



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

MEETING NO. SIX

Monday, September 9, 2024, 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 are to be turned off or put on silent. 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. CHAIR - Councillor William Reilly

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

1. Comments can be made from members of the public for a matter that is on the agenda by advising the Chair during the "Request to Address an Item on the Agenda" Section of the agenda.
2. The public may submit written comments for matters that are on the agenda to jpaylove@westlincoln.ca before 4:30 p.m. on the day of the meeting for consideration by the Committee. Comments received after 4:30 p.m. on the day of the Committee meeting will be considered at the following Council meeting. Comments submitted are included in the record.
3. This meeting will be livestreamed as well as recorded and available on the Township's website.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Township of West Lincoln, being part of Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit from across Turtle Island that live and work in Niagara today. The Township of West Lincoln, as part of the Regional Municipality of Niagara, stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

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

4. CONFIDENTIAL MATTERS

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

RECOMMENDATION:

4.1 Director of Planning and Building (Brian Treble), Tom Hanrahan (Sullivan Mahoney LLP),

Re: A plan or instruction to be applied to negotiations - Final Minutes of Settlement Update

VERBAL UPDATE

Applicable closed session exemption(s):

- A plan or instruction to be applied to negotiations; and
- Advice that is subject to Solicitor-Client Privilege, including communications necessary for that purpose.

4.2 Director of Planning and Building (Brian Treble)

Re: Litigation or Potential Litigation - Two Further Modifications to Official Plan Amendment No. 63 for Recommendation to the Ontario Land Tribunal, Case No. OLT-23-000470

REPORT PROVIDED UNDER SEPARATE COVER

Applicable closed session exemption(s):

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

4.1 Director of Planning and Building (Brian Treble), Tom Hanrahan (Sullivan Mahoney LLP),

Re: A plan or instruction to be applied to negotiations - Final Minutes of Settlement Update

VERBAL UPDATE

4.2 Director of Planning and Building (Brian Treble)

Re: Litigation or potential litigation - Two Further Modifications to Official Plan Amendment No. 63 for Recommendation to the Ontario Land Tribunal, Case No. OLT-23-000470

5. Confidential Resolution Disclosure

6. PUBLIC MEETING(S)

There are no Public Meetings.

7. CHANGE IN ORDER OF ITEMS ON AGENDA

8. APPOINTMENTS

There are no Appointments.

9. REQUEST TO ADDRESS ITEMS ON THE AGENDA

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

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

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

10. CONSENT AGENDA ITEMS

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

**10.1 ITEM P33-24
CONSENT AGENDA ITEMS**

There are no Consent Agenda Items.

11. COMMUNICATIONS

There are no Communications.

12. STAFF REPORTS

12.1 ITEM P34-24

Director of Planning and Building (Brian Treble) and Director of Legislative Services/Clerk (Justin Paylove)

Re: Recommendation Report PD-37-2024 - Permanently Close, Convey and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2, Concession 1, South Boundary (Attercliffe), former Township of Caistor

RECOMMENDATION:

1. That, Recommendation Report PD-37-2024, titled "Permanently Close, Convey and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2 Concession 1, Southern Boundary (Attercliffe), former Township of Caistor", dated September 9 2024, be received; and,

2. That, staff be authorized to proceed to stop up, close and convey following the passage of the following by-laws:
 - a. A by-law to declare the land as surplus to the needs of the Township of West Lincoln as found at Schedule 2;
 - b. By-laws to stop up and close the unopened road allowance and that a by-law be passed to convey the following:
 - i. Part 1 to Benny and Alice Van Ravenswaay (Roll No. 260201000117300)
 - ii. Part 2 to Mackenzie Krick and Leonard Krick (Roll No. 260201000117200)
 - iii. Part 3 to David Jozsa (Roll No. 260201000117100)
 - iv. Part 4 to remain with the Township until the new property owner can be contacted and determine if there is interest in purchasing this portion of land (Roll No. 260201000117000)
 - v. Part 5 to Chantelle Ettinger (Roll No. 260201000116900)
 - vi. Part 6 to Wayne and Shari Spurgeon (Roll No. 260201000116800)
 - vii. Part 7 to Christopher Collins (Roll No. 260201000116500); and
3. That, legal counsel be directed to complete all conveyances to adjacent property owners except one (Part 4).

12.2 ITEM P35-24

14

Manager of Planning (Gerrit Boerema) and Director of Planning and Building (Brian Treble)

Re: Spring Creek Heights Secondary Plan, OPA 57 Approval, File No. 1701-006-19

RECOMMENDATION:

1. That, Recommendation Report PD-40-2024, titled "Spring Creek Heights Secondary Plan, OPA 57 Approval, File No. 1701-006-19", dated September 9, 2024, be received; and,
2. That, Official Plan Amendment No. 57 (File No. 1701-006-19) as found in Schedule A, and a corresponding implementation bylaw, as found in Schedule B be approved and passed; and
3. That staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 57 to the agencies and public to commence the 20-day appeal period as Regional Council approval is not required.

12.3 ITEM P36-24

27

Manager of Planning (Gerrit Boerema)

Re: Technical Report PD-41-2024 - Township-Initiated Zoning By-law Amendment for Urban and Rural Settlement Boundary Expansion

RECOMMENDATION:

1. That, Technical Report PD-41-2024, titled “Township-Initiated Zoning Bylaw Amendment for Urban and Rural Boundary Expansions”, dated September 9, 2024, be received; and
2. That, staff be authorized to initiate a zoning by-law amendment to the Township’s Zoning By-law, 2017-70, as amended, including public consultation and a public meeting.

