (a) where personally delivered, on the date of delivery;
 - (b) where sent by regular or prepaid first class mail, on the fifth (5th) day after mailing; or
 - (c) where sent by email, on the date of email transmission, unless the email was sent after 4:00 p.m., in which case notice is deemed to have been given and received on the next business day.

9. GOOD FAITH

- 9.1. The Township and the Region, including their planning staff and any other employees, officers, representatives and agents shall at all times act honestly, in good faith and with all due diligence and dispatch in taking all actions and in making all decisions pertaining to the implementation and administration of this Agreement.
- 9.2. The Township and the Region, including their planning staff and any other employees, officers, representatives and agents shall make their best and timely efforts upon the reasonable request of the other Party to make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, things,

devices and assurances whatsoever necessary to give effect to this Agreement and the terms and conditions contained herein.

10. AMENDMENTS

- 10.1. This Agreement may be amended by mutual agreement of the Parties at any time during the Term. Any changes, alterations or amendments to this Agreement shall be made in writing and signed by one or more persons authorized as representatives of the Region and the Township and who can bind the respective Parties, and shall be appended to this Agreement.
- 10.2. Without limiting the generality of the foregoing, the Parties may amend this Agreement at any time during the Term to add as Appendix "D" a list of further services as special projects that the Region may provide, subject to capacity, to the Township and for which the Region shall charge fees in accordance with its Fees and Charges By-law. Services provided pursuant to Appendix "D" shall be subject to section 3 of this Agreement.
- 10.3. For greater certainty, the Parties are authorized to amend this Agreement in accordance with paragraphs 10.1 and 10.2 without requiring the approval of their respective Councils provided that the amendments are minor in nature, are mutually agreed to by the Parties and do not impact or change the purpose or intent of this Agreement.

11. GENERAL

- 11.1. In this Agreement, words importing a singular number shall include the plural and vice versa, words importing the any gender shall include all genders and words importing persons shall include firms and corporations and vice versa.
- 11.2. Unless the context otherwise requires, the words "Region" and "Township" wherever used in this Agreement shall be construed to include and to mean the successors and/or assigns of the Region and the Township respectively.
- 11.3. This Agreement shall be governed, construed and enforced according to the laws of the Province of Ontario and the laws of Canada applicable therein.
- 11.4. In the event that any of term, condition or provision contained in this Agreement is determined by a court or tribunal of competent jurisdiction to be invalid, unlawful or unenforceable to any extent, such term, condition or provision shall be severed from the remaining terms, conditions and provisions of this Agreement, which shall continue to be valid and enforceable to the fullest extent permitted by law.
- 11.5. No waiver of any provision of this Agreement shall be deemed to constitute a waiver of any other provisions, whether or not similar, nor shall such waiver constitute a continuing waiver unless otherwise expressly provided.

- 11.6. Moreover, any delay or failure on the part of a Party to exercise or enforce any right, power or remedy conferred by this Agreement shall not constitute a waiver of same and shall not constitute a waiver of any rights, powers or remedies with respect to any subsequent default or breach.
- 11.7. The Parties acknowledge and agree that nothing in this Agreement shall be deemed to fetter or interfere with either Party's responsibilities and rights as municipal bodies.
- 11.8. This Agreement constitutes the entire agreement between the Parties relating to the matters set out herein. There are no representations, promises, covenants or other terms relating to the content of this Agreement and this Agreement supersedes any prior discussions, understandings or agreements between the Parties in relation to its subject matter.
- 11.9. This Agreement may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed in original or electronic form and may be exchanged by way of mail or PDF file delivered by email.

[signature page follows]

IN WITNESS WHEREOF, the Region has on the ____ day of _____, 2023 executed this Agreement.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____

Name:

Title:

I have the authority to bind the Regional Corporation

IN WITNESS WHEREOF, the Township(ship) has on the ____ day of _____, 2023 executed this Agreement.

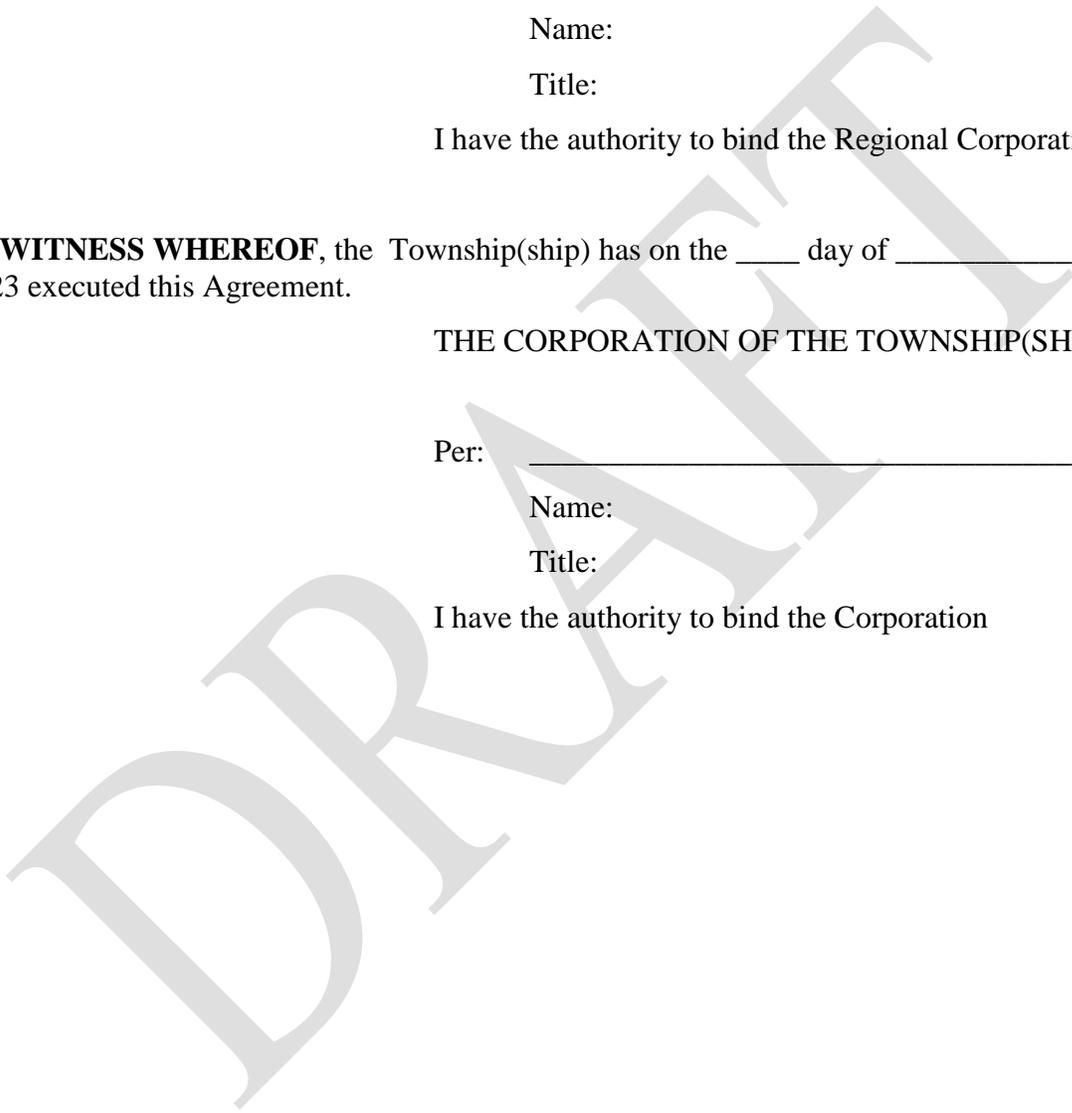
THE CORPORATION OF THE TOWNSHIP(SHIP) OF

Per: _____

Name:

Title:

I have the authority to bind the Corporation



DATE: October 10, 2023

REPORT NO: PD-53-2023

SUBJECT: **Recommendation Report – Draft Official Plan Amendment No. 66 – Cost Sharing Policy**

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- Staff have been working since the public meeting of May 2023, to finalize a part of Official Plan Amendment No. 65 (held on May 8th, 2023) to draft a cost sharing policy that addresses costs of service and development expansion by Official Plan Amendment No. 62.
- Staff have based the draft as attached to this report, on the policy provided from Vaughan and Markham, plus others from Oakville and Hamilton.
- Numerous Cost Sharing approaches exist. What makes this more complicated is that the Province has made numerous changes to the Development Charges Act since 2019 when the Land Owners Group was first formed, and removed studies from Development Charge calculations. As a result, it is not clear that we can collect DC's to offset the costs of the studies completed for the urban boundary expansion to date.
- The Township proposes that OPA 66 (the follow up OPA for Cost Sharing) include a policy that a land owners group must exist for the expansion Secondary Plan lands of OPA 62 and 63 and that any developer must be a member in good standing of this group before their planning application can be deemed as complete.
- Staff propose to circulate this draft policy to land owners, the Region, and all agencies for comment before a final recommendation report is presented. Staff wanted the Committee to be in receipt of this report prior to circulation for public and agency comments.

RECOMMENDATION:

1. That, Report PD-53-2023, regarding “Recommendation Report – Draft Official Plan Amendment No. 66 – Cost Sharing Policy”, dated October 10, 2023 be received; and,

2. That, staff be authorized to circulate Draft Official Plan Amendment No. 66 for input from land owners and agencies and then to present a recommendation report to Committee at a later date.

ALIGNMENT TO STRATEGIC PLAN:

- **Champion** - strategic and responsible growth

BACKGROUND:

In 2022, the Province of Ontario's Ministry of Municipal Affairs and Housing released two pieces of legislation 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. Further changes are unfolding in 2023 as well which we will keep Committee and Council informed of as they are made. Recently this includes an ERO posting for changes to the definition of an Affordable Residential Unit.

CURRENT SITUATION:

The Province has an ambitious objective to build 1.5 million new homes over the next 10 years in Ontario and to accomplish this goal they have proposed a series of pieces of new legislation. Previous planning Staff Report PD-082-2022 highlighted the impacts to the Township and summarized the changes that will have greatest impact to West Lincoln. The previous report was attached to Technical Report PD-27-2023.

The full legislation can be found at 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

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

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 a full, formal, complete submission is received.

This should result in the formal planning approval process being more streamlined. This is the approach that our policy changes (OPA 65) have proposed. The alternate approach would be to attach all requirements that support a decision as conditions at the end of the process. Staff prefer the first approach as it ensures that Committee and Council make an informed decision based on as much information as possible.

Changes to the Implementation Section of the Township of West Lincoln Official Plan as approved without appeal in June of 2023 (OPA 65) were extensive. One final change is the addition of a required cost sharing policy.

The draft amendment, as proposed, requires that the land owners form a land owners group similar to the one that previously existed; and that this land owners group then review each developers financial relationship amongst the group to determine the proportionate share that they should have paid towards the Master Community Plan and reimburse the original participating land owners accordingly. Further, for the block plan process there is a likelihood of the need for front ending agreements to be used to install infrastructure. The Township of West Lincoln will endeavour to reimburse front ending costs over time.

FINANCIAL IMPLICATIONS:

This report is written to assist in relieving the land owners of their much appreciated financial efforts to frontend all of the required study work.

INTER-DEPARTMENTAL COMMENTS:

There have been numerous discussions and input received from Township legal Counsel. Further consultation is proposed in this report.

CONCLUSION:

In conclusion, staff recommend to circulate the attached draft Cost Sharing Policy and review all comments and bring a final recommendation report to a future Planning, Building, Environmental Committee meeting.

ATTACHMENTS:

1. Draft Amending Official Plan No. 66 to consider a Cost Sharing Policy

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:

Bev Hendry
CAO

**AMENDMENT NUMBER 66
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN**

DRAFT

AMENDMENT NUMBER 66
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 66 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to amend Section 18 (Implementation) of the Township of West Lincoln Official Plan by adding a new subsection related to cost sharing. This Section was first considered as part of the public consultation process for Official Plan Amendment No. 65 but was subsequently removed to be considered on its own, and to take more time to draft this more complex policy.

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan by adding subsection *18.25 Cost Sharing Policy* to Section 18 (Implementation). Initially considered through a public meeting process with Official Plan Amendment No. 65, further research was required and therefore Official Plan Amendment No. 66 was separated from Official Plan Amendment No. 65 for the purposes of expediency, thoroughness and timeliness.

PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitutes Amendment No. 66 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

- 2.2.1** The text of the Township of West Lincoln Official Plan is hereby amended by adding the following *Cost Sharing Policy* to Section 18 of the consolidated Township of West Lincoln Official Plan as follows:

SECTION 18

18.25 Cost Sharing Policy

18.25.1

Following the adoption of a secondary plan for the Urban Expansion Area (OPA 63), block plans will be required, at the discretion of the Township, to be prepared by participating property owners within the secondary plan area or a portion thereof in accordance with the phasing and block plan Schedules of the Township Official Plan. The purpose of a block plan is outlined in the Official Plan (Section 6) and the approved Guidelines and generally is to address the extent and more precise location of the secondary plan elements on the lands, including the Natural Heritage Network, servicing and infrastructure details including road and pedestrian networks, lot patterns and the precise location of community services such as schools, parks and community centres. The block plans essentially serve as a comprehensive blueprint for the approval of individual plans of subdivision where large parcels still remain.

18.25.1.1

Development applications shall not be deemed complete until a landowners group consisting of landowners within the Urban Expansion Area has been established. The members of the landowners group shall enter into a cost sharing agreement amongst themselves to offset the costs of those developers who front-ended the cost of the Master Community Plan Studies. Further, groups of land owners may be required to front end the costs of servicing development within each block plan area(s). The Township shall not be party to the cost sharing agreement but may be able to offset front ending costs over time. The cost sharing agreement shall equitably allocate already incurred study costs associated with the MCP, while front ending agreements will be required for the community and infrastructure facilities within block secondary plan area, including but not limited to parks, public spaces, roads, streetscape improvements, storm water management facilities, utilities and schools. Individual applications for block plan approval within the Urban Expansion Area

shall require confirmation that the applicant has become a member in good standing to the cost sharing agreement prior to the application being deemed complete.

18.25.1.2

It is the policy of Council that development shall not proceed until and unless a block plan has received approval first.

The Township shall establish through the block plan process the Terms of Reference for the studies required to address the specific issues of the block plan area through pre-consultation with development proponents and public agencies with an interest in the lands prior to the commencement of the block plan process. The cost associated with these additional block plan studies and the preparation of the block plan shall be shared equitably among benefitting land owners on a pro-rata basis. Benefitting land owners who choose not to participate in the preparation of the original block plan but subsequently wish to develop their lands will be required to make a financial contribution to the Township for the cost of preparing and approving the block plan based on their pro-rata which shall then be reimbursed to the original block plan applicant when necessary.

18.25.1.3

Comprehensive Land Owner Agreements may be required to implement the financial requirements for growth-related infrastructure and community services and to ensure that approvals are provided without adverse impact on the Township's financial capability. This may require Front-End Financial Agreements to advance the timing of the required infrastructure, to address any acceleration in associated costs, and to implement a fair and equitable sharing of the costs of providing the required infrastructure and community facilities.

18.25.1.4

Fiscal impact assessments shall be completed for block plan areas as illustrated on Schedule E-6. The fiscal impact assessments are to include, but not be limited to:

- (a) The costs associated with the provision of services including community services required by the plan;
- (b) The budgetary impacts on the Township's capital and operating budgets; and
- (c) Projected municipal revenues associated with the development and ability of these funds to cover the infrastructure costs associated with the development so that there is no unacceptable financial burden to the Township and its tax payers.

The Township shall use financial mechanisms such as development charges and user fees to offset the financial impacts of development and to ensure that development proceeds in a fiscally responsible manner to the satisfaction of Township.

18.25.1.6

The Township shall ensure that operating and capital budgets including tax levies, user fees and development charges address the ability financially and technically to provide for the required service and infrastructure in a timely manner in accordance with a proposed phasing plan.

18.25.1.7

The Township shall ensure that the required Agreements respecting infrastructure provision including financial provisions and cost sharing arrangements are in place prior to development proceeding.

18.25.1.8

The Township shall evaluate the non-growth share of servicing costs and ensure that it can be funded from the municipal tax base and user fees.

18.25.1.9

The Township shall update the Development Charges By-law as needed and as conditions change with respect to growth and/or infrastructure needs.

18.25.1.10

The Township shall consider innovative infrastructure financing initiatives including private public partnerships and tax increment financing where required to balance future growth and servicing needs against tax payer interests.

2.4 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval unless a Regional exemption has been provided. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve.

Should the final approval be delegated to the Township, this amendment will be implemented through notification of the Township Clerk's department to all interested agencies of the decision to approve.

If no appeals are received within the appeal period, the amendment will be in full force and effect.

**AMENDMENT NUMBER 66
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED**

Official Plan Amendment Number 66 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2023-XX in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the XXth day of XXXXXX, 2023

Jessica Dyson, Clerk

Mayor Cheryl Ganann

I, Jessica Dyson, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 66.

Jessica Dyson, Clerk

DRAFT

DATE: October 10, 2023

REPORT NO: PD-51-2023

SUBJECT: **Recommendation Report – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)**

CONTACT: Susan Smyth, Senior Planner
Brian Treble, Director of Planning & Building

OVERVIEW:

- An application for Draft Plan of Vacant Land Condominium approval was submitted with the application for Zoning By-law amendment by AJ Clarke and Associates on behalf of the owner, 2854604 Ontario Inc. The applications were deemed complete on December 22, 2022.
- The 4 hectare (10 acre) parcel is located within the Hamlet of Abingdon. The parcel is a vacant property located at the northwest corner of the intersection of Abingdon Road and Regional Road 65.
- The Draft Plan of Condominium is for nine (9) vacant land condominium (single detached dwelling) lots fronting on a private condominium street.
- The Zoning By-law is to change the current zoning Development (D) zone to a Residential Low Density (R1A) zone with site-specific exception (R1A-229) to address the deficient lot frontages due to the cul-de-sac at the end of the private street.
- The Statutory Public Meeting was held on February 13, 2023, and the Technical Report PD-08-2023 provided information about the proposed development, policy framework, and agency comments.
- One formal written submission was received with concerns for the proposed development and the current farming operation. Concerns with limitations or restrictions to continue with the farming operation, and the proposed development will not have an impact on drainage on the farm.
- Agency comments required revised technical studies/drawings pertaining to stormwater management; revised Geotechnical Study as per Ontario Building Code criteria (MOE D5-4 process) for private septic systems, Ministry clearance for archaeological resource concerns; and to add warning clauses in the development agreement for impacts to noise, odour or dust associated with normal farm practices.

OVERVIEW Continued:

- A revised Functional Servicing Report provided by GM Blue Plan and Supplemental Septic Design Considerations provided by Soil-Mat Engineers and Consultants to address agency comments were received in June 2023.
- Planning Staff recommend approval of an amended version of the Zoning By-law and the Draft Plan of Vacant Land Condominium with attached Conditions of Draft Plan Approval.

RECOMMENDATION:

1. That, Report PD-51-2023, regarding “Recommendation Report – Applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment – Abingdon Road and Regional Road 65 (Silver Street) (ZBA File No. 1601-016-22 & CDM File No. 2000-91-22)”, dated October 10, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, application for Zoning By-law Amendment File No. 1601-016-22 to change the Development (D) zone to Residential Low Density R1A-229 zone with site-specific provisions contained in Attachment 3, be APPROVED; and,
4. That, application for Draft Plan of Vacant Land Condominium File No. CDM 2000-91-22, be APPROVED, in accordance with the provisions of the Planning Act, R.S.O., 1990, Chapter P.13, and regulations thereunder, subject to draft plan approval conditions contained in Attachment 4 to PD-51-2023; and,
5. That, the Applicant be advised the Township’s draft approval of this Plan of Vacant Land Condominium will lapse three years from the date of approval unless Township Council grants an extension of the approval period prior to the lapsing date. If an extension is requested, an updated review will occur and revisions to the conditions of draft plan approval may be necessary at that time.

ALIGNMENT TO STRATEGIC PLAN:

Theme 2

- **Champion** - strategic and responsible growth

BACKGROUND:

The subject lands are designated as Hamlet Settlement Area in the Township’s Official Plan and zoned Development (D) zone in the Township’s Zoning By-law 2017-70, as amended. The 4 hectare (10 acre) parcel is vacant and located at the northwest corner of the intersection of Abingdon Road and Regional Road 65.