13. OTHER BUSINESS

13.1 ITEM P37-24

Manager of Planning (Gerrit Boerema)

Re: Parks and Recreation Master Plan

VERBAL UPDATE

13.2 ITEM P38-24

Members of Committee

Re: Other Business Matters of an Informative Nature

14. NEW BUSINESS

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

15. ADJOURNMENT

The Chair to declare the meeting adjourned.

DATE: September 9, 2024

REPORT NO: PD-37-2024

SUBJECT: Permanently Close, Convey, and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2 Concession 1, Southern Boundary (Attercliffe), former Township of Caistor

CONTACT: Brian Treble, Director of Planning and Building
Justin Paylove, Director of Legislative Services/Clerk

OVERVIEW:

- As a follow up to Recommendation Report PD-30-2022 (March 2022), Administration staff update Committee and Council as follows:
 - a) On March 21, 2022 report PD-30-2022 was approved to permit staff to start the process of selling a surplus road allowance.
 - b) The survey was completed by Roy Kirkup of J.D. Barnes in approximately 15 months and registered in the Land Registry Office on April 21st, 2023 as 30R-16111.
 - c) An appraisal is not required since the unopened road should have been conveyed to adjacent property owners as an alternative to opening Regional Road 63 through Attercliffe (given road).
 - d) Now that the survey work is complete and the interested property owners have paid the road closing fee and the required deposit, the conveyances of the closed and surplus road can occur with the costs of legal and surveying being covered by the application fee plus deposits.
 - e) Staff recommend that the by-laws be passed, first to close the road and subsequently to authorize conveyance in each case.

RECOMMENDATION:

1. That, Recommendation Report PD-37-2024, titled “Permanently Close, Convey, and Sell a Portion of Unopened Road Allowance adjacent to Lots 1 and 2 Concession 1, Southern Boundary (Attercliffe), former Township of Caistor”, dated September 9, 2024, be received; and,
2. That, staff be authorized to proceed to stop up, close and convey following the passage of the following by-laws:

- a. A by-law to declare the land as surplus to the needs of the Township of West Lincoln as found at Schedule 2;
- b. By-laws to stop up and close the unopened road allowance and that a by-law be passed to convey the following:
 - i. Part 1 to Benny and Alice Van Ravenswaay (Roll No. 260201000117300)
 - ii. Part 2 to Mackenzie Krick and Leonard Krick (Roll No. 260201000117200)
 - iii. Part 3 to David Jozsa (Roll No. 260201000117100)
 - iv. Part 4 to remain with the Township until the new property owner can be contacted and determine if there is interest in purchasing this portion of land (Roll No. 260201000117000)
 - v. Part 5 to Chantelle Ettinger (Roll No. 260201000116900)
 - vi. Part 6 to Wayne and Shari Spurgeon (Roll No. 260201000116800)
 - vii. Part 7 to Christopher Collins (Roll No. 260201000116500); and
3. That, legal counsel be directed to complete all conveyances to adjacent property owners except one (Part 4).

ALIGNMENT TO STRATEGIC PLAN:

- **CHAMPION** - strategic responsible growth

BACKGROUND:

The owner of one of the properties affected by the unopened boundary road (Benny VanRavenswaay) approached the Township to stop up and close the road allowance on many occasions in the past, owners have approached the municipality regarding closing a portion of unopened road allowance. In this case the road allowance is between Regional Road 63 and the southern boundary in Attercliffe, in the former Township of Caistor, now in the Township of West Lincoln. The applicants have requested that the portion of road allowance across their property be closed, however, this would land lock the rest of the road allowance, easterly to the Township Boundary in Attercliffe.

On December 16, 2021, Mr. Ian Attema, on behalf of Benny and Alice Van Ravenswaay, submitted an application to purchase the portion of the road allowance abutting their property between Regional Road 63 and the southern boundary in Attercliffe, former Township of Caistor, now in the Township of West Lincoln. (Map attached as Schedule “A”).

CURRENT SITUATION:

Staff have circulated the application to affected agencies following the direction of Township Committee and Council as well as contacting all benefitting property owners.

On March 21, 2022 report PD-30-2022 was approved to permit staff to start the process of surveying and selling a surplus road allowance as per the following resolutions:

1. That Recommendation Report PD-30-2022, titled “Permanently Close and

Sell a Portion of Road Allowance Known Municipally as being Pt Lot 1 and 2, Concession 1, Southern Boundary of former Caistor Township adjacent to Haldimand County (Attercliffe), now in the Township of West Lincoln – Applicant Benny and Alice Van Ravenswaay”, dated March 21, 2022 be received and,

2. That, Planning staff be authorized to contact the affected property owners along the entire stretch of road allowance between Regional Road 63 and the eastern boundary in Attercliffe who would have the ability to benefit by gaining more lands as a result of this process; and,
3. That, staff be authorized to contact all required agencies as per the road closing and conveyance policy; and,
4. That, staff be authorized to obtain quotes for an appraisal of the entire stretch of road allowance affecting Pt Lot 1 and 2 Concession 1, former Township of Caistor, now in the Township of West Lincoln or in the alternative determine reasons why an appraisal is not necessary, and report back to a future committee and or Council meeting; and,
5. That, staff be authorized to obtain quotes for a legal survey for the subject lands, and report back to a future committee and or Council meeting; and,
6. That, staff be authorized to use the applicants initial deposit and administration fee as needed as per the road closing and conveyance policy, and that total costs shall be divided among all affected and benefitting properties such that full reimbursement to the Township of West Lincoln ultimately occurs; and
7. That, Report No. PD-30-22, be provided to the applicant and adjacent owner(s) in order to advise Mr. and Mrs. Van Ravenswaay and others of the larger road closing process that is most appropriate.