The subject lands are surrounded by low density residential land uses to the south and east, agricultural lands outside of the hamlet to the west, and vacant development land to the north.

An application was submitted by 2854604 Ontario Inc. (Owner/Applicant) and AJ Clarke and Associates (Agent) for approval of a Draft Plan of Condominium for the creation of nine (9) vacant land condominium lots on a private street. Additionally, an application

was submitted for Zoning By-law Amendment to change the zoning from Development 'D' to Low Density Residential 'R1A' with a special exception (R1A-229) to permit four lots to have deficient lot frontages. Refer to Attachment 1 for the Location Map. Refer to Attachment 2 for the Draft Plan of Condominium.

Technical studies that were originally submitted with the applications were the Planning Justification Report, Draft Plan of Condominium, Preliminary Concept Plan, Geotechnical Report, Hydrogeological Study, Archaeological Study and Functional Servicing Report.

Based on discussions with Township Staff and agency comments, Soil-Mat Engineering Consultants prepared a Supplemental Septic Design for Consideration Report and noted a daily design effluent flow of 3,000 L/day is to be considered as a 'worst case' condition for the proposed new single family dwellings. The individual septic systems must be designed and installed by a qualified licensed designer-installer, as Class 4 sewage systems in accordance with the requirements of the Ontario Building Code. The report stated due to the low permeable overburden soils the private septic systems would be expected to be designed as a raised leaching bed making use of suitable imported fill, or as shallowed buried trenches in conjunction with a suitable approved tertiary treatment system. The use of available treatment systems is likely preferred in order to reduce the required septic bed area. The general tertiary system plan prepared by GM Blue Plan (dated June 16, 2023) was provided for review by the Township Septic System Inspection Manager and was accepted. Refer to Attachment 5 for agency comments.

A revised Functional Servicing Report and updated servicing, grading, plan and profile, erosion and sediment control plan drawings were prepared by GM Blue Plan (dated June 2023) to address the Township's Public Works and Niagara Region Development Engineering comments on the proposed stormwater management and drainage outlet, including the French drain along both sides of the access road, and necessary erosion protection within the property boundary. Some additional modifications to the report and drawings are required for further details on the French drain for maintenance purposes. The conditions of draft plan approval address these technical details where final approval by the Township and Region Engineering Departments are required prior to any development activity.

CURRENT SITUATION:

Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) provides policy direction for all planning matters in the Province. All planning decisions in the Province shall be consistent with the policies in this plan. The subject lands are within the hamlet settlement area of Abingdon. Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted, and are subject to the Settlement Area policies found in Section 1.1.3.

The PPS states that Settlement Areas should encourage and promote intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

The PPS also states that rural settlement areas shall be the focus of growth with consideration given to the rural character of the community.

Although it is strongly encouraged that intensification occurs within settlement areas that have access to public water and wastewater services, the PPS allows for individual on-site sewage services and individual on-site water services provided that the site conditions are suitable for the long term with no negative impacts. These systems are permitted for infill developments within settlement areas (1.6.6.4).

As such, the proposal is for nine new individual on-site sewage disposal services (septic systems) and individual water cisterns. A Hydrogeological Study was provided to justify the servicing strategy and a full review was completed by the Township and the Region to ensure that all of the newly created lots have adequate servicing for the long term with no negative impacts.

The proposal complies with the intent of the PPS.

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

Applications filed after June 16, 2006 must conform to the Provincial Growth Plan (A Place to Grow). The Growth Plan provides direction on how and where municipalities should focus growth. Residential growth is to be focused within existing settlement areas such as the Abingdon hamlet. The Growth Plan, similar to the PPS, encourages the more efficient use of land through infill and intensification.

Section 2.2.1 directs forecasted growth to settlement areas which have delineated built boundaries, are or will be serviced by municipal water and wastewater services and can support complete communities. The proposed lots will be within an existing rural settlement but are proposed to be on private water and sewer services as municipal services are not available in the Abingdon hamlet.

Section 2.2.6 requires that Municipalities support affordable housing, increase intensification and support the achievement of complete communities. This development proposes to add nine more single detached dwellings to the Abingdon hamlet marginally increasing West Lincoln's housing supply within that hamlet community.

Although the Abingdon hamlet is not serviced, there is adequate room to accommodate private services and the proposed development is contributing to an increased housing supply.

The proposed development generally meets the intent of the Provincial Growth Plan.

Greenbelt Plan

Applications must conform to the Greenbelt Plan if they fall within the mapping provided with the Greenbelt Plan. Since the subject lands are outside the area designated in the Greenbelt Plan, the policies do not apply in this situation.

Niagara Official Plan

The Regional Official Plan provides general policy direction for planning in the Region. The Regional Official Plan designated the subject property as being within the Abingdon hamlet settlement area.

Chapter 4.H of the Official Plan, Managing Growth - Hamlets, outlines the key objectives and policies for hamlet settlement areas and hamlets are to provide a range of housing, social, cultural and economic land uses within their boundaries and should have sufficient development capacity to accommodate farm related uses and commercial uses to support nearby agricultural and rural communities (Policy 4.H.1.1 and 4.H.1.2). As hamlets are serviced by on-site private services, they are generally lower density developments and need to maintain the distinctive character of the hamlet.

The Official Plan also requires that development within a hamlet needs to comply with the Minimum Distance Separation Formula, however, the new MDS guidelines and the Township Official Plan do not require that MDS be applied to development within hamlet settlement areas.

The Official Plan also encourages that hamlets be developed in depth as opposed to along roadways (Policy 4.H.3.3). The proposal does not propose to add any new dwellings or lots along its frontage of Abingdon Road rather have lot frontages on a private condominium street.

The Municipality should ensure that proposals for development have adequate services such as fire protection, and that the added development not interfere with traffic or cause land use related issues (Policy 4.H.3.4). The new development also needs to have adequate water supply and area for private waste disposal with a minimum lot size being 1 hectare unless it is determined through a hydrogeological study that a smaller lot size can adequately accommodate the waste disposal system. No lot can be smaller than 1 acre of usable space (Policy 4.H.3.5). The proposal for nine new residential lots all being approximately 1 acre in size has been supported by the Supplemental Septic Design Considerations to confirm that the condominium lots have adequate room for private waste water septic systems.

The proposed development generally meets the intent of the Regional Official Plan.

Township of West Lincoln Official Plan

The Townships Official Plan (OP) designates the subject lands as being in the hamlet settlement area of Abingdon.

Section 7 of the OP contains the objectives and policies for hamlet settlement areas. The predominant use of land within hamlet settlement areas shall be single detached residential dwellings intended to provide residential accommodation and service for the

greater agricultural and rural communities. Land use compatibility and servicing requirements shall be considered when reviewing applications for development.

Policy 7.2.3 e) of the OP states that new development which proposes to create multiple lots through a plan of subdivision [or condominium] shall be consistent with the policies of Section 18.6 and shall be low density and contiguous to existing development as well as have adequate enough area for private water and septic disposal systems. The minimum area needed is 1 hectare (2.4 acres) unless a Hydrogeological Study is completed which determines that a smaller lot size can adequately address servicing (Policy 7.2.3 f).

The proposed nine new vacant land condominium lots at a size of 1 acre has been confirmed by the Supplemental Septic Design Considerations that the proposed development can be supported by the individual septic systems being designed and installed by a qualified licensed designer-installer, as Class 4 sewage systems in accordance with the requirements of the Ontario Building Code. Septic system options, would include a traditional raised leaching bed or a tertiary treatment system with shallow buried trench. Design recommendations for each specific design is on a lot by lot basis. Raised bed systems would require greater area, though tend to be less costly to construct and require lesser maintenance. Tertiary treatment systems offer advantages in terms of sewage treatment, reduced leaching bed area, however tend to have greater installation cost and require greater regular maintenance. Ultimately either option would be appropriate, based on a specific design of each proposed dwelling. Available tertiary treatment systems would likely be preferred, as a function of specific proposed dwellings, size of tile bed area, etc. The general tertiary system plan prepared by GM Blue Plan was provided for review by the Township Septic System Inspection Manager and was accepted.

Further, the Hydrogeological Study stated the proposed new lots would not be expected to have any negative impact to the regional groundwater conditions or potable water wells in the area.

The Official Plan also speaks to the application of compatibility of new development with surrounding agricultural operations. As subject lands abut active farmland, it is important to consider and mitigate potential land use conflicts that could arise from agricultural operations. Policy 7.2.3 of the OP states that Minimum Distance Separation (MDS) shall not apply for development within the hamlet boundaries. Additionally, the MDS guidelines (Guideline #36) does not require MDS setbacks for development within settlement areas.

Included in the conditions of draft plan approval are warning clauses regarding agricultural noise, dust, sprays and other normal farm practices that could cause a nuisance will be required to be inserted in all purchase and sale agreements. Additionally, the Owner/Developer would be required to install a black chain link fence along the hamlet boundary.

Section 18.6 of the OP states that Council will only recommend approval for Plans of Subdivisions [and Condominiums] that comply with the OP, have adequate water supply and sewage disposal, provide necessary services without imposing undue increases in

taxation on all residents, and is timely and in the public interest.