The survey was completed by Roy Kirkup of J.D. Barnes in approximately 15 months and registered in the Land Registry Office on April 21, 2023 as 30R-16111.

An appraisal was not required since the unopened road should have been conveyed to adjacent property owners as an alternative to opening Regional Road 63 through Attercliffe (given road), as per the Township of West Lincoln’s *Policy for Closing, Declaring Surplus and Selling a Highway or Portion Thereof* (POL-C-02-07).

Now that the survey work is complete and the interested property owners have paid the road closing fee and the required deposit, the conveyances of the closed, surplus road parts can occur with the costs of legal and surveying being covered by the application fee plus deposits.

Administration recommends that the by-laws be passed, first to close the road and subsequently to authorize conveyance in each case.

FINANCIAL IMPLICATIONS:

Legal and survey costs will be covered by the application fee and deposit. All parts will be

conveyed except for one Part (Part 4) which will be held by the Township until such time as conveyance to the adjacent property owner (following recent sale) can occur at a minimum cost of \$1500.

INTER-DEPARTMENTAL COMMENTS:

No additional agency comments were received. Senior Management has discussed this process and the liability that exists by maintaining ownership.

CONCLUSION:

That the process be completed and the road allowance be conveyed to the adjacent property owners as outlined in this report.

SCHEDULES:

1. Location Map
2. Registered Survey
3. Draft By-laws

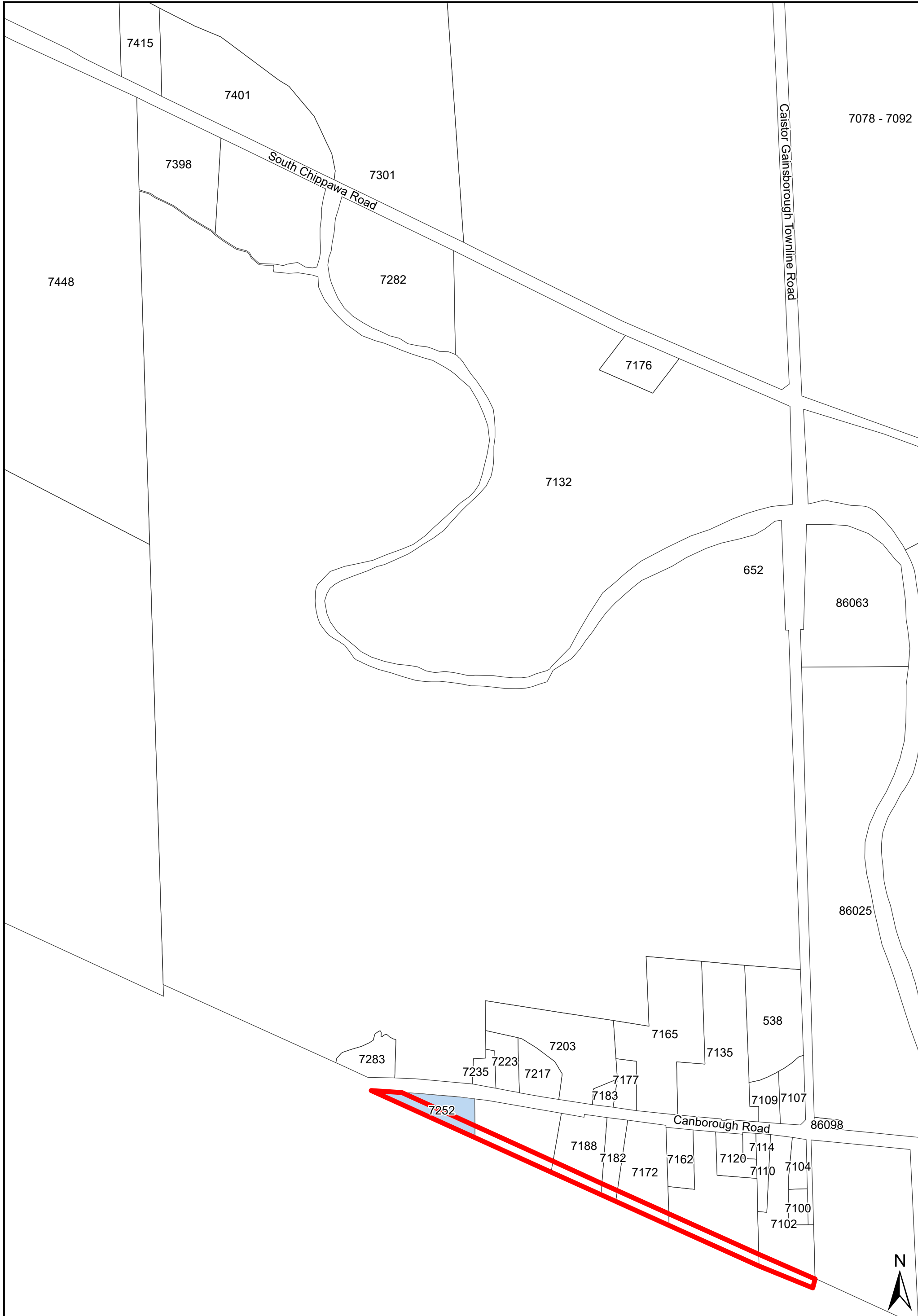
Prepared & Submitted by:

Brian Treble
Director of Planning and Building

Justin Paylove
Interim Director of Legislative Services/Clerk

Approved by:

Truper McBride
Chief Administrative Officer



Location Map
Closing Unopened Road

0 70 140 280 Meters



Legend

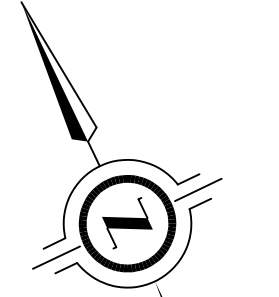
- Unopened road
- Applicants

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	614 361.26	4 760 994.89	
ORP (B)	615 881.07	4 760 455.03	

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.
 THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 1613.27 (GROUND), N70°26'40"W

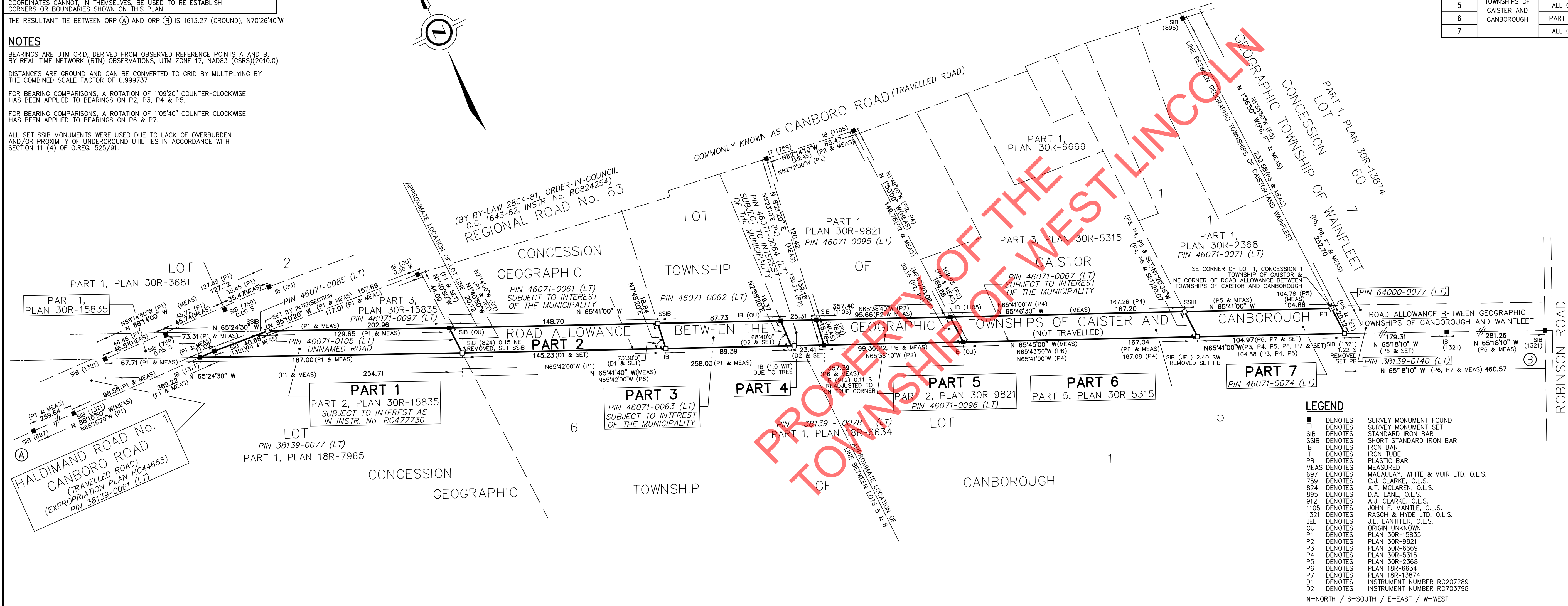
NOTES

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999737.
 FOR BEARING COMPARISONS, A ROTATION OF 1°09'20" COUNTER-CLOCKWISE HAS BEEN APPLIED TO BEARINGS ON P2, P3, P4 & P5.
 FOR BEARING COMPARISONS, A ROTATION OF 1°05'40" COUNTER-CLOCKWISE HAS BEEN APPLIED TO BEARINGS ON P6 & P7.
 ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

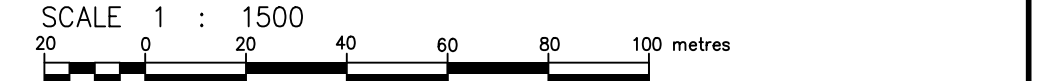


SCHEDULE			
PART	LOCATION	PIN	AREA
1		PART OF 46071-0105 (LT)	2868 sq.m
2	PART OF ROAD ALLOWANCE BETWEEN THE	ALL OF 46071-0063 (LT)	2656 sq.m
3	GEOGRAPHIC TOWNSHIPS OF	PART OF 46071-0064 (LT)	439 sq.m
4	CAISTOR AND	ALL OF 46071-0096 (LT)	1758 sq.m
5	CANBOROUGH	PART OF 46071-0067 (LT)	3020 sq.m
6		ALL OF 46071-0074 (LT)	1898 sq.m
7			

PLAN 30R-16111
 Received and deposited
 April 21st, 2023
 Elizabeth Borrow
 Representative for the
 Land Registrar for the
 Land Titles Division of
 Niagara North (No.30)



PLAN OF SURVEY OF
**PART OF ROAD ALLOWANCE
 BETWEEN TOWNSHIPS OF CAISTOR
 AND CANBOROUGH**
 NOW IN THE
TOWNSHIP OF WEST LINCOLN
 REGIONAL MUNICIPALITY OF NIAGARA



SCALE 1 : 1500
 THE INTENDED PLOT SIZE OF THIS PLAN IS 914mm IN WIDTH BY 356mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1500

J. D. BARNES LIMITED
METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON MARCH 7, 2023

MARCH 8, 2023
 DATE

[Signature]
 ROY SURKUP
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-39584

J.D. BARNES SURVEYING MAPPING GIS LIMITED
 LAND INFORMATION SPECIALISTS
 4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4
 T: (905) 358-6224 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: TW	CHECKED BY: BM/RSK	REFERENCE NO.: 22-16-339-00
FILE: G:\2022\22-16-339\00\Drawing\22-16-339-00 REF.dgn		

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-XX

A BY-LAW TO PERMANENTLY CLOSE AND DECLARE SURPLUS PART OF THE ROAD ALLOWANCE BETWEEN LOTS 1 & 2, CONCESSION 1 (FORMER TOWNSHIP OF CAISTOR), TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Sections 11 and 27 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, permit a Council to pass bylaws in respect of any highway or part of a highway which is under the jurisdiction of the municipality;

AND WHEREAS the Council of the Corporation of the Township of West Lincoln desires to permanently close and declare surplus part of the municipal road allowance between Lots 1 & 2, Concession 1 (Former Township of Caistor), designated as Parts **XX inclusive**, Reference Plan 30R-16111; Township of West Lincoln (All of PINs **XXXX**);

AND WHEREAS Section 34(1) of the Municipal Act requires that before passing a by-law for permanently closing a highway or any part of a highway, a municipality shall give public notice of its intention to pass the by-law;

AND WHEREAS public notice of Council's intention to pass a by-law to permanently close the part of the road allowance aforementioned was given in **XXXX**.

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

1. That, the municipal road allowance between Lots 1 & 2, Concession 1 (Former Township of West Lincoln), designated as Parts **XX inclusive**, Reference Plan 30R-16111; Township of West Lincoln (All of PINs **XXX**) be and the same is permanently closed and declared to be surplus.
2. That, a certified copy of this by-law be registered in the proper Land Registry Office.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF SEPTEMBER, 2024

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2024-XX

A BY-LAW TO AUTHORIZE THE CONVEYANCE OF A PORTION OF THE MUNICIPAL ROAD ALLOWANCE BETWEEN LOTS 1 & 2, CONCESSION 1 (FORMER TOWNSHIP OF CAISTOR), BEING PART XX, REFERENCE PLAN 30R-16111; TOWNSHIP OF WEST LINCOLN, REGIONAL MUNICIPALITY OF NIAGARA.

WHEREAS Sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, permit a municipality to pass by-laws in accordance with the Act;

AND WHEREAS by By-law No. 2024-XX, The Corporation of the Township of West Lincoln permanently closed the portion of the road allowance between Lots 1 and 2, Concession 1 (Former Township of Caistor), designated as Part XX, Reference Plan 30R-16111; Township of West Lincoln, Regional Municipality of Niagara;

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

1. That the portion of the road allowance between Lots 1 and 2, Concession 1 (Former Township of Caistor), designated as Part XX, Reference Plan 30R-16111; Township of West Lincoln, Regional Municipality of Niagara, be conveyed to the owner, XXXXXX of the abutting lands to the XX direction designated as PIN XXXXXX and that the portion of the road allowance conveyed be merged with the adjacent lands.
2. As a condition of completion of the Transfer, the owner of the abutting lands shall be responsible for payment of the costs incurred by the Municipality in permanently closing the portion of the road allowance and completing the conveyance, including administrative, surveying and legal costs.
3. The Mayor and the Clerk of The Corporation of the Township of West Lincoln are hereby authorized to sign or execute such deeds or other documents as may be necessary to complete such conveyances.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
23rd DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

DATE: September 9, 2024

REPORT NO: PD-40-2024

SUBJECT: **Spring Creek Heights Secondary Plan, OPA 57 Approval File No. 1701-006-19**

CONTACT: Gerrit Boerema, Manager of Planning
Brian Treble, Director of Planning and Building

OVERVIEW:

- The Spring Creek Heights Secondary Plan was first initiated as OPA No. 6 in 2003 and was later amended in 2010 through OPA No. 26.
- On March 4, 2024 a Recommendation Report [PD-14-2024](#), to approve Official Plan Amendment (OPA) No. 57 – updates to the Spring Creek Heights Secondary Plan, was presented to Committee and Council recommending the approval and adoption of OPA No. 57 subject to Regional Staff comments and clearance.
- Through further consultation with Regional staff further revisions were recommended to the draft OPA as well as additional consultation with First Nations.
- The final revisions to OPA No. 57 have now been accepted by the Region and the additional consultation with First Nations has occurred. As such the Region has now exempted OPA No. 57 from the requirement for Regional Council approval.
- The main purpose of OPA No. 57 was to review and add more permitted uses, including warehousing, in the restricted employment area located between Station Street and Thompson Road, within the Smithville Employment Area.
- There are no changes proposed to the land use scheduled shown in Schedule ‘A’ of this report.

RECOMMENDATION:

1. That, Recommendation Report PD-40-2024, titled “Spring Creek Heights Secondary Plan, OPA 57 Approval, File No. 1701-006-19”, dated September 9, 2024, be received; and,
2. That, Official Plan Amendment No. 57 (File No. 1701-006-19) as found in Schedule A, and a corresponding implementation bylaw, as found in Schedule B be approved

- and passed; and
3. That staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 57 to the agencies and public to commence the 20-day appeal period as Regional Council approval is not required.

ALIGNMENT TO STRATEGIC PLAN:

BUILD a safe, connected, caring and active community.
CHAMPION strategic and responsible growth.