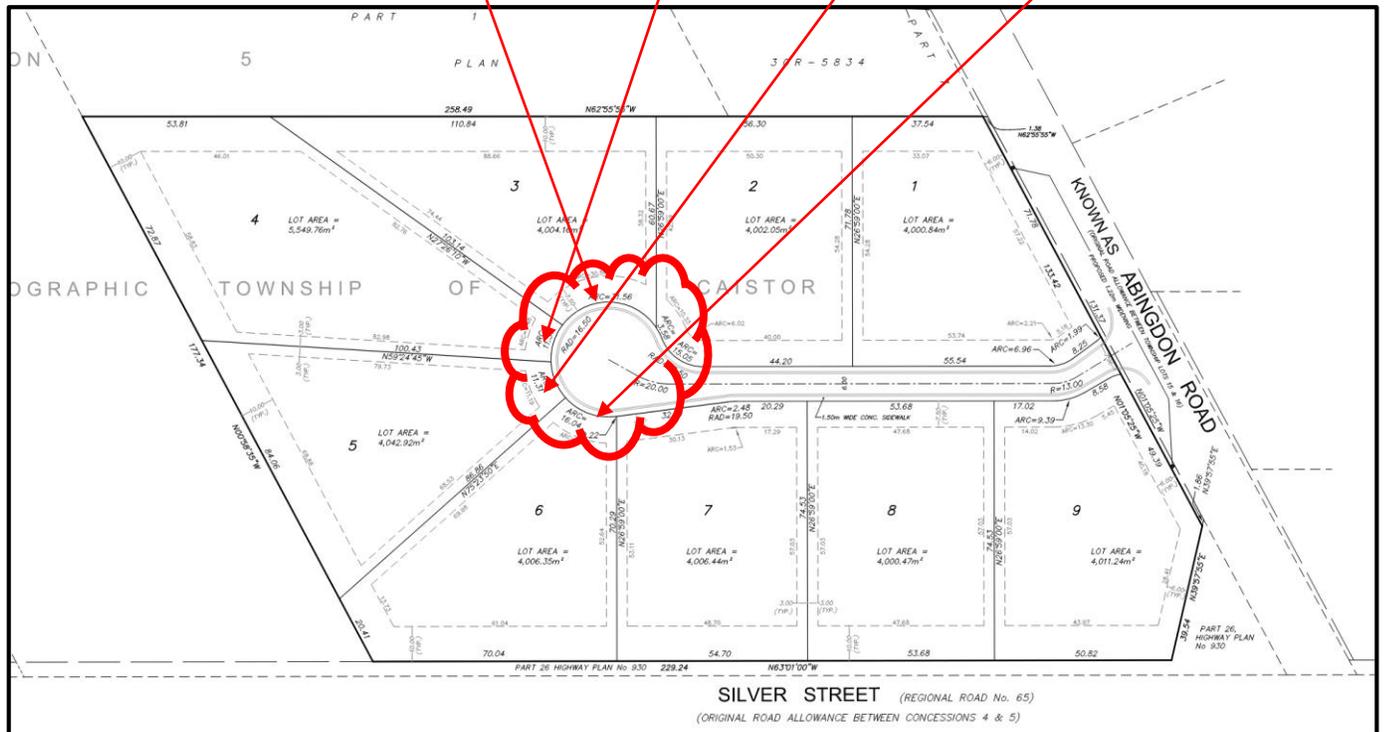
The proposed development generally meets the intent of the Township’s Official Plan.

Township of West Lincoln Zoning By-law 2017-70, as amended

The subject property is zoned Development ‘D’ in the Township’s Zoning By-law 2017-70 as amended. The D zone is intended to be an interim zone set in place until a development application is brought forward for approval.

The Owner/Applicant has submitted a Zoning By-law Amendment proposing to change the D zoning to Low Density Residential ‘R1A’, with a site specific exception (R1A-229) to permit a reduced lot frontage for four of the nine lots fronting the proposed cul-de-sac. The minimum lot frontage required for ‘R1A’ zone with no municipal services is 45 metres. Lots 1, 2, 7, 8 and 9 all meet the minimum lot frontage, however, lots 3, 4, 5 and 6 do not meet the minimum lot frontage as they front on a private cul-de-sac.

Proposed Minimum Lot Frontage	Lot 3	Lot 4	Lot 5	Lot 6
	41 metres	16 metres	17 metres	23 metres



All of the lots meet the minimum lot area of 0.4 hectares or 4,000 sq. metres and will adhere to the R1A regulations in terms of yard setbacks, lot coverage, and building heights.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this proposed development since the applications were submitted prior to 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 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

INTER-DEPARTMENTAL AND PUBLIC COMMENTS:

Public Comments

One member of the public provided a letter and expressed concerns for:

- Potential development will affect the existing farm operation
- Nature of raising animals having acreage, vehicle/farm implement operation and other farm related practices includes elements of noise, odour, dust and necessary lighting
- No concerns limitation or restriction moving forward
- Clearance to farm buildings, that will not interfere with the current agricultural operations, maintenance or future improvements to care for animals
- Current farm drainage will not be affected, or opportunity for future improvements to drainage. No future concerns for flooding or ground saturation that could occur as a by-product to the change in grading and development

Inter-Departmental Comments

A request for comments notification was circulated to Township departments on January 12, 2023 and a four foot by 8 foot sign was posted on the subject lands on January 23, 2023.

The Township Building Department has provided comments with regards to the two applications. Building permits shall be obtained prior to the commencement of any building activity or septic installation. They will also require that any buildings be in conformity to the approved draft plan of condominium.

The Township Septic Inspector has reviewed the proposed development and the Hydrogeological Report, Geotechnical Investigation Report and the Supplemental Septic Design Consideration Memos (May 16 and October 3, 2023) has no concerns

subject to the conditions of approval.

The Township Public Works Department has provided comments pertaining to the landscape plan and the size of trees and location in proximity to the driveways and property lines. There were concerns for the capacity of the flows from the development in the ditch on Abingdon Road which should be re-examined. A utility plan and street lighting plan was not provided with sufficient details. The 1.22 metre road widening on Abingdon Road is to be confirmed via reference plan transferred to the Township free and clear of encumbrances. Unfinished issues are addressed as conditions of draft Plan of Condo approval.

Agency Comments

Canada Post

Canada Post has provided comments on the Draft Plan of Condominium with regards to conditions of a centralized mailbox to be added to the draft plan of condominium.

Enbridge

The applicant shall contact Enbridge Gas Inc.'s Customer Connections to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving. If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA was not circulated the Condominium or Zoning Bylaw Amendment applications as there was no NPCA concerns.

Region of Niagara

The Region of Niagara has submitted comments with regards to the proposed development as it relates to Provincial and Regional policies, archaeological potential, hydrogeological assessment, private wastewater disposal, waste collection, stormwater management and grading. The Region has confirmed that the current road allowance meets the recommended policy width and no road widening and no daylight triangle is required.

The Region have no objections to the proposed application for Zoning By-law Amendment and approval of the draft plan of condominium provided that the ten conditions are added as conditions of approval for the draft plan of condominium.

Refer to Attachment 5 for the comments.

CONCLUSION:

An application for Draft Plan of Condominium and an application for Zoning By-law amendment has been submitted for an infill residential development on a vacant 4 hectare

parcel located in the northwest corner of Abingdon Road and Regional Road 65, in the Hamlet of Abingdon. A full planning review has now been completed, as well as a full review of agency and public comments have been considered.

Planning Staff are recommending that the draft plan of condominium application and the Zoning By-law Amendment application be approved, as slightly modified by Township Staff, and that the Mayor and Clerk be authorized to sign the appropriate by-laws.

ATTACHMENTS:

1. Location Map
2. Draft Plan of Condominium
3. Amending By-law
4. Conditions of Draft Plan Approval
5. Agency Comments

Prepared & Submitted by:



Susan Smyth
Senior Planner

Approved by:

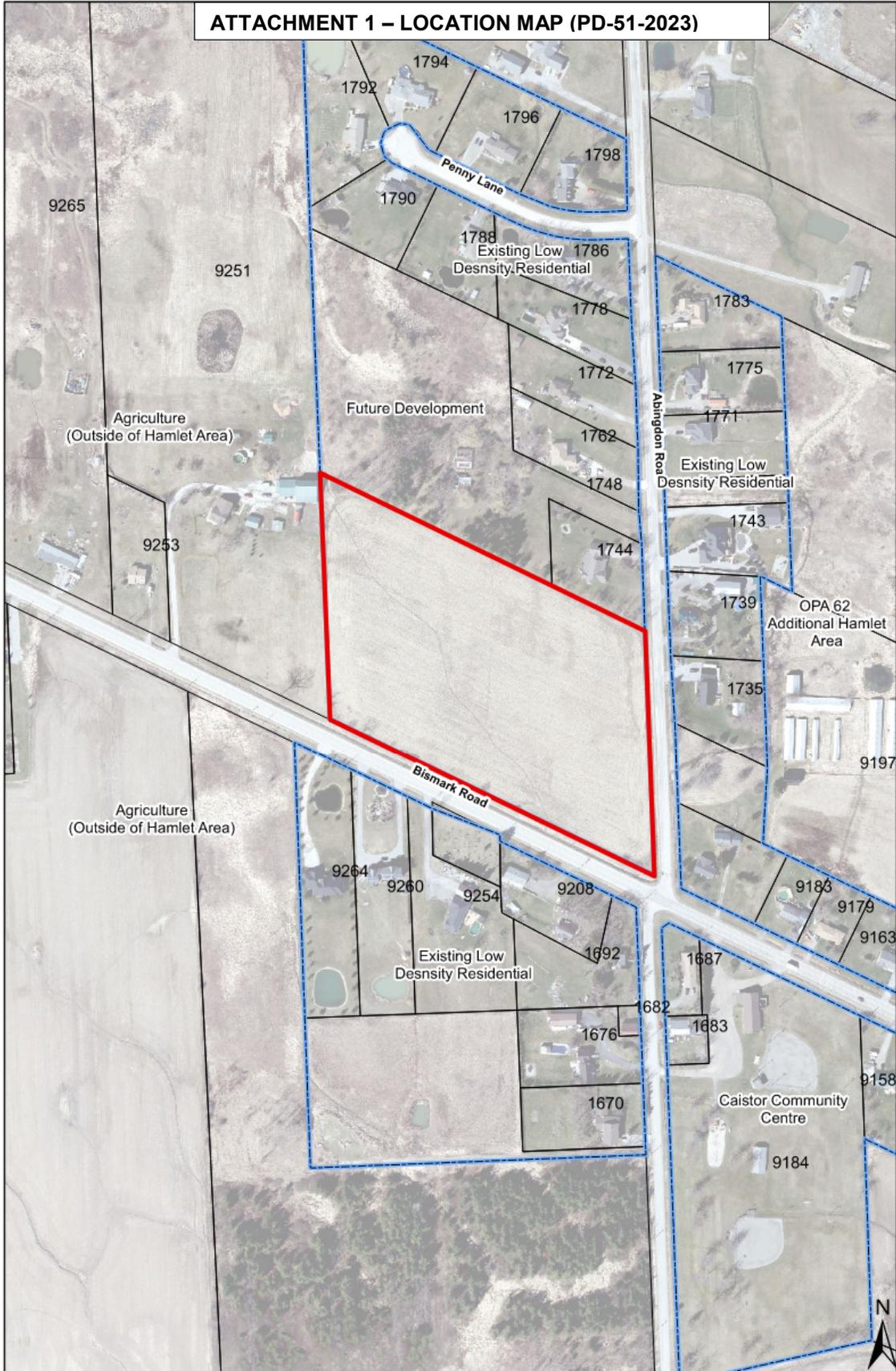


Bev Hendry
Chief Administrative Officer



Brian Treble
Director of Planning & Building

ATTACHMENT 1 – LOCATION MAP (PD-51-2023)