BACKGROUND:

Work on the Spring Creek Heights Secondary Plan started in 2003 to guide growth and development for a portion of the Smithville Employment Park located between Station Street (west), Thompson Road (east), the Canadian Pacific-Kansas City (CPKC) Railroad (south) and Spring Creek Road (north). The majority of these lands are within the employment area with a small portion near Station Street designated for current and future residential uses. The main purpose of the Spring Creek Heights Secondary Plan was to outline compatible commercial and employment land uses that could locate in the vacant lands between existing employment uses and existing residential uses on Station Street.

The Secondary Plan was updated through OPA No. 26 in 2010 to expand upon the list of permitted uses within the restricted employment designation. The purpose of this restricted employment zone was to limit permitted uses that are compatible with the nearby residential neighbourhood on Station Street. In 2019 Administration started an additional review of the Secondary Plan in an effort to attract development to this currently underutilized area within the urban boundary. MHBC Planning Consultants were retained to review the existing secondary plan and to propose updates based on new noise and vibration studies completed by HGC Engineering.

CURRENT SITUATION:

On March 4, 2024, Planning Report [PD-14-2024](#) was presented to Planning/Building/Environmental Committee which recommended approval and adoption of OPA No. 57 and a corresponding bylaw which was attached to the report. Committee approved the report and its recommendations, to pass a bylaw to approve OPA No. 57 and to circulate the appropriate agencies, however, in further discussions with the Region, additional consultation was required with First Nations groups as well as further modifications to the OPA to receive regional sign off and exemption from Regional Council approval.

OPA No. 57 has now been revised to address the Regional considerations and notification has been provided to the applicable First Nation communities. Regional staff now support the Official Plan Amendment and have provided West Lincoln Administration with an exemption letter from Regional Council.

Overall the Secondary Plan designations and policies remain similar to those created in 2010, however, an additional use of 'warehousing' has been added to the restrictive employment designation. The land use study completed by MHBC Planning and the noise and vibration study completed by HGC Engineering still support restricting land uses within the Spring Creek Heights Secondary Plan, as this is a transitional area between Class II and Class II industry and sensitive residential and institutional receptors. Administration is of the view that there is interest in using the lands for warehousing and that this land use can achieve compatibility with the adjacent residential homes, subject to further studies at the development approval stage.

Consultation for OPA No. 57 occurred in October of 2020 with a formal public meeting. Additional consultation was held with a number of the landowners within the Secondary Plan Area.

FINANCIAL IMPLICATIONS:

The Spring Creek Heights Secondary Plan update completed by MHBC Planning was funded through an approved budget. The additional work to modify the OPA based on Regional comments and to consult with First Nations was completed by staff and has no financial implications beyond the current planning operating budget.

INTER-DEPARTMENTAL COMMENTS:

The Spring Creek Heights Secondary Plan has access to a municipal water through connections to Spring Creek Road, London Road and Station Street. There are also potential connections for sanitary sewer through London Road and Station Street. There is no sanitary sewer along Spring Creek Road in the Secondary Plan area. The Smithville Master Servicing Plan had identified that these lands would benefit from a proposed gravity sewer line along Spring Creek, but due to the PCB bedrock contamination, this is no longer an option. The evaluation for an alternative sanitary servicing strategy is underway, however, there may still be options to provide sanitary servicing to the Spring Creek Heights Secondary Plan area through existing or upgraded infrastructure.

Upper Canada Consultants, which represent one of the landowners in the Secondary Plan Area has been working on a servicing strategy for future development of these lands. The land owners will need to demonstrate to the Township how these lands can be serviced as part of their development applications, as the servicing needs in this employment area will vary depending on the nature of their development.

The existing Spring Creek Heights Secondary Plan contains policy regarding the limitations of servicing for the secondary plan and the potential need for infrastructure upgrades depending on the nature of the development proposal.

CONCLUSION:

Administration recommends that Official Plan Amendment No. 57 as attached to this report as Schedule A be adopted by Township Council and be circulated for Notice for Decision, as Regional Approval is not required.

SCHEDULES:

Updated OPA No. 57
Draft By-law
Region of Niagara Exemption Letter

Prepared & Submitted by:

Gerrit Boerema, MCIP, RPP
Manager of Planning

Brian Treble, MCIP, RIPP
Director of Planning and Building

Approved by:

Truper McBride, MCIP, RPP
CAO

**AMENDMENT NUMBER 57
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
SPRING CREEK HEIGHTS SECONDARY PLAN**

DRAFT

AMENDMENT NUMBER 57
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 57 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 establish the best and most efficient permitted light industrial uses for the Spring Creek Heights Secondary Plans Lands, located to the south of Spring Creek Road, to the west of Industrial Park Road and to the east of Station Street.

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan to add additional uses to the light industrial designation and zoning for the subject lands.

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. 57 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by Deleting the 'Commercial Uses' and 'Light Industrial Uses' Sections and replacing it with the following:

Commercial Uses

Not limiting the generality of the foregoing, Commercial Uses that only involve indoor activities such as:

- **general offices, including professional offices,**
- **Auctioneer establishments**
- **Union or other trade organization offices and halls**
- **Clubs\places of assembly**
- **Brew-on premises**
- **Bakery premises**
- **Eating establishments**
- **Caterer's premises;**
- **Dry cleaning**
- **Printing shops**
- **Veterinarian clinic and pet boarding establishments**
- **Rental and service/repair shops**
- **Artists or photographers studios and workshops**
- **Security services premises**
- **Designers studios**
- **Electronic sales and repair establishments**
- **Industrial computer services**
- **Vehicle service and repair shops, not including painting facilities**
- **Car washing premises**
- **Vehicle rental premises**
- **Nurseries**
- **Commercial and trade school and training facilities.**

The Zoning by-law may provide specific definitions of any of the above noted uses. Under no circumstance shall any of the above noted uses be classified as a Class II or Class II use according to the Ministry of the Environment Guidelines and other regulations due to their scale, their process and/or their operation and intensity that could result in noise

emissions occasionally or frequently audible off their property, frequent and occasionally intense or persistent dust and/or odour emissions that travel off their property or ground-borne vibration that can be perceived off their property.