Location Map
Abingdon Road and RR 65 - Con 5 Pt Lt 16

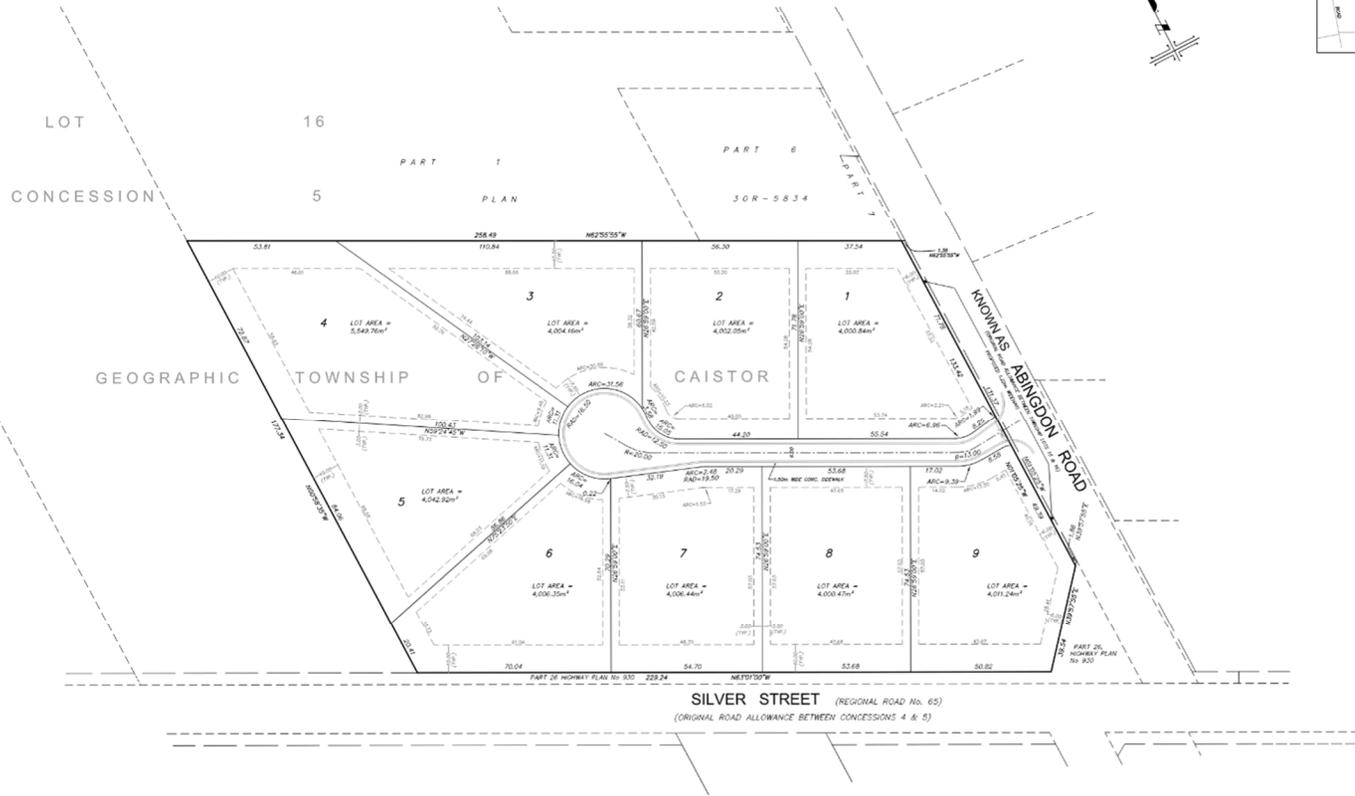
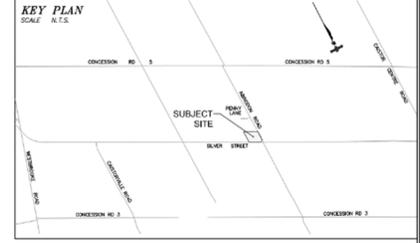


Legend

- Subject Property
- Hamlet Boundaries

0 37.5 75 150 Meters

ATTACHMENT 2 – DRAFT PLAN OF CONDOMINIUM (PD-51-2023)



Part of Lot 16, Concession 5
 in the
 Geographic Township of Caistor
 in the
 TOWN OF LINCOLN

AREA OF SITE = 3,9871.4m² / 3.99 Ha.
 (9.85 Ac.)

May 6, 2022

PROJECT OWNER:	HILLWOOD HOMES INC.
MUNICIPALITY:	TOWN OF WEST LINCOLN (CAISTOR)
PROJECT NAME:	ABINGDON ROAD
DATE:	May 6, 2022
PREPARED BY:	A. J. Clarke and Associates Ltd. SURVEYORS • PLANNERS • ENGINEERS 25 HAVEN STREET WEST, SUITE 300 HAMILTON, ONTARIO L8P 1R1 Tel: 905.528.8261 Fax: 905.528.2289 www.ajclarke.ca
TITLE:	CONCEPT PLAN 2
SCALE:	1:750
DATE:	APRIL 2022
DESIGN:	DRW: LJK, JKH
DWG:	218107 SH: CP 2

--- DENOTES BUILDING ENVELOPE

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2023- XX

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

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

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:

1. THAT Schedule 'A' Map 'C2' to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on Concession 5, Part Lot 16, formerly in the Township of Caistor, now in the Township of West Lincoln, shown as the subject lands on Schedule 'A', attached hereto and forming part of this By-law.
2. THAT Map 'C2' to Schedule 'A' to Zoning By-law No. 2017- 70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from a Development 'D' zone to a Residential Low Density- 'R1A-229' zone with a site specific exception.
3. THAT Part 6 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2:
 1. Permitted Uses:
As per the parent zone.
 - Regulations:
As per the parent zone, except

Minimum lot frontage	Lot 3: 41 metres
	Lot 4: 16 metres
	Lot 5: 17 metres
	Lot 6: 23 metres
4. THAT all other provisions of By-law 2017-70 continue to apply.
5. AND THAT this By-law shall become effective from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23 DAY OF OCTOBER, 2023.

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

EXPLANATION OF THE PURPOSE AND EFFECT OF BY-LAW NO. 2023-XX

Location:

This By-law involves a parcel of land located at the north west corner of Abingdon Road and Regional Road 65, being legally described as Concession 5, Part Lot 16, formerly in the Township of Caistor, now in the Township of West Lincoln. As the property is vacant, it has no municipal address.

Purpose & Effect:

The subject lands were zoned Development 'D'. The purpose of the Zoning By-law amendment is to zone the subject lands Residential Low Density 'R1', with a site specific provision to recognize the deficient lot frontage proposed for Lots 3, 4, 5 and 6.

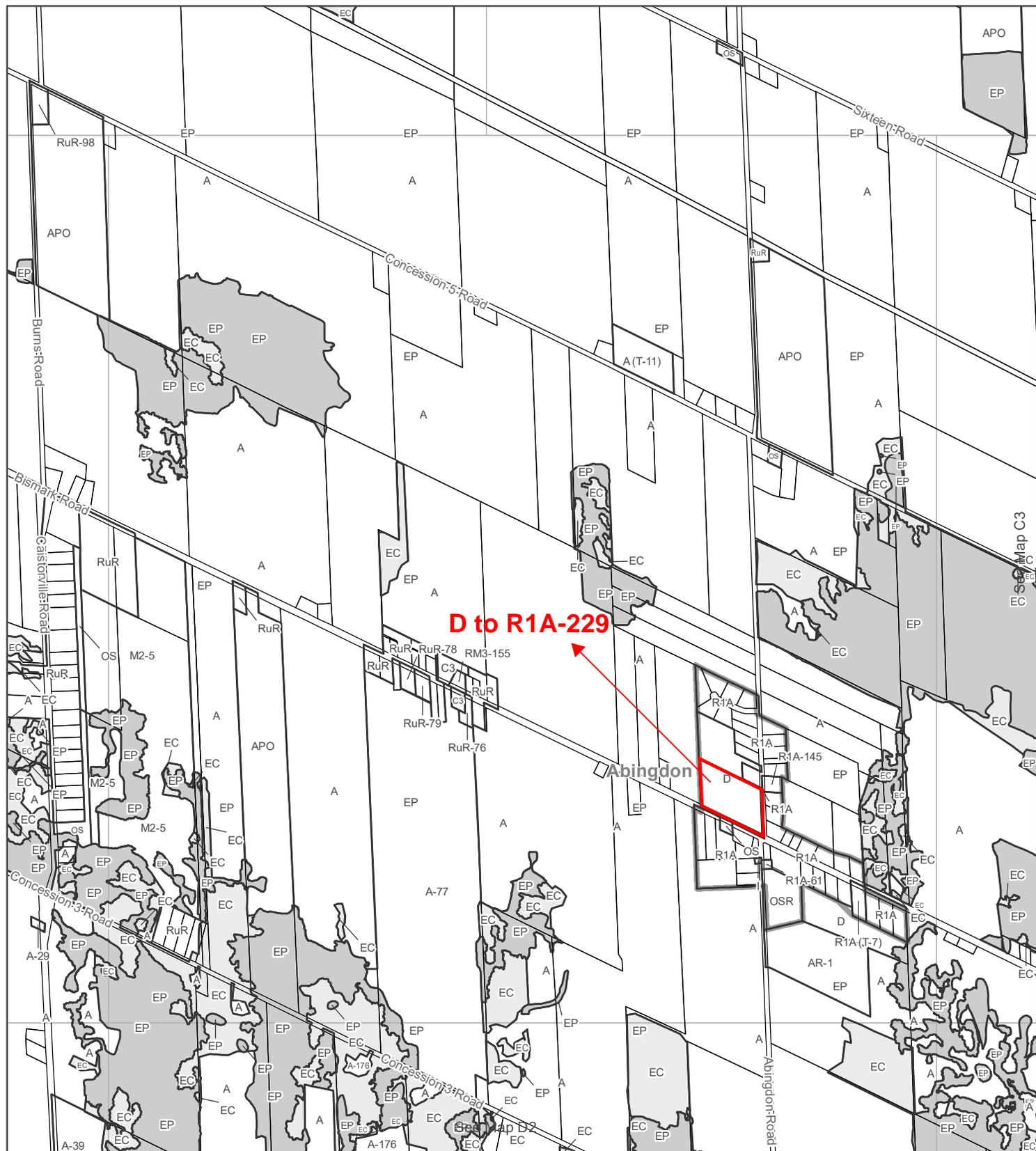
Public Consultation:

The Public Meeting was held on Monday February 13th, 2023. The Township received one written comment and zero oral comments from members of the public in regards to this application. All written and oral comments were considered in the making of the decision by Council.

File: 1601-016-22

Applicant: 2854604 ONTARIO INC (Daniel Ciccone)

DRAFT



See Map C1

See Map C3

Township Key Map

A1	A2	A3	A4	A5					
B1	B2	B3	B4	B5	B6				
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
D1	D2	D3	D4	D5	D6	D7	D8	D9	D10
E1	E2	E3	E4	E5	E6	E7	E8	E9	
F1	F2	F3	F4	F5	F6	F7			

Smithville Key Map

S1	S2	S3
S4	S5	S6
S7	S8	S9

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

Township of West Lincoln
 Schedule A
 Zoning By-law No.2017-70
 Map
 1:20,000
 0 500 m
 Last Updated: July 2019

C2

ATTACHMENT 4 – CONDITIONS OF DRAFT PLAN APPROVAL (PD-51-2023)

File No. 2000-91-22CDM
October 10, 2023

Abingdon CONDOMINIUM
2854604 ONTARIO INC. c/o DANIEL CICCONE
TOWNSHIP OF WEST LINCOLN
CONDITIONS OF FINAL APPROVAL

The conditions for final approval and registration of Abingdon Condominium, in the name of 2854604 Ontario Inc. c/o Daniel Ciccone, File No. 2000-091-22CDM, Township of West Lincoln are:

TOWNSHIP CONDITIONS:

1. That the Owner/Developer provide to the Township of West Lincoln a letter advising that all lots/blocks conform to the requirements of the Township's Zoning By-law No. XX-2023
2. That the Owner/Developer dedicate 5% cash-in-lieu of parkland to the Township of West Lincoln, to the satisfaction of the Township.
3. That the Owner/Developer prepare a landscape plan in accordance with the requirements of the Township of West Lincoln. The landscaping details with the tree types and size are to be shown on a separate plan to ensure no interference with property lines and private driveways.
4. That the Owner/Developer provide a chain link fence along the hamlet boundary limit along the western property line.
5. That the proposed street be constructed to the satisfaction of the Township of West Lincoln at no less than 6 metres in travelled width with open ditch design.
6. That the street naming fee be provided and the proposed street be named to the satisfaction of the Township of West Lincoln (Please refer to the Township Street Naming Policy – PD-01-11, as amended).
7. That the Owner/Developer provides fire route signs and no parking signs in locations approved by the Township of West Lincoln.
8. That the Owner/Developer submit all, lot grading, drainage, roadway plans and supporting design calculations to the Township of West Lincoln for review and approval by other relevant agencies.
9. That a private services plan required by the Township of West Lincoln be provided by the Owner/Developer in a manner satisfactory to the Township and to be considered final.

10. That the Owner/Developer agrees in writing that all sewage treatment units comply with Can/BNQ requirement and confirmation that all inherent soil "t" less than 125 min/cm, that all minimum separation requirement as per Tables 8.2.1.6 A & B of the Ontario Building Code be maintained, and further that the design of affluent leaching not to exceed 3000 L/day.
11. That the Condominium Agreement between the Owner and the Township of West Lincoln be registered by the municipality against the land to which it applies.
12. That the Owner/Developer agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of West Lincoln concerning, and without limiting the generality of the foregoing, the provision of roads, drainage and hydro services.
13. That the Owner agrees in the Condominium Agreement that the Owner or future owners who develop the lots, will be required to pay all development charges to the Township of West Lincoln in accordance with the Township's Development Charges By-law, prior to building permit issuance.
14. That prior to approval of the final plan, the Owner/Developer submit to the Region of Niagara and the Township of West Lincoln a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the MOECC Stormwater Management Practices, Planning and Design Manual, (as amended). This will include any oil/grit separator sizing detail, if required.
15. That detailed lot grading, and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Township for review and approval.
16. That the Owner/Developer provide more details on the French drain to be used in the private roadside ditch to provide storage and maintain the flow to the Township ditch on Abingdon Rd to pre-development levels to the satisfaction of the Township and Region of Niagara.
17. That the Condominium Agreement contain a clause that no alteration shall be permitted to the approved master drainage plan, which has the effect of limiting or preventing stormwater flow. Drainage agreements may be required if additional storm water drainage outlets onto private property, as determined by the Director of Planning and Building.
18. That the Condominium Agreement contain a clause that all development be constructed in accordance with the recommendations submitted in the Soil-Mat Engineers and Consultants Ltd. Supplementary Septic Design Considerations (May 16 and October 3, 2023) technical memos.
19. That the Condominium Agreement contain a clause that all lots must retain a 100% spare area, free of buildings and structures, for the sewage system to account for future upgrades or replacement.

20. That the Owner/Developer prepare the reference plan for 1.22 metre road widening on Abingdon Road and to be transferred to the Township of West Lincoln free and clear of encumbrances.
21. That the Owner/Developer prepare a utility plan that includes details of the street lighting to the satisfaction of the Township of West Lincoln.

REGIONAL CONDITIONS:

22. That the Owner/Developer agrees to include the following warning clauses in all Agreements of Purchase and Sale or Lease or Occupancy for all 9 units and that they also be included in the condominium agreement:

“These lands are in proximity to lands designated for agricultural uses. The lands may be subject to noise, odour, and/or dust from nearby agricultural operations, which may interfere with some activities of the dwelling occupants.”
23. That the Owner/Developer receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled Stage 1 and 2 Archaeological Assessment, prepared by Earthworks Archaeological Services Inc. (dated July 12, 2022). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, the report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
24. That the Condominium Agreement include the following clause:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”
25. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit.

Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).

26. That the Applicant submit engineering drawings and updated SWM report for review and approval for the proposed storm outlets and confirmation of flows to the Regional road culvert. The outlet is to be revised to ensure it is within the property and to flow overland to the Bismark Road ditch.
27. That the Condominium Agreement between the Owner and the Township of West Lincoln contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
28. That the Owner/Developer ensures, throughout all phases of the development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
29. That the Owner/Developer provide detailed plans showing the radii or truck turning templates at future submissions.
30. That the Owner/Developer for the proposed condominium be required to complete the indemnity agreements.
31. That individual property owners who enter into an Indemnity Agreement with Niagara Region are responsible for notifying future owners of the Indemnity Agreement requirements. The following warnings shall be included in all Offers and Agreements of Purchase and Sale for each property to survive closing:
 - a. Purchasers are advised that a properly executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property (ies).

NIAGARA PENINSULA CONSERVATION AUTHORITY CONDITIONS:

No conditions.

NIAGARA PENINSULA ENERGY INC. CONDITIONS:

32. That the Owner/Developer enters into a service agreement with Niagara Peninsula Energy Inc. (NPEI) to service the development. All costs associated with the supply of

electrical services within the boundaries of the mentioned site will be borne by the developer.

CANADA PACIFIC (CP) RAIL CONDITIONS:

No Conditions.

UTILITY COMPANY CONDITIONS:

33. That the appropriate utility company confirm that satisfactory arrangements, financial and otherwise, have been made for telephone facilities serving this draft plan of condominium which are required by the Municipality to be installed underground; information on the utility company involved and the required confirmation shall be forwarded to the Municipality.
34. That, the Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.

CANADA POST CONDITIONS:

35. The Owner shall complete to the satisfaction of the Director of Planning of the Township of West Lincoln and Canada Post the following:
 - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 1. That the home/business mail delivery will be from a designated Centralized Mail Box
 2. That the developers/owners be responsible for officially notifying the purchasers of the exact centralized Mail Box location prior to the closing of any home sales.
 - b) The owner further agrees to:
 1. Work with Canada post to determine and provide a temporary suitable Centralized Mail Box location which may be utilized by Canada Post until the pavement is installed in the condominium.
 2. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada post to facilitate the placement of Community Mail Boxes
 3. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of condominium.
 4. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 5. Maps are also to be predominantly displayed in the sales office showing specific Centralized Mail Facility Location.

- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (lock box assembly) at their own expense (less than 100 units will require a front loading lock box assembly) will be in the affect for buildings and complexes with a common lobby, common indoor or sheltered space.

LAPSING CONDITION:

That if final approval is not given to this plan within **THREE YEARS** of the approval date and no extensions have been granted draft approval shall lapse. If the Owner/Developer wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required together with a resolution from the Township, must be received by the Township prior to the lapsing date.

CLEARANCE OF CONDITIONS

Prior to granting approval of the final plan, the Township's Planning Department will require WRITTEN notification from the following agencies that their respective conditions have been met satisfactorily:

- **THE TOWNSHIP OF WEST LINCOLN PLANNING DEPARTMENT AND PUBLIC WORKS DEPARTMENT** – Conditions 1 to 21
- **REGIONAL PLANNING AND DEVELOPMENT SERVICES DEPARTMENT (DEVELOPMENT SERVICES DIVISION)** – Conditions 22-31
- **NIAGARA PENINSULA CONSERVATION AUTHORITY** – No Conditions
- **MINISTRY OF ENVIRONMENT** – No Conditions
- **NIAGARA PENINSULA ENERGY INC** – Condition 32
- **UTILITY COMPANYS** – Condition 33-34
- **CANADA POST** – Condition 35

NOTES:

1. Conveying

- (a) As the land mentioned above to be conveyed to the municipal corporation may be more easily described in the conveyance by reference to a Registered Plan than by "metes and bounds", we suggest that the description be so worded, and,
- (b) We further suggest that the Owner/Developer give to the municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with

the registration of the plan.

2. Land Required to be Registered Under the Land Titles Act

- (a) Section 160(1) of The Land Titles Act, which requires all new plans be registered in the land titles system;
- (b) Section 160(2) – allows certain exceptions.