Light Industrial Permitted Uses

Non limiting the generality of the foregoing, Light Industrial Uses that only involve indoor activities including:

- ***Light manufacturing processing,***
- ***Processing of semi-manufactured goods***
- ***Assembly of manufactured goods,***
- ***Warehousing***

The Zoning by-law may provide specific definitions of any of the above noted uses. Under no circumstance shall any of the above noted uses be classified as a Class II or III use according to the Ministry of Environment Guidelines and other regulations due to their scale, their process and/or their operation and intensity that could result in noise emissions occasionally or frequently audible off their property, frequent and occasionally intense or persistent dust and/or odour emissions that travel off their property or ground-borne vibration that can be perceived off their property.

2.3 SCHEDULES OF THIS AMENDMENT

Schedule "A" of this amendment illustrates the location of this amendment and includes the work done for this amendment in the form of the consultant report done by MacNaughton Hermsen Britton Clarkson (MHBC) Planning Limited.

2.4 IMPLEMENTATION

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

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

AMENDMENT NUMBER 57
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

Official Plan Amendment Number 57 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2024-XX in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the 25th day of March, 2024.

Justin Paylove, Clerk

Mayor Cheryl Ganann

I, Justin Paylove, 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 57.

Justin Paylove, Clerk

DRAFT



TOWNSHIP OF WEST LINCOLN OFFICIAL PLAN

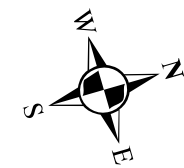
SCHEDULE 'E-3' SECONDARY PLAN SPRING CREEK HEIGHTS

Legend

- Smithville Urban Boundary
- Secondary Plan Boundary
- Low density Residential
- Medium density Residential
- Open Space
- Institutional
- Special Institutional
- Restricted Employment Area

West Lincoln
Your Future Naturally

PLANNING DEPARTMENT



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

Date: March 2014

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW 2024-##

**BEING A BY-LAW ADOPT AMENDMENT NO. 57
(RE-DESIGNATION OF SPRING CREEK HEIGHTS
SECONDARY PLAN) TO THE OFFICIAL PLAN FOR THE
TOWNSHIP OF WEST LINCOLN**

WHEREAS the Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. That, Amendment No. 57 (Re-designation of Spring Creek Heights Secondary Plan) to the Official Plan for the Township of West Lincoln, attached hereto, is hereby adopted and implemented as detailed in Schedule 'A'; and,
2. That, staff be directed to circulate a Notice of Decision in accordance with the Planning Act, 1990, as amended based on a Regional Municipality of Niagara exemption; and,
3. That, By-law 2023-87 be and is hereby repealed; and,
4. 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
23rd DAY OF SEPTEMBER, 2024.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK

Growth Strategy and Economic Development

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

Via Email Only

August 22, 2024

Gerrit Boerema, MCIP, RPP
Manager of Planner
Township of West Lincoln
318 Canborough St.
Smithville, ON L0R 2A0

Dear Mr. Boerema,

**Re: Official Plan Amendment No. 57
Proposed Amendment to Spring Creek Heights Secondary Plan
Township of West Lincoln**

Thank you for sharing the First Nations engagement record for the proposed Official Plan Amendment 57 to the Spring Creek Heights Secondary Plan.

Regional staff have no outstanding concerns relating to OPA 57. Further to recent correspondence dated June 20, 2024, OPA 57 is exempt from Regional approval in accordance with policy 7.4.1.6 of the Niagara Official Plan.

Regards,



Lindsey Morin, MCIP, RPP
Senior Planner
Growth Strategy and Economic Development
Niagara Region

cc: Brian Treble, Director of Planning & Building, Township of West Lincoln
Angela Stea, Director, Corporate Strategy & Community Sustainability, Niagara Region
Erik Acs, Manager, Community Planning, Niagara Region
Pat Busnello, Manager, Development Planning, Niagara Region

DATE: September 9, 2024

REPORT NO: PD-41-2024

SUBJECT: **Township Initiated Zoning Bylaw Amendment for Urban and Rural Settlement Boundary Expansions**

CONTACT: Gerrit Boerema, Manager of Planning and Building

OVERVIEW:

- On July 18, 2022 Township Council adopted Official Plan Amendment (OPA) No. 62 which, following Regional Council approval, added approximately 540 hectares to the Smithville Urban Boundary, and over 60 hectares to a number of Rural Settlement Areas (Hamlets).
- OPA No. 63, which contains the land use policies and designations associated with these expansions, was adopted by Council on August 11, 2022 and later approved by the Region with modifications following the approval of their new official plan.
- OPA No. 63 was subsequently appealed, but the majority of OPA No. 63 has now been settled with only a number of site specific policies around Stage 4 environmental mapping still being dealt with. The remainder of OPA No. 63 is in effect.
- In order to ensure that the added settlement lands transition to urban lands, Administration is recommending that a Township-initiated zoning by-law amendment process, including public participation, be started to rezone these lands from agricultural and other rural zones to a development zone in anticipation of future development proposals.
- *The Planning Act* further requires that zoning by-laws be brought into conformity with local and regional Official Plans, which includes a public consultation process.