3. Agencies to be Contacted:

- (a) With respect to the requirements of the Township of West Lincoln Planning Department contact:

Mr. Brian Treble
Director of Planning and Building
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 5138
FAX – (905) 957-3219

- (b) With respect to the requirements of the Township's Public Works Department contact:

Mr. Mike DiPaola
Director of Public Works and Engineering
318 Canborough Street
P.O. Box 400
Smithville, Ontario
L0R 2A0
Telephone – (905) 957-3346 ext. 5142
FAX – (905) 957-3219

- (c) With respect to the requirements of the Regional Planning and Development Services Department (Development Services Division) contact:

Mr. Connor Wilson
Development Planner
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario
L2V 4T7
Telephone – 905-980-6000 ext. 3399
FAX – (905) 687-8056

(d) With respect to the requirements of Niagara Peninsula Energy Inc.:

Ms. Cathy Robins
Operation Manager
4548 Ontario Street, Unit 2
Beamsville, Ontario
L0R 1B5
Telephone 905-563-5550
Fax 905-563-0838

(e) With respect to the requirements of Canada Post:

Mr. David Kyle
Canada Post Corporation
Delivery Planning
955 Highbury Avenue North
London, ON N5Y 1A3
Telephone 519-520-0795

(f) With respects to Bell Canada:

Ms. Meaghan Palynchuk
Manager, Municipal Relations
Telephone 905-540-7254
Mobile 289-527-3953

4. Review of Conditions

Applicants are advised that should any of the conditions appear unjustified or their resolution appears too onerous, they are invited to bring their concerns to the Director of Planning and Buildings attention. The Township will consider requests to revise or delete conditions.

In order to assist the agencies listed above in clearing conditions for final approval and registration of the plan, it may be useful to forward executed copies of the Site Plan Agreement between the Owner/Developer and the Township to those agencies.

Region of Niagara Review

Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to Regional Planning and Development Services for verification that the appropriate clauses have been included.

Note: It is also recommended that a copy of the draft agreement also be provided to Niagara Region in order to allow for the incorporation of any necessary revisions prior to execution.

6. Hydro One Cautionary Note

An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors could raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating “**DANGER – Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.

Clearance of Conditions

Prior to granting final plan approval, the Township of West Lincoln must be in receipt of written confirmation from the following agencies that their respective requirements have been met satisfactorily:

Region of Niagara
Niagara Peninsula Energy
Canada Post
Bell Canada



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

MEMORANDUM

TO: John Bartol – Chief Building Official

FROM: Lyle Killins – Septic System Inspection Manager

DATE: September 7, 2023

**SUBJECT: Abingdon Condominiums
General Plan – Tertiary Systems**

The proposed site plan review relating to on-site servicing with individual Class 4 sewage systems has been thoroughly reviewed.

The most recent review addressing initial concerns provides required information pertaining to current Part 8 Ontario Building Code requirements. As indicated, the sewage system treatment methodology would connect tertiary treatment with disposal to Code approved disposal bed. Given the unique site characteristics, it is suggested that the following be incorporated in site plan finalization:

1. All sewage treatment units comply with Can/BNQ requirement
2. Confirmation all inherent soil “t” less than 125 min/cm
3. All minimum separation requirement as per Tables 8.2.1.6 A & B be maintained
4. Design of affluent leaching not to exceed 3000 L/day

Upon inclusion of the aforementioned, it is the opinion of this Department that the requirements of Part 8 Ontario Building Code could be fulfilled. Thus, the Plan as submitted by A.J. Clarke & Associates Ltd. could be endorsed.

Respectfully,

Lyle Killins C.P.H.I.(c)
BCIN #11112

Susan Smyth

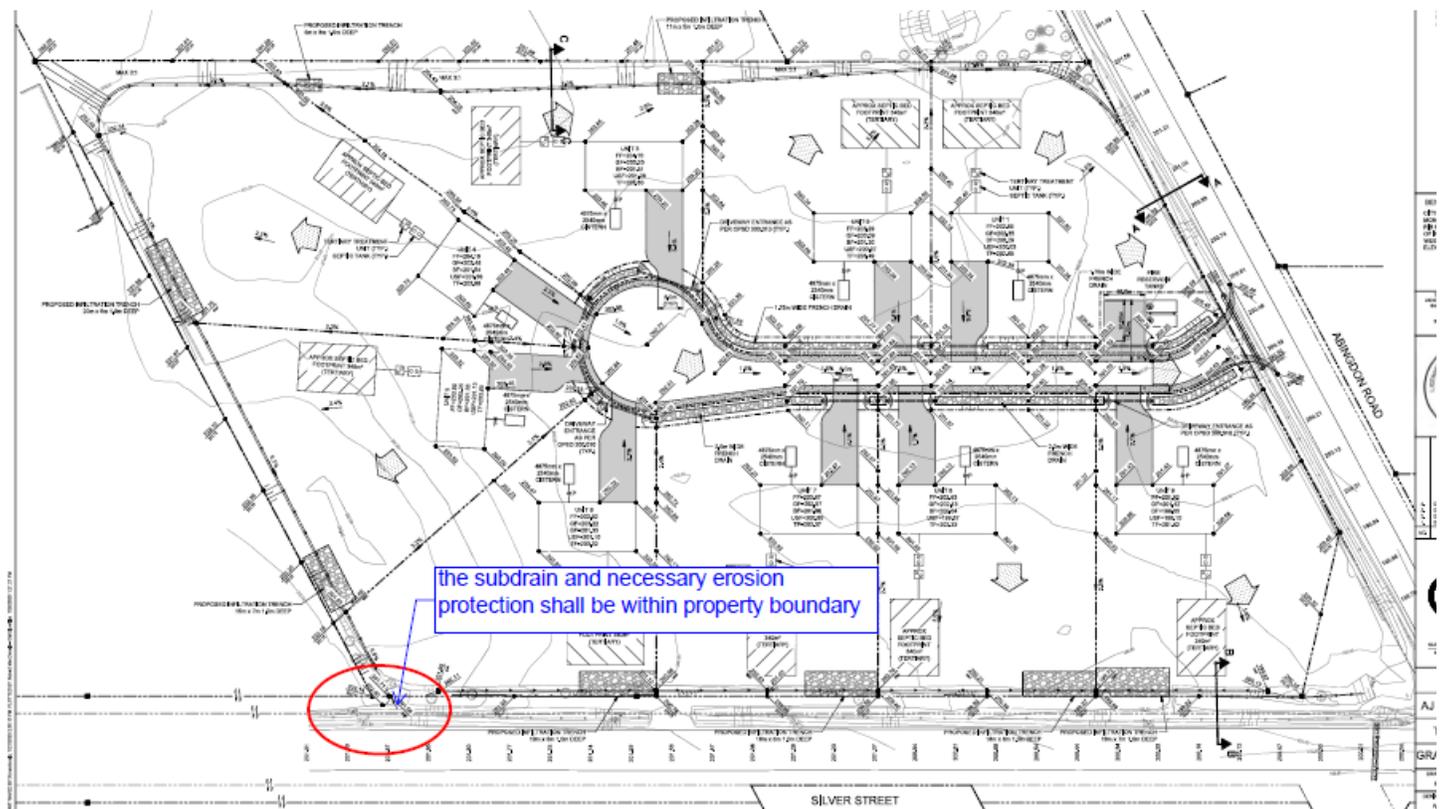
From: Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>
Sent: August 29, 2023 1:05 PM
To: Dave Heyworth
Cc: Mike DiPaola; Ray Vachon; Jennifer Bernard; mbirbeck@npca.ca; John Bartol; lkillins@live.com; Development Planning Applications; Busnello, Pat; Wilson, Connor; Bureau, Stephen
Subject: RE: Abingdon RR 65 Condominium 421167

Hi Dave

We have reviewed the revised functional servicing report and grading plan and have the following comments:

Stormwater Management

The revised 'Functional Servicing Report (Abingdon Condominium)', dated July 2023 by GM Blue), proposes installation of 1.75m ~2.0m wide and 1.0m deep clear stone French Drain along both sides of the access road and infiltration trenches at rear yards. The Report demonstrates that post-development flow will be less than the pre-development level for all design storms. Regional staff have no objection to the stormwater management plan that employs low impact development practice. However, the Grading Plan needs revision to move the subdrain outlet and necessary erosion protection within the property boundary (refer to the below markup), as the current layout may affect roadside ditch maintenance.



If you have any questions or concerns please contact me at your convenience.

Soil-Mat Engineers and Consultants Ltd.
401 Grays Rd
Hamilton, ON L8E 2Z3

August 21st 2023

Attn. Mr. Ian Shaw, P. Eng

Re: Functional Servicing Report
Abingdon Condominium Report

Dear Mr. Shaw,

Thank you for providing the supplemental report relating to the private on-site sewage treatment systems for the proposed residential lots. Upon review, we concur with the daily design flow calculation of 3000 L/day.

Notation was made of the “Theoretical Nitrate Increase” equalling 24.3 mg/L. As indicated, the target of 10 mg/L is significantly less than potential loading. Thus, the need for incorporating a tertiary sewage system treatment with adequate nitrate reduction may be the only option to achieve acceptable levels.

Regarding the shallow buried trench option, the design criteria of on-site design was 125 min/cm for “T” time. As indicated in Section 8.7.2.1 of the General Requirements, a shallow buried trench cannot be located in soil greater than 125 min/cm. Thus, you would need to provide us with information indicating that the on-site soil would not exceed the 125 min/cm as required.

Related to the raised leaching bed, it would be appreciated if comments could be forwarded related to the following:

- (1) Section 8.7.2.1(4)
No part of a leaching bed shall be sloped steeper than 1 unit vertically to 4 units horizontally.
Would the design provided allow sufficient area to fulfil?
- (2) Section 8.7.4.2(11)
Distance in Column 2 Table 8.2.1.6(b) shall be raised twice the height that the leaching bed is raised above original grade.
Would the site plan provided indicate compliance with the above section?

- (3) Section 8.7.4.2.(1)(a)&(b)
250 mm depth for at least 15 m beyond the outer distribution pipe in any direction which the effluent entering the soil or leaching bed fill will move horizontally. Given the relatively close proximity of proposed septic footprint, could this requirement be fulfilled within the 750 sq. m footprint?
- (4) Also, for discussion purposes, the drawings as defined on drawing 2A may be such that any future proposals for amenities (i.e., swimming pools, decks or accessory buildings) may be significantly impacted due to separation distances as per Table 8.2.1.6 (3)

We look forward to your comments relating to the aforementioned. Upon receipt of your response, file review would continue in the review process.

Should additional information and/or clarification be required, kindly do not hesitate to contact this office.

Regards,



John Bartol,
Chief Building Official

Memo

To: Dave Heyworth, Manager of Planning
From: Jennifer Bernard, Coordinator of Engineering Services
Date: August 31, 2023
Re: Abingdon Condominium - 3rd Submission

Public Works has completed a review of the 3rd submission for the Abingdon Condominium, located at the corner of RR65 and Abingdon Rd, and provides the following comments:

Grading Plan Dwg No. 3A

Public Works have concerns with the proposal for a french drain to be used in the private roadside ditch to provide storage and maintain the flow to the Township ditch on Abingdon Rd to pre-development levels. Unless there is consistent maintenance of the drains the post development flows will increase and the Township has no authority to ensure this maintenance is completed by the private condo. Staff would like more information on a french drain being used in a roadside ditch and the expected maintenance involved. There is also no detail provided for the proposed french drain.

Street 1 Plan and Profile 5

Plan and Profile does not show the centerline of the road.

Landscape Plan Dwg No. L1

A revised Landscape Plan and/or response to the previous comment provided on the December 7, 2022 revision of this drawing has not been received: Public Works has some concerns with the locations of the trees in the front of the lots. The tree types identified are large trees when fully grown and are located in some cases right next to the property line/driveway, i.e. Lots 5 & 6. This will likely cause issues in the future with branch overhang of driveways and trees growing onto the next property. Please review the tree type and locations proposed.

Functional Servicing Report

It is noted that the Utility Plan is still not complete, Public Works would like confirmation of what streetlighting is being provided.

General Comments

Please confirm the 1.22m road widening on Abingdon Rd shown on the Draft Condo Plan and Concept Plan is still being transferred to the Township. The drawings should be revised to show the road widening.

DATE: October 10, 2023
REPORT NO: PD-52-2023
SUBJECT: Recommendation Report - Amendments to Noise By-law
CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- On April 11th 2023, Mr. and Mrs. Wrzosek made a presentation to the Planning, Building, Environmental Committee relating to concerns about vehicle noise causing them undue stress each morning.
- Planning, Building, Environmental Committee referred the matter to Township staff to investigate and report back.
- Staff wish this review had not taken so long, but numerous factors have resulted in a six month timeline to return a recommendation report.
- Staff mentioned at the meeting the possibility of needing to go to a decibel reading/monitoring approach to noise enforcement and to this end have obtained a copy of the Haldimand County and Town of Pelham noise by-laws that use decibel readings to achieve some enforcement.
- Staff propose for the time being to continue with a by-law that measures unacceptable impact at the point of reception, but note that a decibel by-law could be prepared and presented at any time should it be determined to be necessary despite the fact that staff training would be necessary or a noise expert would need to be placed on retainer such as the Haldimand model.
- Staff recommend minor by-law wording changes that address mufflers, idling and other noise related wording based on model noise by-laws and other by-law such as a more modern by-law from the City of Guelph.
- Further, this by-law has been drafted to include wording related to the Administrative Monetary Penalty System (AMPS) that allows by-law staff to issue tickets daily if an offense is repeated.

RECOMMENDATION:

1. That, Recommendation Report PD-52-2023, regarding “Recommendation Report - Amendments to Noise By-law Amendments to Noise By-law”, dated October 10, 2023 be received; and,

2. That, an amending by-law such as the one attached to this report, be passed to update and modernize the Township of West Lincoln Noise By-law; and,
3. That, Mr. and Mrs. Wrzosek be notified of the changes accordingly.

ALIGNMENT TO STRATEGIC PLAN:

- **Build** - a safe, connected, caring and active community

BACKGROUND:

The noise by-law was at the centre of a report and presentation by a delegation (Mr and Mrs Wrzosek) on April 11, 2023. They asked for changes to the Noise By-law that affected mufflers and idling. Initially, staff explored decibel monitoring as recently implemented in Haldimand County, and sophisticated noise monitoring as currently underway in the City of Toronto.

The Planning, Building, Environmental Committee referred the matter to Township staff to investigate and report back.

CURRENT SITUATION:

Unfortunately, the staff review took longer than expected as a result of numerous factors which resulted in a six month timeline to return to Committee with this recommendation report.

Staff mentioned at the April 11th, 2023 Planning, Building Environmental Committee meeting the possibility of needing to go to a decibel reading/monitoring approach to noise enforcement and to this end have obtained a copy of the Haldimand County and Town of Pelham noise by-laws that use decibel readings to achieve some enforcement.

Staff propose for the time being to continue with a by-law that measures unreasonable noise (vibration and sound) at the point of reception, but note that a decibel by-law could be prepared and presented at any time should it be determined to be necessary. Such an approach will then require staff training, the purchase of noise monitoring technology or the hiring of a noise expert to be placed on retainer such as the Haldimand model.

In the end, staff propose that a few minor updates to the existing noise by-law that address mufflers, idling and other noise related wording based on model noise by-laws and other municipal by-laws such as a more modern by-law from the City of Guelph, are the correct place to start. Further, our proposed amendments now propose the inclusion of wording related to the Administrative Monetary Penalty System (AMPS) that allows by-law staff to issue tickets daily if an offense is repeated. Should these changes not prove effective, a decibel monitoring noise by-law such as the one found in Haldimand County or the Town of Pelham could be prepared for consideration of Committee and Council in short order.

FINANCIAL IMPLICATIONS:

Not applicable to this report at this time.

INTER-DEPARTMENTAL COMMENTS:

Staff in Planning, Building and By-law have had discussions with the Township legal Counsel about the options and are all generally in agreement with our proposed approach.

CONCLUSION:

Staff propose that the existing noise by-law be modified and AMP's enforcement be added. Staff also propose that the effectiveness of the by-law be monitored such that should further revision and/or the use of a decibel reader be required, that such further modifications could be proposed at a later date. In the interim, staff recommend that the noise by-law be amended the amending by-law similar to the one attached to this report.

ATTACHMENTS:

1. Draft Amending By-law

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. 2023–XX

A BY-LAW TO AMEND BY-LAW 2013-50, BEING A BY-LAW TO PROHIBIT AND REGULATE NOISE IN THE TOWNSHIP OF WEST LINCOLN

WHEREAS the Council of the Corporation of the Township of West Lincoln considers it desirable to amend By-law 2013-50, being a by-law to prohibit and regulate noise in the Township of West Lincoln;

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the “Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 10 of the Act authorizes Council to pass a by-law respecting the health, safety and well-being of persons, the economic, social and environmental well-being of the municipality;

AND WHEREAS Section 129 of the Act authorizes municipalities to pass by-laws to prohibit and regulate noise;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN ENACTS AS FOLLOWS:

1. That, Section 3 – General Prohibition, of By- law 2013-50, be deleted and replaced with the following:
 3. General Prohibition. No person shall, at any time, emit, cause or permit to be emitted or caused any noise created by:
 - (a) the persistent barking, calling or whining of any domestic pet or any animal, except an animal used for and located on the property of an agriculture, livestock based use as set out in the City's Zoning By-law;
 - (b) the squealing of motor vehicle tires while such vehicle is on property other than a highway as set out in the Highway Traffic Act, R.S.O. 1990, Chap. H.8, or any successor thereof;
 - (c) the use of a horn, whistle, alarm, bell, gong or the like, except for an auditory safety or warning device or chimes used in association with a religious establishment;
 - (d) the detonation of explosives;
 - (e) the operation of an air conditioner that does not meet the requirements of the Ministry of the Environment Publication NPC216, Residential Air Conditioning Devices or the operation of a pool pump or filter, heat pump or the like that is not in proper working order; the idling of a vehicle motor in excess of 10 minutes, except;
 - (f) the idling of a vehicle motor in excess of 10 minutes, except;
 - a. when such idling is recommended by the manufacturer of such vehicle and proof of such recommendation is provided by the vehicle operator upon the request of a police officer;
 - b. when such idling is necessary to the basic function of the equipment on a vehicle such as a concrete mixer on a concrete mixing truck, a lift platform, a refuse compactor or a heat exchange system; or
 - c. when the weather conditions require the vehicle to idle in order to keep in operation a heating or refrigeration

- system necessary for the welfare or preservation of the cargo of such vehicle;
- (g) the operation of a combustion engine without an effective exhaust muffling device in proper working order; or
 - (h) the operation of a vehicle radio, stereo or the like.
 - (i) yelling, shouting or the like.
2. That, Sentence (a) of Section 6 – Exemption of Traditional, Festival, Religious or Recreational Activities, of By- law 2013-50, be deleted and replaced with the following:
- (a) to road or bicycle races, parades, circuses, entertainment activities in public parks or neighbourhood social activities when such events are approved by Council and such activity or event is in compliance with the conditions set by Council in approving such activity or event;
3. That, Section 6 – Exemption of Traditional, Festival, Religious or Recreational Activities, of By- law 2013-50, be amended by adding the following:
- (k) to the operation of excavation equipment when used in a cemetery in conjunction with interment services.
4. That, Section 9 – Offences and Penalties, of By- law 2013-50, be amended by adding the following:
- (c) To pay the Township an administrative penalty specified and in accordance with the applicable Schedule of the Township of West Lincoln's Administrative (Non- Parking) Penalty By-law, as amended from time to time.
5. That, By-law No. 2013-50, being a By-law to Prohibit and Regulate Noise in the Township of West Lincoln, be amended by adding the following section as Section 10:
- 10. Any person who contravenes any provision of this By-law and each Owner, when given a Penalty Notice in accordance with the Township's Administrative (Non-Parking) Penalty By-law, is liable to pay the Township an administrative penalty in the amount specified in the applicable Schedule of the Township's Administrative (Non-Parking) Penalty By-law, as amended from time to time.
6. That, By-law 2013-50 be hereby amended by the renumbering of three Sections as follows:
- 10. By-law Repealed – will be renumbered Section 11
 - 11. Short Title – will be renumbered Section 12
 - 12. Effect – will be renumbered Section 13
7. That, this by-law shall come into force and effect upon the passing of the by-law.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23rd DAY OF OCTOBER, 2023**

MAYOR CHERYL GANANN

JESSICA DYSON, CLERK

DRAFT