RECOMENDATION:

1. That, Technical Report PD-41-2024, titled “Township Initiated Zoning Bylaw Amendment for Urban and Rural Boundary Expansions”, dated September 9, 2024, be received; and
2. That, staff be authorized to initiate a zoning by-law amendment to the Township’s Zoning By-law, 2017-70, as amendment, including public consultation and a public meeting.

ALIGNMENT TO STRATEGIC PLAN:

Theme #

- **BUILD** a safe, connected, caring and active community
- **CHAMPION** strategic and responsible growth

BACKGROUND:

On July 18, 2022 Township Council adopted Official Plan Amendment (OPA) No. 62 which, following Regional Council approval, added approximately 540 hectares to the Smithville Urban Boundary, and over 60 hectares to a number of Rural Settlement Areas (Hamlets). These lands are intended to accommodate future residential and employment growth to the year 2051.

OPA No. 63, which contains the land use policies and designations associated with these expansions, was adopted by Council on August 11, 2022 and later approved by the Region with modifications following the approval of their new official plan. OPA No. 63 includes policies around block planning, minimum population densities, and environmental protection and restoration areas.

OPA No. 63 was subsequently appealed, but the majority of OPA No. 63 has now been settled through the Ontario Land Tribunal, with only a number of site-specific policies surrounding Stage 4 environmental mapping still being dealt with relating to lands in Stage 4 of the expansion, surrounding the Leisureplex on the west side of Smithville. The remainder of OPA No. 63 is in effect for all other expansion areas.

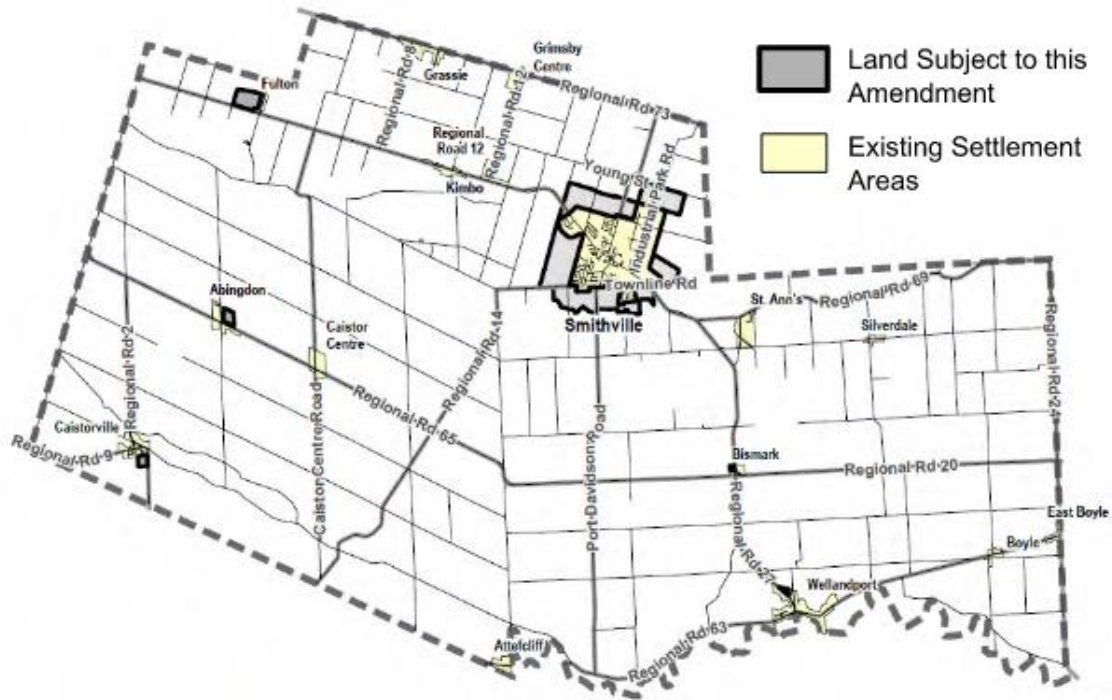
CURRENT SITUATION:

The Planning Act requires in Section 27 that Councils of lower-tier municipalities shall amend not only Official Plans but also Zoning By-laws to conform to upper tier official plans. As the Region and Township have both adopted OPA's 62 and 63, and all but a few site specific policies, including Stage 4 environmental mapping, remain appealed in OPA No. 63, a zoning amendment should be initiated to ensure the orderly transition of lands added to the settlement area to support future growth.

Administration is recommending that a Township-initiated zoning by-law amendment be commenced to bring the Zoning By-law into conformity with both the Regional and Local Official Plans. This would involve rezoning land from agricultural and rural zones to a Development 'D' zone. The Development zone is intended to be a transitional zone which would limit new or expanding uses that do not conform to the long-term development of the expansion lands. Landowners would then be required to further rezone the lands to the appropriate residential, commercial, institutional or employment zone based on the detailed development concepts an at the time of development application.

The Zoning By-law Amendment will focus on those areas shown in grey on the figure below:

Location Map



FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report. The Zoning By-law Amendment preparation will be done internally.

INTER-DEPARTMENTAL COMMENTS:

Inter-departmental comments will be provided following circulation.

CONCLUSION:

In order to bring the Township's Zoning By-law into conformity with OPA No. 62 and 63, and the Regional Official Plan, staff is recommending to Committee and Council that the Township initiate a Zoning By-law Amendment.

Prepared & Submitted by:

**Gerrit Boerema, MCIP, RPP
Manager of Planning**

Approved by:

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

**Truper McBride, MCIP, RPP
Chief Administrative Officer**